

# POLICY & PROCEDURE MANUAL

Billings Police Department



[\\*Redacted Public Version 01/19/2022](#)



# **PREFACE**

The words "he", "his", and "men" when used in this manual represent both masculine and feminine genders unless otherwise specifically stated.

## **DISCLAIMER:**

These policies and procedures are for internal Department use only, and do not apply in any criminal or civil proceeding. These should not be construed to create a higher legal standard of care with respect to 3<sup>rd</sup> party claims. Violations may only form the basis for internal Departmental administrative and/or disciplinary proceedings.

## **SEVERABILITY:**

If any written policy or provision of a written policy is invalid, all valid parts are severable from the invalid part and remain in effect. If a part of any written policy is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

## **RULES:**

**REQUIRE STRICT CONFORMANCE AS STATED AND DO NOT PERMIT DEVIATION. THEY SIGNIFICANTLY REDUCE OR ELIMINATE DISCRETION BY SPECIFICALLY STATING WHAT MUST AND/OR MUST NOT BE DONE.**

## **POLICIES:**

Policies are the philosophies of management and state the intent of management in broad, general terms. Policies tell what is important to the organization. They are guides to action. Policies are flexible in application and permit justifiable exceptions. Policy is subject to change at anytime that a better guideline is discovered.

## **CORE POLICIES:**

While it is understood that all policies in this manual are important, some have been given the designation of Core Policy. These policies are felt to be of critical importance and should be understood and reviewed frequently by all sworn officers. **The core policies are marked in red in the Table of Contents.**

## **PROCEDURES:**

Procedures are an outline of how we accomplish the philosophy laid out in the policy statement and are a format or guideline to be followed in the performance of a specified operation. They are not as stringent as a rule but should not be varied from without articulating justifiable reasons.

## **ADA COMPLIANCE:**

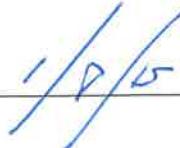
In its dealings with members of the public and others, the Billings Police Department complies with the Americans with Disabilities Act ("ADA") and state laws prohibiting discrimination against people with disabilities. The Billings Police Department provides auxiliary aids and services as defined by law, including sign language interpreters.

Signature:



Chief of Police

Date:



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**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 1-1**



**COMMAND STRUCTURE**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich ST John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the unity of command and the command structure of the Department.

**POLICY:**

The Department uses a chain of command to provide accountability and discipline. Officers only have to answer to one commander at any given time. Commanders should not have more than 12 officers under his or her immediate control.

**PROCEDURE:**

- I. Each officer must know his or her Commander for accountability.
  - A. Person In Charge:
    1. Authority and responsibility:
      - a. No officer shall be given responsibility without being given the necessary delegated authority to accomplish the assignment.
      - b. Each officer is accountable for the delegated authority.
    2. The ranking officer present shall be in charge, and may delegate authority within his or her discretion.
      - a. If officer of the same rank are present from both the Investigations Division and any other division at the scene of a crime, the officer from Investigations is in charge of the scene.
      - b. If officers of the same rank are present from both Patrol Division and any other division at the scene of a traffic incident, the officer from Patrol is in charge.
    3. If Commanders are not present, the senior officer present shall be in charge unless another officer is designated to assume command.
      - a. The senior officer has the authority and responsibility of a commander to control other officers when a commander is not present.
      - b. If an officer is designated in charge, the officer has the authority and responsibility of a commander to control other officers regardless of seniority of the other officers.
  - II. Officers of the Department are under the supervision and direction of the person in charge of instruction while attending any job related school.

**RULES:**

**I. CHAIN OF COMMAND:**

**A. In the event of the absence of the Chief of Police:**

1. The Assistant Chief is in charge.
  2. In the event the Assistant Chief is not available, a Captain appointed by the Chief or Assistant Chief is in charge.
- B. Normal chain of command:
1. Chief of Police.
  2. Assistant Chief.
  3. Captain
  4. Lieutenant.
  5. Sergeant.
  6. Senior Officer

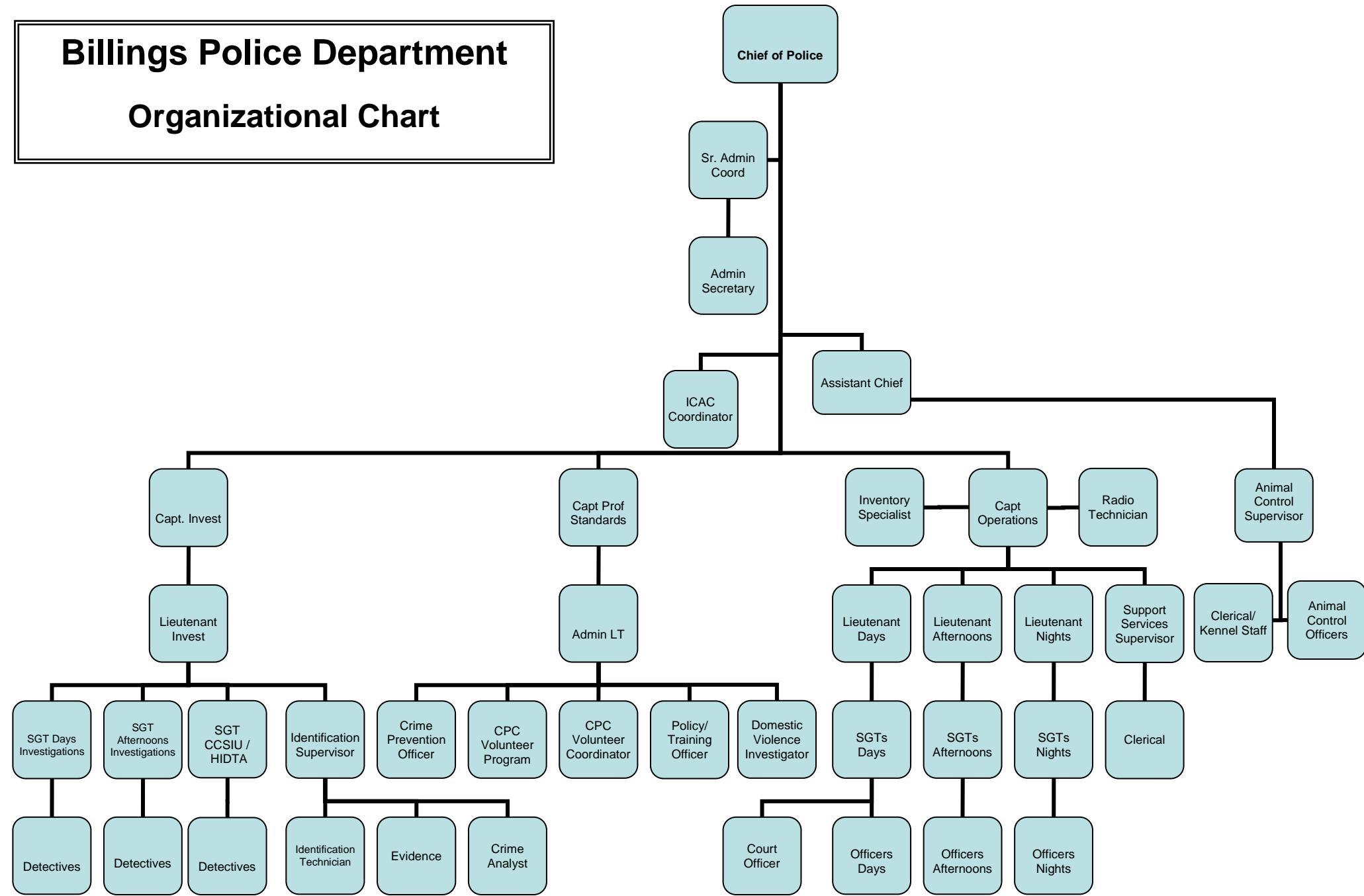
II. ACCOUNTABILITY:

- A. Commanders are accountable for the performance of all officers under his or her immediate control.
- B. All officers must obey any lawful order of a commander, including those orders relayed from a commander by an officer of the same or lesser rank.
  1. The officer relaying orders of a commander to another officer of the same or greater rank must identify that the order came from a commander with the name of the commander giving the order.
  2. In case of a conflict or questions about an order, officers should contact the commander issuing the original if time allows.

III. In the event of conflicting orders or policies officers should notify the commander immediately if time allows. If the commander does not resolve the conflict or time does not permit the conflict to be resolved, then the last order must be obeyed. In this case, the officer will not be held accountable for disobedience of the first order.

# Billings Police Department

## Organizational Chart



**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 2-1 (Core Policy)**

**OATH OF OFFICE AND CODE OF ETHICS**

Effective: December 29<sup>th</sup>, 2020  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the ethical responsibilities of officers while on and off duty.

**POLICY:**

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. The Department will adhere to the code of ethics.

**PROCEDURE:**

**I. Oath of Office**

- A. Each officer will take an oath of office at the time of appointment and before assuming his or her duties.
- B. Each officer will appear before the Judge of the Billings Municipal Court and swear as follows:
  1. "I do solemnly swear (or affirm) that I will enforce the law, support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, the Charter of the City of Billings, and that I will discharge the duties of my office with fidelity. So help me God."
- C. Each officer will sign an oath of office form:
  1. The Oath of Office Form will be signed and sealed by the Judge.
  2. The Oath of Office Form will be kept on file in the personnel file of the officer.

**II. Law Enforcement Code of Ethics:**

**A. Primary Responsibilities of a Police Officer:**

A police officer acts as an official representative of government, who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of liberty, equality and justice to all.

**B. Performance of the Duties of a Police Officer:**

A police officer shall perform all duties impartially, without favor, affection or ill will and without regard to status, sex, race, religion, political belief or physical/mental ability. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced

appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. Officers will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold. An officer must have the proper skills and abilities to provide credible testimony in a court of law.

**C. Discretion:**

A police officer will use the discretion vested in the position and exercise it responsibly within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstances, can be a more effective means of achieving a desired end.

**D. Use of Force & Duty to Intervene / Report:**

A police officer will never employ inappropriate force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with greatest restraint and only after de-escalation efforts such as discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the inappropriate infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person.

When reasonably possible, considering the totality of circumstances, officers will act to intervene whenever they witness inappropriate force and/or mistreatment of arrestees, suspects, or other persons. Such action will include, but is not limited to, verbally intervening to stop the violation. Officers have a duty to report such violation to their supervisor as soon as possible. Officers shall render aid after use of force when appropriate and reasonably safe to do so. (See Policy #3-1).

**E. Confidentiality:**

Whatever a police officer sees, hears, or learns, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

**F. Integrity:**

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. The integrity of police service is based on truthfulness. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

No officer shall knowingly or willfully depart from the truth in giving testimony, or in rendering a report, or in giving any statement about any action taken that relates to his/her own or any other officer's employment or position. Officers will not make any false statements to justify a criminal or traffic charge, or seek to unlawfully influence the outcome of any investigation. These requirements apply to any report concerning department business, including, but not limited to, written reports, transmissions to the communications center and officers via radio, telephone, pager, e-mail or mobile data terminal (MDT). Officers are obligated under this procedure to respond fully and truthfully to questions about any action taken that relates to the officer's employment or position regardless of whether such information is requested during a formal investigation or during the daily course of business.

**G. Cooperation with Other Officers and Agencies:**

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

**H. Personal/Professional Capabilities:**

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

**I. Private Life:**

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-2 (Core Policy)**



**RULES OF CONDUCT**

Effective: December 29<sup>th</sup>, 2020  
Review: by Assistant Chief

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set guidelines for officer conduct, on and off duty.

**POLICY:**

The policy of the Department is to have uniform rules of conduct.

**PROCEDURE:**

**I. In General:**

- A. Officers will not engage in activity or commit act that would bring discredit or impair the efficiency or reputation of the Department or its officers.
  1. Actions that are inconsistent, incompatible, or in conflict with the values established by this Department negatively affect the Department's and other officers' reputation. Such actions or inactions are not tolerated because negative behavior detracts from the Department's overall ability to effectively and efficiently protect the public, to maintain peace and order, and to conduct other essential business.
- B. Officers shall not discriminate against others or refer to other persons in a derogatory manner because of:
  1. Race,
  2. Color,
  3. Religion,
  4. Sex,
  5. National origin,
  6. Age,
  7. Disability,
  8. Creed,
  9. Marital status or
  10. Sexual preference.
- C. Officers shall give his or her last name and rank in a respectful manner when asked.
- D. Officers shall take suitable action on reports and complaints.
- E. Officers shall be accurate, complete, and truthful.
- F. Officers shall intervene and report any inappropriate force and/or mistreatment. (See Policy #2-1)
- G. Officers will be courteous.
- H. Officers shall not be absent from duty except during granted leave authorized by a Commander.
- I. Officers may not use his or her official authority to:
  1. Influence any election;

2. Interfere with the court system;
  3. Cause any person to escape prosecution;
  4. Accrue personal benefit; or
  5. Use or permit the use of City property, labor, or services for private advantage.
- J. Officers shall not use language or engage in acts that demean, harass, or intimidate others, unless the officer believes that such language is necessary to gain control of a situation or offender.

**II. Punctuality:**

- A. Officers must report for work at the required starting time. A Commander must authorize any deviation.
- B. Officers will be on time for appointments related to the job or will make appropriate notifications to the appropriate Commander.
- C. Court appearances:
  1. Officers will receive only the white copy of the Municipal Court subpoena notifying him or her of the date and time of the court appearance, and the name of the appropriate prosecutor to contact, if applicable prior to the trial date. Officers subpoenaed into court will follow the instructions received with the subpoena or as directed by the appropriate court or prosecuting attorney's office.
  2. Officers subpoenaed into other courts will follow the instructions received with the subpoena or as directed by the appropriate court or prosecuting attorney's office.
  3. When officers receive a subpoena from Municipal Court they will also receive an e-mail notification that they have received a subpoena.

**RULES:**

- I. Compliance with Policies:**
- A. Officers will comply with Department Policies.**
  - B. Justifiable exceptions may be granted to:**
    - 1. Policies; and or**
    - 2. Procedures but need to be approved by the Officer's Commander.**
- II. General Conduct:**
- A. Dereliction of duty, no officers shall:**
    - 1. Loiter or sleep on duty;**
    - 2. Neglect assigned responsibilities;**
    - 3. Neglect expected performance of duty**
    - 4. Fail to write a report when a report is required**
    - 5. Lie, steal, or give false testimony.**
  - B. Officers will not be insubordinate at any time.**
  - C. Conduct towards other officers and Department employees:**
    - 1. Officers shall conduct him or herself in a manner that fosters cooperation among members of this Department, showing respect, courtesy, and professionalism in dealing with one another.**
    - 2. Officers shall not make statements about others which are false, malicious, disparaging, derogatory, rude, abusive, obnoxious, or disrespectful, or have the intent to hurt another's reputation.**

**D. Obedience to laws:**

1. Officers will obey all:
  - a. Federal Laws;
  - b. State laws; and
  - c. Municipal Laws and ordinances.
2. Disobedience of laws or ordinances will result in disciplinary action.

**E. Requirement to notify:**

1. Officers charged or arrested for any Federal, State or Local violation or involvement in any civil litigation will notify a Commander as soon as possible.

**F. Gratuities Solicitations:**

1. Officers shall not accept gifts, whether in the form of money, property, favor, loans, or promises, that would not be offered or given if the officer were not an employee.
2. Officers shall not solicit donations, gift, or help for the Department whether in the form of money, property, favor, loans, or promises, without the prior permission of the Chief of Police.

**G. Officers shall not gamble while on duty or in uniform whether on or off duty unless gambling is conducted as part of the officer's official duties with permission of his or her Commander.**

1. Participation in office sports pools is not prohibited so long as such participation is out of public view, does not interfere with official duties, and is in compliance with any applicable State Gambling Laws.

**III. Alcohol and Drugs:**

**A. Alcohol:**

1. Officers allowed to drink on duty in the performance of a police activity must:
  - a. Have the specific permission of his or her Commander;
  - b. Have good and sufficient reason for the activity;
  - c. Be in civilian clothes; and
  - d. The Department will provide a ride to the employee.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-3 (Core Policy)**



**RACIAL PROFILING**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

This policy is intended to reaffirm the Department's commitment to unbiased policing. This policy clarifies the circumstances when officers can consider race or ethnicity when making law enforcement decisions, and serves to assure the public that officers are providing service and enforcing laws in an equitable way.

**POLICY:**

- I. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers are based on a standard of particularized suspicion, or probable cause in accordance with the 4<sup>th</sup> Amendment of the U.S. Constitution, and Article II of the Montana Constitution. Officers shall articulate specific facts and circumstances that support particularized suspicion, or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- II. A peace officer may not engage in racial profiling. The race or ethnicity of an individual may not be the sole factor in:
  - A. Determining the existence of probable cause to take into custody or arrest an individual; or
  - B. Constituting a particularized suspicion that an offense has been or is being committed to justify the detention of an individual or the investigatory stop of a motor vehicle
  - C. Except as provided below, officers shall not consider race or ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
  - D. Officers may take into account the reported race or ethnicity of a specific suspect(s) based on trustworthy, relevant information that links a person of a specific race or ethnicity to a particular unlawful incident. Race or ethnicity can never be used as the sole basis for particularized suspicion or probable cause.

**DEFINITIONS:**

- I. Racial Profiling means the detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual.
- II. Investigative Stop and Frisks means to obtain or verify an account of the person's presence, or conduct, or to determine whether to arrest the person. An officer may stop any person or vehicle observed in circumstances that create a particularized suspicion that the person or occupant of the vehicle has committed, is committing, or is about to commit an offense.

**PROCEDURE:**

I. **Training:**

- A. Officers receive initial training on preventing racial profiling at the Academy, and during the field training program. Training emphasizes the legal basis for stops and the protections afforded to citizens. In developing training the Department shall consider the following issues:
  - 1. Officer safety
  - 2. Courtesy
  - 3. Cultural awareness and language barriers
  - 4. Search and seizure laws or other relevant constitutional issues
  - 5. Interpersonal communication skills
  - 6. Integrity.

**II. Supervision:**

- A. Commanders must review officer performance to ensure sufficient emphasis is placed on the need for proactive law enforcement. Commanders ensure that officers conduct investigations in a courteous and professional manner following the law. Commanders shall familiarize him or herself with this policy and shall take appropriate steps whenever the policy may be violated.
- B. Commanders shall be particularly alert to any indication of discriminatory treatment of the public and take action.
- C. The Department utilizes proactive methods to ensure that officers are conducting investigations in a safe, legal, and non-bias manner. The methods for mitigating bias policing include but are not limited to:
  - 1. The Field Training Program.
  - 2. Classroom training.
  - 3. Report review.
  - 4. The citizen complaint process.
  - 5. Cultural Awareness training.
  - 6. Performance evaluations.
  - 7. Collection, analysis, and use of data.
  - 8. Internal investigations

**RULES:**

**I. Complaints and Process:**

- A. Any racial profiling complaint is referred to the Office of Professional Standards for review. The complaint is investigated under Policy 2-7 Internal Affairs with the exception of the following:
  - 1. Within 10 days of receipt of a complaint under this policy, the Office of Professional Standards sends a written notice to the complainant acknowledging the complaint.

**II. Mandatory Documentation:**

- A. All traffic or other stop and frisk investigations must be documented with a citation, warning, or Field Interview Report (FIR).
  - 1. No verbal warnings may be issued
  - 2. Documentation will list at the minimum:
    - a. The reason for the stop including violation(s) or notes on FIR.
    - b. Date, time, and location of stop

- c. Name, date of birth, sex, race, address, and phone number
- d. Only the following race codes may be used. It is permissible to ask a person to provide this information as long as he or she are informed that it is for statistical purposes and to be in compliance with the Montana Racial Profiling law:
  - (1) I = American Indian or Alaskan Native
  - (2) A = Asian or Pacific Islander
  - (3) B = African American
  - (4) W = Caucasian
  - (5) H = Hispanic
  - (6) E = Middle Eastern

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-4 (Core Policy)**



**DRESS & APPEARANCE**

Effective: January 17, 2020  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish standards for the appearance of officers while on duty.

**POLICY:**

The Department has a uniform dress code applicable to sworn employees.

**RULES:**

**I. Uniform**

**A. General Requirements:**

1. Uniforms and any part of the uniform are for official duty only.
2. Officers under suspension or on Leave with Pay status shall not wear the uniform or any part thereof;
3. Officers assigned to light duty may not wear the uniform;
4. Uniform officers reporting for duty shall be in proper uniform, for assignment.
  - a. Officers appearing in improper uniform are subject to discipline.
  - b. Commanders are required to monitor uniform compliance and take appropriate action to ensure compliance.
5. Officers are responsible for the proper care and use of uniform and equipment issued to him or her.
6. Issued items are replaced as needed based upon wear or damage.
7. Issued items lost, damaged, or destroyed through misuse, negligence, or intent are replaced at the officer's expense.
8. Officers will report lost, stolen, or damaged items on an initial offense report.
  - a. A request for restitution is submitted by the internal services specialist, to the proper court for replacement of suspect damaged equipment or caused by a suspect's action.
9. Upon reporting for duty:
  - a. The uniform shall be neatly pressed and clean;
  - b. The shoes or boots clean, black, and polished if appropriate.
  - c. The name plate and badge properly placed on all outer garments unless otherwise noted in this policy;
  - d. Badges and collar brass kept polished;
  - e. All duty gear and firearms kept clean, and polished.
  - f. Issued ammunition magazines fully loaded and carried; and

- g. Buttons kept fastened, the exception of the top button on the shirt worn without a tie.
- B. Prescribed Regulation Uniform consists of:
  - 1. General:
    - a. The Chief of Police specifies the Department uniform as to material, design, tailoring, accessories, and equipment; and
    - b. The wearing or use of any clothing, accessory, or equipment, not officially prescribed, or issued by the Department is prohibited unless permission is granted by the Chief of Police.
  - 2. ID cards: issued to and carried by all officers.
  - 3. Uniforms: Class "A" uniform:
    - a. Tie (no tie tack allowed)
    - b. Leather gear only;
    - c. May be worn as the duty uniform if desired
    - d. Long sleeved shirt;
    - e. Pants without cargo pockets.
    - f. Saucer hat optional unless required by Chief of Police
  - 4. Uniforms: Duty uniform:
    - a. May wear either leather or nylon gear (not intermixed)
    - b. Long sleeve shirts:
      - (1) No tie
      - (2) Saucer hat optional
      - (3) Pants with cargo pockets
      - (4) A Billings Police Department mock turtle neck, purchased by officer may be worn
    - c. Short sleeve shirts:
      - (1) No tie
      - (2) Saucer hat optional
      - (3) Pants with cargo pockets
  - 5. Uniforms: Tee shirts (applies to B. 3 & B. 4 of this policy)
    - a. If a tee shirt is worn under the uniform shirt:
      - (1) The tee shirt is plain white or plain black; and
      - (2) If the tee shirt is visible, the tee shirt is a crew neck style.
  - 6. Uniforms: General (applies to B. 3 & B. 4 of this policy)
    - a. Shirts are worn with the top button open unless a tie is worn.
    - b. Collar brass is worn at a 45 degree angle across the collar, with the bottom corners of the "BP" touching the inset stitching seam on each side.
      - (1) Collar brass is not allowed on polo shirt or Duty uniforms.
    - c. Mixing of the different uniform types is not allowed.
  - 7. Uniforms: Command Dress Uniforms are issued to Lieutenants and above:
    - a. Dark Blue Blazer
      - (1) Badge on left breast
      - (2) Rank insignia on epaulets
      - (3) Name plate on right breast
      - (4) Ribbons above name plate
      - (5) Service stars

- b. **Light blue long sleeved shirt**
    - (1) **No collar brass**
    - (2) **Dark blue tie with no tie tack**
  - c. **Dark blue pants**
  - d. **High gloss shoes**
  - e. **Holster of a threat level 1 standard**
- C. Specialty uniforms**
- 1. **Shorts and Polo Shirt**
    - a. **Department approved, purchased by the officer**
    - b. **May be worn from May 15-September 15**
    - c. **May not be mixed with any other uniform.**
    - d. **If a tee shirt is worn under the polo shirt:**
      - (1) **Plain white or plain black; and**
      - (2) **If the tee shirt is visible, the tee shirt is a crew neck style.**
  - 2. **Sweater**
    - a. **Department approved, purchased by officer**
    - b. **May be worn from September 15 - May 15**
    - c. **Must wear Billings Police Department mock turtle neck or black, crew neck tee shirt underneath**
    - d. **Name tag must be worn**
  - 3. **Outer Vest Carrier Uniform**
    - a. **Outer carrier must be Department approved, purchased by officer**
    - b. **Must wear department approved long or short sleeve polo shirt under carrier, provided by department**
    - c. **May wear Billings Police Department mock turtle neck under polo shirt**
    - d. **Up to 4 of the following items may be worn on outer vest carrier:**
      - (1) **Magazine holder**
      - (2) **Handcuff case**
      - (3) **Radio**
      - (4) **Tazer**
      - (5) **Pepper spray**
      - (6) **Expandable baton**
      - (7) **Latex glove pouch**
      - (8) **Utility pouch**
    - e. **Firearm and holster must be worn on gun belt**
  - 4. **Bicycle uniform;**
    - a. **The bicycle uniform is worn only while on bicycle patrol:**
    - b. **Warm weather;**
      - (1) **Department issued yellow polo shirt,**
      - (2) **Department issued shorts,**
      - (3) **Black lycra biking shorts may be worn under uniform shorts if purchased by the officer.**
      - (4) **Black socks mid-calf or shorter may be purchased by the officer, and**
      - (5) **Black footwear of the officer's choice may be purchased by the officer.**
    - c. **Cold weather;**
      - (1) **Department issued bicycle jacket**

- (2) Department issued long bicycle pants,
  - (3) Department issued turtle neck, long sleeved shirt;
  - (4) When worn without regulation long sleeved shirt the Jacket is worn at all times.
  - (5) Gortex or leather style lace boots may be purchased by the officer.
5. **Canine Uniform:**
    - a. Blue Battle Dress Uniform
    - b. Outer Vest may be worn see I., C., 3 above
    - c. All patches are sewn on
    - d. Long sleeve, short sleeve, and shorts are authorized, but shorts and short sleeves may be worn only May 15-September 15. The Billings Police Department mock turtleneck may be substituted underneath uniform shirt.
    - e. Plain white, blue, or black tee shirt may be worn.
  6. **Ties:**
    - a. A clip on or Velcro style tie.
  7. **Belt & accessories:**
    - a. A complete set of leather and nylon duty gear are issued.
    - b. Do not inter mix the leather and nylon equipment.
  8. **Pants belt:**
    - a. A black pants belt is furnished by the officer.
  9. **Belt keepers:**
    - a. The type, color, and material are approved by the Chief of Police.
  10. **Holster:**
    - a. The type, color, and material are approved by the Chief of Police.
  11. **Intermediate weapons, one of the following must be carried:**
    - a. **Expandable Baton (ASP) and Holder:**
      - (1) Department issued upon certification;
      - (2) Optional wear with certification.
    - b. **Oleoresin Capsicum (Pepper Spray):**
      - (1) Department issued upon certification;
      - (2) Optional wear for detectives and Lieutenants and above, must be readily available in his or her vehicle.
    - b. **Taser:**
      - (1) Departmental issued upon certification
  12. **Ammunition Carrier:**
    - a. Original issue;
    - b. Holds 1 or 2 magazines;
    - c. The color and material approved by the Chief of Police
  13. **Handcuffs:**
    - a. Additional sets may be worn if purchased by officer.
  14. **Handcuff Case:**
    - a. The color and material approved by the Chief of Police.
  15. **Handgun:**
    - a. **Glock Model 22**
    - b. The Chief of Police may authorize another Department issued weapon under special circumstances.

16. **Ammunition:**
  - a. Original issue 46 rounds, .40 caliber ammunition.
  - b. Appropriate ammunition in sufficient quantity shall be issued if alternate weapon is issued.
17. **Departmental Body Armor:**
  - a. Each officer is issued concealable body armor
  - b. All officers are required to wear either concealable body armor or outer carrier body armor while on duty, with exceptions noted in c. below.
  - c. Lieutenants and above and investigation division personnel are responsible to ensure that the body armor is:
    - (1) Immediately available for use, and
    - (2) In good condition
    - (3) Will not be placed in the trunk of vehicle at any time.
18. **Footwear:**
  - (1) Footwear is black and of a type approved by the Chief of Police.
  - (2) Footwear is purchased by the officer;
19. **Socks:**
  - a. Furnished by the officer; and
  - (1) When wearing low cut footwear socks may only be black or dark blue.
20. **Collar Brass:**
  - a. Original issue gold letters "BP" 9/16" high, (Class A only).
21. **Epaulet Brass:**
  - a. Lieutenants: one gold colored lieutenant's bars 1" high;
    - (1) Bars are to be perpendicular to the epaulet.
  - b. Captains: two gold colored captain's bars 1" high;
    - (1) Bars are to be perpendicular to the epaulet.
  - c. Assistant Chief of Police: One 9/16" gold colored star; and
    - (1) The Assistant Chief of Police's star is worn with the star parallel with the epaulet.
  - d. Chief of Police: Two 9/16" gold colored stars on a bar;
    - (1) The Chief's stars are worn with the 2 stars parallel with the epaulet.
  - e. Rank insignia are worn on the button down portion of the epaulet centered between the stitched down portion and the button.
22. **Badge:**
  - a. Of appropriate rank;
  - b. Type approved by the Chief of Police
  - c. A police badge patch may be worn instead of a brass police badge on the police jacket, bicycle patrol uniform shirt, or the duty polo shirt.
23. **Shoulder Patches:**
  - a. Police Patch:
    - (1) Worn on the left shoulder of the shirt and jacket; and
    - (2) Patch to be located ½" below the shoulder seam.
  - b. Other authorized patches may be worn on the right shoulder:
    - (1) The FBI National Academy Patch;
    - (2) The Montana Law Enforcement Academy Patch;
    - (3) K-9

(4) Any patch authorized by the Chief of Police.

24. Name Plates:

a. Standard name plate

(1) White letters 1/4" in height engraved on a black plate with a gold border

i The last name of the officer; and

ii Field Training Officer designation if assigned, and

iii On shirt on the right side centered and touching the seam above the pocket

b. Outer vest carrier will have cloth name tag

25. Insignia (optional items):

a. Worn centered above ribbons, above the right breast pocket, if assigned

(1) Years of Service stars;

(2) Bomb Squad (Explosive Ordnance Disposal badge);

(3) SWAT (Tactical Officers badge);

(4) Crisis Intervention Team (CIT);

(5) Hostage Negotiator;

(6) Canine;

26. Rank Stripes:

a. Rank:

(1) Police Officer, no rank insignia;

(2) Sergeant, 3 stripes.

i Stripes worn on both sleeves. Stripes are centered on the sleeve below the Department patch on both sleeves centered below the epaulet.

27. Ribbons (optional Items)(refer to Policy #10-8):

a. Worn on the Class A shirt, duty shirt ; and

b. Worn centered above the name plate on the right side of the shirt, arranged from highest to lowest, left to right, and top to bottom. Medal of Honor being the highest, medals from the Department, State of Montana, and Montana Association of Chiefs of Police are authorized in that order, as specified below:

(1) Medal of Honor;

(2) Medal of Valor;

(3) Medal of Merit;

(4) Life Saving Award;

(5) Distinguished Service Medal;

(6) Purple Heart;

(7) Meritorious Service Medal;

(8) Supervisor of the Year;

(9) Officer of the Year Award;

(10) Detective Ribbon;

(11) Specialty Assignment Ribbon;

(12) Armed Forces Services Ribbon;

(13) Expert Firearms Award;

(14) Physical Fitness Ribbon

(15) Educational Ribbon.

(16) Post Certification Ribbon

**28. Cold Weather Jacket:**

a. **Accessories for the Cold Weather Jacket:**

(1) **Required accessories:**

- i Rank insignia;
- ii Department patch;
- iii Name plate; and
- iv Badge.

(2) **Optional accessories:**

- i Years of Service stars;
- ii Authorized ribbons;
- iii Other authorized patches.

**29. Leather Coat:**

a. **Furnished by the Officer (if desired);**

b. **Must be approved by the Chief of Police;**

c. **Required accessories:**

(1) Badge.

**30. Saucer hat:**

a. **A cap badge of appropriate rank above the bill; and**

b. **Hat strap:**

(1) Officers have a black plastic hat strap; or

(2) Commanders have a gold metal hat strap.

**31. Campaign Hat (optional) Duty uniform only, not allowed with Class A or shorts.**

**Campaign hat purchased by the Officer, hat badge provided by BPD.**

**32. Stocking Hat:**

a. **Furnished by the Department**

b. **Stocking hat is for winter wear only.**

**33. Gloves:**

a. **Work gloves:**

(1) **Furnished by the officer; and**

(2) **Dark blue or black.**

b. **Safety gloves:**

(1) **Issued to officers upon request**

(2) **Used to provide limited protection;**

(3) **Not recommended for protection against biohazards; and**

(4) **Officers may use other protective gloves purchased at own expense.**

c. **Latex gloves:**

(1) **Recommended for protection against biohazards (refer to Policy #12-5).**

**34. Rain Coat:**

a. **Furnished by department upon request**

**II. Detective:**

A. **Detectives shall wear:**

1. **Appropriate business attire include any of the following:**

a. **Business suits,**

b. **Sport coats with or without tie,**

c. **Long sleeved dress shirts with or without a tie,**

- d. **Short sleeved dress shirts with or without a tie,**
  - (1) **May be un-tucked if squared bottom hem**
  - (2) **Must be conservative colored (No Hawaiian or other “loud” prints”)**
- e. **Collared polo or golf shirt,**
- f. **Dress slacks, khakis, Dockers, or other similar “casual” dress pants,**
- g. **Dresses,**
- h. **Skirts knee high or longer,**
- i. **Blouses or sweaters,**
- j. **Dress shoes or heels,**
- 2. **Handgun must be concealed when in public,**
- 3. **Holster**
  - a. **Department issued or optional purchase Department approved,**
- 4. **Handcuffs,**
- 5. **Issued ammunition magazines,**
- 6. **Handcuff key,**
- 7. **Badge must be displayed prominently if handgun is visible to the public,**
- 8. **Department identification card.**

**III. Court Attire:**

- A. **Jury Trials:**
  - 1. **Uniformed officers:**
    - (1) **Class A uniform only.**
  - 2. **Detectives:**
    - (1) **Males – Business suit and tie.**
    - (2) **Females – Business Suit with either slacks or knee high length skirt.**
  - 3. **No other uniform combination is authorized unless approved by a Commander**
  - 4. **Officers currently on light-duty status will wear business attire and may carry a firearm in accordance with policy 3-2 Firearms & 12-4 Light Duty.**
- B. **Bench Trials:**
  - 1. **Uniformed officers:**
    - a. **Short or long sleeve shirts, and pants; or**
    - b. **Class A uniform.**
    - c. **Outer vest carrier uniform may only be worn during a municipal infraction hearing.**
  - 2. **Detectives:**
    - a. **Males – Business suit and tie.**
    - b. **Females – Business suit with either slacks or knee high length skirt.**
  - 3. **No other uniform combination is authorized unless approved by a commander**
  - 4. **Officers currently on light-duty status will wear business attire and may carry a firearm in accordance with policy 3-2 Firearms & 12-4 Light Duty.**

**IV. Classroom Attire:**

- A. **Officers attending a training class will be clean shaven, and dressed in business casual wear. Examples of appropriate business casual wear include Dockers, sweaters, polo type shirts, and collared shirts. Inappropriate wear includes jeans, shorts, tee shirts, or muscle shirts.**

B. Officers attending training classes involving strenuous or physical activity may wear jeans, tee shirts, or athletic style clothing, or other type as designated by the instructor or appropriate commander. However, a duty uniform, gun belts, and vests are to be immediately accessible if the class is during his or her designated shift.

**V. Grooming:**

A. Hair:

1. Neatly trimmed and groomed in proportion to the overall styling and not be of a style that would likely be regarded as excessive, or otherwise inappropriate.
2. Ribbons are not allowed.
3. Hair coloring must look natural and complement the officer.
4. Hair pieces or wigs:
  - a. Good quality and fit;
  - b. Present a natural appearance;
  - c. Not interfere with the proper performance of duty;
  - d. Not present a safety hazard; and
  - e. Conforms to standards listed under the appropriate gender of the officer.
5. Hair style or length shall not interfere with the wearing or proper positioning of the saucer hat or emergency equipment.
6. Male officers, while on duty:
  - a. While an officer is standing, the hair on the back of the head may touch, but not fall below the upper edge of the collar.
  - b. Sideburns:
    - (1) Not extend below the bottom of the opening of the ear; and
    - (2) Squared off at the bottom.
  - c. Beards are not permitted.
  - d. Mustache:
    - (1) Neatly trimmed and groomed:
      - i. Not to extend to the side of the mouth by more than 1/2" beyond the corners of the mouth; and
      - ii. Not to extend below the corners of the mouth.
7. Female officers, while on duty:
  - a. Hair in the front shall not extend below the eyebrows;
  - b. Hair on the sides and back shall not extend below shoulder level; and
  - c. Pins, combs, or barrettes may be worn when similar in color to the officer's hair color.
8. Exceptions:
  - a. Depending upon the Department needs and or special assignments exceptions may be granted by the Chief of Police.

B. Cleanliness:

1. Officers shall be clean when reporting to duty.

C. Body piercing:

1. When on duty officers may not attach, affix, or display objects, articles, jewelry, or ornamentation to or through the skin, tongue, or lips while in uniform or other duty attire.
2. The only exception is that female officers may wear earrings with the uniforms as

described below.

- a. Earrings may be screw-on, clip-on, or post-type earrings, in gold, silver, white pearl, or diamond. The earrings will not exceed 6 mm or 1/4" in diameter, and must be unadorned and spherical. When worn, the earrings will fit snugly against the ear. Females may wear earrings only as a matched pair, with only one earring per ear lobe.

**D. Tattoos, Body Art, and Brandings:**

1. Officers shall not have tattoos, body art, mutilations, or branding on the head, face, neck, scalp, or hands.
  - a. Wedding band tattoo on ring finger is allowed.
2. Any pre-existing tattoos, body art, mutilations, or branding on the head, face, neck, scalp, or hands will either be removed, or covered by cosmetics, or clothing.
3. Tattoos that are prejudicial to good order are prohibited.
4. While on-duty or off-duty, in uniform or on duty in civilian attire, employees are prohibited from displaying body art or tattoos that are offensive or demeaning to persons of ordinary sensibilities.
5. Tattoos anywhere on the body that promote racism/discrimination, indecency, extremist or supremacist philosophies, lawlessness, violence, or contain sexually explicit material are prohibited.
  - a. Racist or discriminatory tattoos or brands are those that advocate the degradation of people based on race, ethnicity, national origin, gender, age, religion/creed, or disability.
  - b. Indecent or sexually explicit tattoos or brands are those that contain a visual image, the dominant theme of which depicts or promotes graphic nudity, including sexual activities or organs, in a lustful way. Tattoos featuring fully exposed nudity are prohibited.
  - c. Extremist tattoos or brands are those that depict or promote extremist activities or organizations that advocate hatred, intolerance, or lawlessness (e.g., terrorist groups, neo- Nazis, skinheads, outlaw gangs, extreme political organizations with violent histories). Because some extremist/criminal groups and organizations exploit popular symbols (e.g., cartoon characters), care must be taken in evaluating such tattoos or brands so as not to implicate members who may have selected the tattoo or brand based on its artistic value rather than a hidden meaning. In these cases, a determination will be made based on the totality of thematic elements expressed by tattoos or brands elsewhere on the body.
  - d. Tattoos or brands labeled violent or promoting lawlessness are those that depict extreme graphic violence, profanity, glorifications of drug culture, or markings that can reasonably be interpreted as anti-government in nature.
  - e. Additional information regarding the origin or meaning of potentially discriminatory, extremist or lawless markings may review the Anti-Defamation League (ADL) Reference Guide "Hate on Display: Extremist Symbols, Logos and Tattoos", 4th Ed., or consult the ADL visual database at [www.adl.org/](http://www.adl.org/).
6. Waivers may be requested in writing, for visible, pre-existing tattoos, body art, or special circumstances from the Chief of Police.

**E. Mutilation**

1. **Intentional body mutilation, piercing, branding or intentional scarring that would be visible while in uniform or civilian clothing is prohibited. Some examples are: split or forked tongue, foreign objects inserted under the skin to create a design or pattern, enlarged or stretched out holes in the ears intentional scarring that appears on the neck, face, scalp or arms.**
  - a. **Piercings must be compliant with this policy see 2-4 V(c) above.**
2. **Waivers may be requested in writing from the Chief of Police for prior existing body mutilation, piercing, branding or intentional scarring.**

**F. Dental Ornamentation:**

1. **The use of gold, platinum, or other veneers, or caps for purposes of ornamentation is prohibited as are designs, jewels, and initials.**

References:

- United States Army  
Regulation 670-1 "Uniforms and Insignia Wear and Appearance of Army Uniforms and Insignia"
- Howard County Maryland, Department of Police  
General Order ADM-13 "Uniform and Professional Appearance" (June 2012)
- United States Coast Guard  
COMDTINST 1000.1A "Tattoo, Body Marking, Body Piercing, and Mutilation Policy (December 2016)

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-5**



**MISHANDLED CASES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide a means to review cases that may have been mishandled by officers.

**POLICY:**

The policy of the Department is to have a process for reviewing mishandled cases at any level.

**PROCEDURE:**

**RULES:**

**I. Errors Found on Review:**

**A. The Commander's responsibility:**

1. **To review all cases:**
  - a. To ensure the accuracy of the report; and
  - b. The appropriateness of the work that was done.
2. **To ensure appropriate actions are taken with each case.**
3. **To review the reports for accuracy**
4. **To counsel officers:**
  - a. To ensure that cases are correct to the best of the officer's ability.
  - b. Whenever command finds that cases contain serious errors, are incomplete, or require further action by the officer to explain the errors and what is needed to complete the case.
5. **To apply progressive discipline in the event of repeated mishandling of cases (See Management Guide to Discipline).**

**B. Commanders, upon finding errors or incomplete investigations, send the case back to the appropriate officer's commander to have the officer make the necessary additions or corrections.**

**II. Declined Prosecution:**

- A. All cases that the prosecutor's decline to prosecute and dismiss because of alleged law enforcement agency mishandling are forwarded to the Assistant Chief who will give the case to the officer's commander for review.**
- B. The commander reviews the case with the officer and makes one of the following determinations :**
  1. Proper investigation.

2. **Improper investigation.**
3. **Policy failure (Policy needs revision).**
4. **Insufficient information to determine the validity of the allegation.**
5. **Unfounded complaint. If the Commander determines that an improper investigation on the part of the officer took place the officer may be disciplined.**
6. **A report is forwarded for review to the Assistant Chief on the matter.**
7. **The report contains the allegation, findings, and results.**
8. **The Assistant Chief reviews the report and either approves or disapproves the findings.**
9. **Officers are subject to disciplinary action upon approved finding of an improper investigation by the Assistant Chief.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 2-6**

**INTERNAL AFFAIRS**

Effective: January 12, 2015  
Review: by Professional Standard Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for addressing complaints of misconduct.

**POLICY:**

The policy of the Department is to maintain public trust and the integrity. It is imperative that all Department officers be held to a high standard of conduct in a professional manner at all times. To ensure these standards are upheld, all complaints against the agency or its employees shall be investigated. Department members are required to cooperate fully and courteously with any person making a complaint against the Department or one of its members. Any employee under investigation will be treated with dignity and respect and will be kept apprised of the status of the investigation. Investigations will be conducted with procedural safeguards to protect Department members against malicious or false allegations.

**PROCEDURE:**

**I. Complaint Category and Disposition Definitions:**

A. Class I Complaint:

1. Excessive force, violations of criminal law, breach of civil rights, bias policing, corruption, false arrest, patterns of similar Class II complaints, and other more serious allegations. These complaints will be investigated by the Office of Professional Standards. A sustained finding could result in discipline up to and including termination.

B. Class II Complaint:

1. Allegations of inadequate service, courtesy, minor performance issues, improper procedure or other less serious and non-criminal conduct. Typically, Class II complaints will be investigated by the officer's commander or other commander.

C. Findings:

1. Findings are issued for each allegation in an investigation, including those made by the complainant as well as any allegations of misconduct not included in the original complaint, but that may have been discovered during the investigations. Findings will be documented by the following Dispositions:

- a. Proper Conduct / Training Deficiency / Policy Failure (Exonerated): The acts which provided the basis for the complaint or allegations did occur, but were justified, lawful, and proper. This finding may also be used when the acts did occur and were not proper or justified, but resulted from a lack of training or a policy deficiency.
- b. Improper Conduct (Sustained): The investigation disclosed sufficient evidence to clearly prove the allegation(s) made.

- c. Insufficient Evidence (Not Sustained): The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation(s) made.
- d. Unfounded: The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when individual officer(s) or employee(s) named were not involved in the act or acts which may have occurred.
- e. Resolved with Complainant: This only applies to Class II complaints. The determination of guilt may not be clear (sustained or not sustained) whereas the complainant is satisfied with the results of the investigation.

## **II. The Office of Professional Standards:**

- A. The Office of Professional Standards is responsible for the facilitation and management of all complaints filed against a Billings Police Department officer. The Office will:
  1. Receive the original of any complaint filed
  2. Assign a tracking number to each complaint
  3. May assign a complaint to another commander for follow-up
  4. Maintain strict confidentiality of any investigation and will ensure the secure storage of all investigation records
  5. Personally conduct or oversee all investigations of complaints that rise to the level of an Internal Affairs Investigation
  6. Conduct all correspondence with complaining parties regarding Class I Complaints. The commander assigned to investigate a Class II Complaint will generally handle all contact with the complainant.
    - a. The Office of Professional Standards will send a letter with the final disposition to all complainants regardless of complaint class.
- B. The final disposition of any citizen complaint rests with the Chief of Police. Appeals of said disposition may be appealed to the City Administrator.

## **III. Processing Complaints:**

- A. Complaints will be accepted if received within 90 days of the incident generating the complaint. An exception may be granted by the Chief of Police, Assistant Chief, or the Office of Professional Standards in cases where the complainant has a legitimate and involuntary incapacity to make the complaint within the 90-day period or in cases where the initial evidence presented constitutes a serious allegation of misconduct.
- B. All complaints will be personally processed by a commander. In all cases, a Complaint Form must be filled out. The commander receiving the complaint is also responsible to:
  1. Interview the subject making the complaint in an effort to resolve the issue if possible. If the complaint is not resolved at that point, the Commander may:
    - a. Decide to investigate the complaint themselves. This is the preferred response to a Class II Complaint in cases where the commander receiving the complaint is also the officer's supervisor, or
    - b. Completely fill out the Citizen Complaint Form and refer the complaint to the Office of Professional Standards for review, assignment to relevant commander, or possible Internal Affairs Investigation (required for all Class I Complaints).
  2. Pay strict attention to any injuries (documenting them) and make arrangements to take photographs of any bruising, swelling, or any injury in question.

3. If injuries are present at the time of the complaint, the Office of Professional Standards will be immediately notified. The receiving commander may be relieved of subsection B #2 above if the Office of Professional Standards is available to immediately take over processing the complaint.
- C. If the individual is intoxicated, irrational, or otherwise unable to assist with the complaint process, the Commander may give him or her the Citizen Complaint Form and ask him or her to complete the form and return it the next day.
- D. Any complaint that is dropped off at the Department, faxed, or mailed in will be sent directly to the Office of Professional Standards for review.
- E. If a complaint is initiated by a commander or is brought to a commanders attention by any employee, it is classified as a Department Initiated Complaint. The commander receiving or initiating the complaint will follow the guidelines set forth in subsequent sections of this policy (In all cases, a Complaint Form must be filled out).

**IV. Officer Participation in Complaint / Investigation Process:**

- A. An officer shall truthfully and completely answer all questions directed and related to the scope of employment and Department operations that may be asked of him or her by the Office of Professional Standards or other investigating commander.
- B. An officer shall not knowingly interfere with a complaint or investigation and shall fully cooperate during an investigation. An accused officer shall not contact the complainant during the investigation. He or she shall not attempt to exert any influence on any witness or involved party or participant in the investigative process.
- C. The officer may be required to participate in or provide the following in those cases where the information is material to the investigation:
  1. Medical or laboratory examinations.
  2. Photographs and/or physical lineups.
  3. Financial disclosure statements.
- D. No officer shall be required to take a polygraph examination as a condition for continuation of employment. If an officer voluntarily chooses to take a polygraph examination then it will be made available.

**V. Officers Relieved from Duty (Administrative Leave):**

- A. An officer may be relieved of duty with pay by any commander:
  1. When the Commander feels that it is in the best interest of the individual due to:
    - a. Psychological or physical problems.
    - b. When the commander feels the seriousness of the allegation warrants Administrative Leave.
  2. Any Commander relieving an employee from duty must make an immediate report of the action to the Office of Professional Standards and/or the Assistant Chief.
  3. Only the Chief of Police may authorize a continued assignment to Administrative Paid Leave.
  4. The officer may be required to surrender any duty equipment (including any police identification cards and badges) to the Office of Professional Standards when circumstances dictate and is so ordered by the Chief of Police.
  5. Officers on paid Administrative Leave will be under the supervision of the Assistant Chief and conform to the following:
    - a. Be available for call-in, (Telephone Contact) Mon - Fri, 0730 to 1630

- b. Not obtain outside or additional employment without written consent

**VI. Class I Complaints:**

- A. If a complaint is received that falls under this category, the receiving commander will fill out the Citizen's Complaint Form and immediately forward the complaint to the Office of Professional Standards for follow up.
- B. The Commander who takes the original complaint will give the complainant a copy of the Complaint Form which will constitute notification that the investigation is in progress.
- C. Notifications:
  - 1. The Office of Professional Standards will advise the officer being investigated by memo notifying them of the:
    - a. Allegations, and
    - b. The officer's rights and responsibilities relative to the investigation.
  - 2. The Office of Professional Standards will contact the complainant when they receive the case:
    - a. The complainant will be asked:
      - (1) If the information in the complaint received is accurate,
      - (2) If there is any further information, and
      - (3) If they will provide a formal statement
  - 3. The Chief of Police will be notified immediately when:
    - a. In the opinion of the Commander receiving the complaint, or Office of Professional Standards, the seriousness of the offense and/or public knowledge of the incident, warrants notification; or
    - b. Any time the offense would have the possibility of criminal charges being filed.
    - c. The Chief of Police will notify the City Attorney and if necessary the County Attorney of:
      - (1) Any criminal case, and
      - (2) Establish the Office of Professional Standards as the liaison in the investigation of that case.
- D. The Investigation:
  - 1. In every case, the officer:
    - a. Has the right to know the name of the investigating officer prior to interview;
    - b. Has the right to know the name and address of the complainant (if available);
    - c. May retain an attorney at their own expense and have the attorney present with them at any proceedings;
    - d. May have a representative from the bargaining unit present during any interviews, if:
      - (1) The officer requests union representation, and
      - (2) The officer believes that disciplinary action may result.
  - 2. If the investigation is administrative rather than criminal:
    - a. The officer should be advised that the investigation is administrative and the Miranda rights against self-incrimination do not apply.
    - b. The investigator should fill out the "Administrative Rights Advisement and Direct Order" (Garrity Decision).
      - (1) The original signed copy will be retained in the case file; and
      - (2) A copy will be provided to the officer.
    - c. In administrative investigations, the officer may be required to give both written and oral accounts of his or her actions as a condition of continued employment.

3. When, in the course of the investigation, the investigator develops information that leads them to the conclusion that criminal charges may be filed, the officer must be advised of Miranda rights and if applicable, that the matter is no longer administrative, before any further questioning.
4. At the conclusion of the investigation, the Office of Professional Standards will prepare a report detailing the investigation and the findings for each allegation. The report will then be submitted to the City Attorney's Office for review. The City Attorney will review the investigation for completeness and for possible criminal charges (if applicable).
  - a. Within 60 days of initiating the investigation, the report will be submitted to the Chief of Police unless the Chief approves an extension for justifiable and documented reasons. Should an extension be granted, the Office of Professional Standards will notify the complainant and the officer of the delay and the reasons for said delay.
  - b. The Chief of Police may then request a second review (if necessary) by the Office of Professional Standards, the City or County Attorney, or other designee.
  - c. The Chief of Police may then elect to schedule a due process hearing.

**VII. Class II Complaints:**

- A. Complaints that fall under this category will typically be investigated by the officer's commander. If the officer's commander is unavailable or if there are other factors present that could interfere with the investigation, the complaint may be handled by the Office of Professional Standards or may be assigned to another commander.
- B. If the commander investigating the complaint determines that the complaint is valid and warrants only a Documented Verbal Warning or a Written Reprimand, they may take said action on their own (Written Reprimand also requires notification to H/R). The completed Complaint Form along with the original documents of the investigation, and a completed Corrective Action Form will be sent to the Office of Professional Standards for record keeping.
- C. If the commander investigating the complaint finds the allegations are not sustained, they will submit the completed Complaint Form along with any original documents of the investigation to the Office of Professional Standards for record keeping.
- D. Any discipline recommendation above that of a Written Reprimand requires a Due Process Hearing to be scheduled with the Chief of Police through the Office of Professional Standards.
- E. If at any point during the investigation of a Class II complaint the investigator discovers information that warrants a Class I complaint, the information will be documented and immediately referred to the Office of Professional Standards for further investigation.

**VIII. Records:**

- A. Records will be kept on all Internal Affairs investigations:
  1. The Office of Professional Standards is responsible for maintaining all records in a secure location while the investigation is in progress.
  2. All records of completed investigations will be maintained by the Office of Professional Standards in secure storage.
  3. At no time will any Internal Affairs Investigations records be kept with the normal records system.

**References:**

- **Boise Police Department**  
**Policy #12.01.00 “General Investigation Information” (April 2005)**
- **Boise Police Department**  
**Policy #12.02.00 “Complaints and Inquiries” (April 2005)**
- **Boise Police Department**  
**Policy #12.03.00 “Investigations” (April 2005)**
- **Boise Police Department**  
**Policy #12.04.00 “Suspensions” (April 2005)**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-7**



**DISCIPLINARY PROCEDURES**

Effective: January 12, 2015  
Review: by Assistant Chief

Chief Rich St. John

**PURPOSE:**

This policy sets forth a set of guidelines for the corrective action process to be followed when an officer has performance, attendance or behavior problems that interfere with work, customer service or operations of the City of Billings.

**POLICY:**

The policy of the Department is to investigate allegations of officer misconduct as outlined in the Policy #2-7. Corrective action should be used to correct inappropriate behavior or performance issues.

Commanders are responsible for accurate and timely documentation of inappropriate behaviors or performance. corrective action should be used consistently.

Commanders should identify and inform officers of:

1. What is expected behavior and the performance standards of their job.
2. When they are not meeting these expectations.
3. What must be done to correct the deficiencies identified and an improvement plan with a time line for its accomplishment.
4. Consequences if improvement does not occur.

The corrective action process is meant to assist officers in recognizing the seriousness of their behavior or performance deficiency and encouraging their commitment to improvement. In many situations, Oral Reprimands may be utilized to resolve issues prior to taking more serious corrective action.

Oral Reprimands are used to remind officers of the Department policies and practices. Commanders can utilize oral reprimands to explain the performance expectations of the job to the officer who is not meeting the performance standards or job requirements.

All disciplinary action is initiated by a Billings Police Department Complaint Form. If disciplinary action is warranted and an Oral Reprimand is appropriate, it will be documented on a Billings Police Department Corrective Action Form. The Complaint Form and Corrective Action Form for Oral Reprimands are sent only to the Office of Professional Standards.

A Corrective Action Form must be filled out after each formal step of the disciplinary process. Officers will be asked to sign this form indicating that they have had an opportunity to review it. If an officer elects not to sign, this should be noted on the form. Officers should be given a copy of the completed form at the time of the discussion.

In instances of discipline greater than an Oral Reprimand, the original of the Corrective Action Form is sent to Human Resources for review and is then placed in the officer's personnel file. A copy of the form

is also sent to the Office of Professional Standards for review and recordkeeping. If the documentation regarding discipline is not related to Equal Employment Opportunity legislation, including sexual harassment, it may be removed two years after the date of the incident, unless a related offense is repeated during this time. The officer may petition that discipline be removed from his or her file. This petition is submitted to the officer's immediate commander who then forwards the request through management channels to Human Resources. Human Resources will: review the request, review the officer's personnel file, and make a recommendation to the City Administrator. The decision of the City Administrator is final and binding.

In some cases, an immediate suspension pending an investigation is appropriate (see Policy #2-7: V). There may be situations where an employee may be terminated without progressing through the steps outlined in this policy. Some steps can be repeated or omitted if the facts of the situation warrant it. Human Resources should be contacted throughout the corrective action process as a resource and to ensure consistency.

Suspensions in excess of one shift (8-hours, 10-hours, or 12-hours) must be approved by the City Administrator. In all cases involving suspension of any time or discharge, the situation and relevant information shall be reviewed by the Human Resources Office prior to issuance. (Administrative Order 32)

**PROCEDURE:****I. Complaint Form Required:**

- A. Any disciplinary action whether resulting from a Citizen Complaint or a Department Initiated Complaint requires a Complaint Form and Corrective Action Form to be filled out.

**II. Documented Verbal Warning/Reprimand:**

- A. This step serves as a reminder to the officer as to the behavior and/or performance that is expected of them. The goal of the meeting is to ensure that there is both understanding and commitment by the officer to correct the inappropriate behavior or performance issues. The officer should be informed that should similar behavior recur, he or she would face additional disciplinary action up to and including termination of employment. Disciplinary action under this section is only reported to the Office of Professional Standards and is not sent to Human Resources.

**III. Written Warning/Reprimand**

- A. Required to coordinate with Human Resources
- B. During this meeting the commander should stress the seriousness of this action and what is expected behavior and/or performance. The officer should be informed that should similar behavior, he or she would face additional disciplinary action up to and including termination of employment.

**IV. Suspension Without Pay:**

- A. Required approval of Chief of Police and coordination with Human Resources if for 8 hours or one-shift; for suspensions in excess 8 hours or one shift, City Administrator Approval is required) or Transfer/Demotion (required approval of Department Head and coordination with Human Resources.

- B. As with all previous steps, the problem should be identified along with an indication of the expected behavior and/or performance.
- C. Any previous incidents of similar nature resulting in discipline should be reviewed along with the conclusions reached at those meetings. The officer must realize that a suspension without pay normally is a "last chance" and that future incidents of a similar or related nature will likely result in termination of employment.

**V. Termination:**

- A. Required approval of Chief of Police and City Administrator and coordination with Human Resources.
- B. Termination of employment by its very nature is the most severe form of discipline that can be imposed. The facts surrounding the rule infraction or unacceptable behavior and/or performance must be investigated before a termination proceeding is finalized.

**VI. Pre-Suspension & Pre-Discharge (Due Process) Procedure & Disciplinary Action:**

- A. An officer of the department who is facing possible suspension or discharge due to the seriousness of an infraction are afforded, by Administrative Order 16, the opportunity to present information pertinent to his or her situation before disciplinary measures are taken. In addition, the officer will be informed in writing of the charges against him or her, of the possible disciplinary action that may be taken, and of the time, date and place at which the officer will be given an opportunity to respond to the charges. Following the meeting, the department will determine the appropriate disciplinary action to be taken and will promptly inform the officer, in writing, of that decision. Probationary officers may be afforded any or all of these procedural steps, on a case-by-case basis, at the Chief of Police and the Human Resources Office discretion.

**VII. Management Guide to Discipline:**

- A. The Management Guide to Discipline was developed in an attempt to increase consistency and fairness to the Department's corrective action procedures.
- B. Commanders will consult the Guide when they are tasked with imposing or suggesting disciplinary action regarding an officer's conduct.
- C. It is understood that the Management Guide to Discipline is only a guide and may be deviated from depending on the circumstances surrounding the situation in question.

**RULES:**

**I. Commanders:**

- A. **It is the responsibility of the commander to enforce policies in a uniform and equitable manner.**
- B. **Disciplinary actions will normally be initiated by the officer's commander or the Office of Professional Standards.**
  - 1. **Discipline must be initiated within 60 working days of the occurrence or first knowledge of the occurrence for all other employees.**
    - a. **The 60 day requirement may be waived for an agreed upon period of time if it is felt additional time is necessary to conduct a complete investigation.**
    - b. **Discipline resulting from an Internal Affairs Investigation by the Office of Professional Standards must be issued to the officer (including Union**

- notification) within 30 working days after the final investigative report is submitted to the Chief of Police.
- C. Any commander shall have the right to relieve an officer from duty with pay:
1. For alleged violations of:
    - a. Federal law;
    - b. State law;
    - c. Local law;
    - d. Policies;
    - e. Insubordination; and
  2. With directions to report to the Assistant Chief on the employee's next regularly scheduled work day.
  3. The commander relieving an officer shall make available to the Assistant Chief all of the pertinent:
    - a. Information;
    - b. Statements; and
    - c. Evidence pertaining to the violation.
  4. The commander relieving an officer will make recommendations to the Assistant Chief as to the action requested.
  5. All information will be delivered to the Assistant Chief by the following day.
- II. Officers: Execution of Commanders Punishment;
- A. The punishment will be immediately executed; and
- B. A written record of the punishment will be:
1. Given to the officer;
  2. Sent to Human Resources and placed into the officer's personnel file (unless a Oral Reprimand)
  3. The Human Resources Director will send a copy to the Union, if the officer is covered by a collective bargaining agreement.
  4. Archived by the Office of Professional Standards
- C. Appeal: Any officer suspended, with or without pay, is entitled to appeal such suspension to the Police Commission.
- D. The Police Commission:
1. The Chief of Police may bring charges against an officer in front of the Police Commission.
  2. Citizens may bring charges against an officer of the Police Department directly to the Police Commission pursuant to M.C.A. Section 7-32-4 1 35.
  3. Upon a proven charge against an officer, the majority of the commissioners may then:
    - a. Discipline;
    - b. Suspend;
    - c. Remove; or
    - d. Discharge an officer.
  4. The City Administrator may reduce or veto the commission's findings and decisions.
  5. District Court review:

- a. Suit must be brought by the officer within 60 days of the decision of the Police Commission.
- b. The District Court has the jurisdiction to review all questions of fact and all questions of law in a suit brought by any officer.

**III. Officer Misconduct:**

- A. Anytime that an officer's conduct is determined to be improper, and the level of discipline is greater than an oral interview:
  1. Written evidence of the disciplinary measure employed will be maintained in the officer's personnel files.
  2. A copy will be sent to the Union by the Human Resources Director if the officer is covered by a collective bargaining agreement.
- B. If an officer's misconduct results in dismissal, a written statement will be provided of the following:
  1. The reason for the dismissal (a probationary officer will be provided the reasons for dismissal if requested);
  2. The effective date of the dismissal;
  3. The status of the officer's fringe benefits after dismissal such as but not limited to:
    - a. Retirement
    - b. Insurance;
    - c. Accrued leave time
  4. A statement as to the contents will be placed in the officer's personnel file relating to the dismissal. This statement includes what will be told to prospective employers relating to the officer's dismissal.
- C. Grievance procedures:
  1. If the officer is a sworn officer below the rank of Sergeant, the grievance procedure of the Billings Police Unit of the Montana Public Employees Association will apply.
  2. If a commander, the grievance procedure outlined in the Non-Bargaining Employee's Handbook will apply.
  3. Nothing in this policy will prevent any officer from appealing to the court system.

**References:**

**City of Billings**

- Administrative Orders & Human Resources Policies (in effect during January of 2008)
- MPEA Contract (July 2011 - June 2015)

**Los Angeles Police Department**

- Management Guide to Discipline 3<sup>rd</sup> Edition (January 2002)

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-8**



**FITNESS FOR DUTY**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to encourage all officers of the Department to obtain the highest degree of fitness and wellness possible both for his or her own general health. Fitness is required to effectively perform critical job related duties.

**POLICY:**

The policy of the Department is that officers are required to be sufficiently fit to perform the essential job functions. Officers must perform duties in a safe and efficient manner. Should reasonable cause exist to question an officer's fitness for duty including physical, psychological, medical, the Department may temporarily remove an officer from duty, or temporarily prohibit an officer from returning to duty, until such fitness is evaluated.

**DEFINITIONS:**

**Sufficiently Fit:**

Sufficiently fit means that officers are physically and psychologically prepared and can perform the essential functions of his or her position.

**Essential Job Function:**

Essential job functions are the fundamental job duties of the position an officer holds. The term does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following: (i) The function may be essential because the reason the position exists is to perform that function; (ii) The function may be essential because of the limited number of officers available among whom the performance of that job function can be distributed; and/or (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function. Commanders have the duty and authority to decide and define the essential job functions of the positions in the Department. The Department draws on the knowledge of the job, written job descriptions, knowledge of the time required to do the job function, the criticality of doing the job function or not doing the job function properly.

**Reasonable Cause:**

Reasonable cause means the facts that would lead an ordinary officer concerned about this Department's mission, public image, and public or officer safety to question another officer's fitness for duty. Reasonable cause does not mean that officers concerned about another officer's fitness for duty must have proof beyond a doubt or even a preponderance of evidence to support action.

However, reasonable cause does require more than personal opinion or mere suspicion, or suspicion based on hearsay. Reasonable cause is based on substantial and documented evidence.

Reasonable cause is a subjective standard based on objective facts. Personal opinions that are unsupported by facts do not establish reasonable cause. Reasonable cause does not coexist with malice. Any officer who is shown through the investigatory process to have used this policy as a subterfuge to maliciously damage another officer is subject to disciplinary action up to and including termination and face the possibility of a civil action being initiated against him or her by the officer.

**PROCEDURE:****I. Administration:**

- A. The Department provides a voluntary physical fitness program with incentives to participate. Fitness equipment is provided 24 hours a day, 7 days a week to officers free of charge at the Department Training Center.
- B. The Employee Assistance Program is available through the employee benefit system to address psychological, medical, and other wellness issues.

**II. Fit for Duty Evaluations:**

- A. If a commander questions an officer's fitness for duty, he or she shall make a written request to the Chief of Police for an appropriate evaluation. The request must include documentation of the issue, including the specific condition or conditions the commander observed, and why the commander believes the issue and condition lead to the conclusion that the officer is not fit for duty.
  1. The nature of the lack of ability observed and the circumstances under which the lack of ability was documented by the commander filing the fitness for duty claim help commanders and the human resources office decide the types of fitness evaluation required and the necessary documentation required from the officer. For example: An officer who wishes to return from extended leave for a medical reason and may be taking prescription drugs may expect to be physically and medically evaluated and tested for drugs. Officers claiming or diagnosed as having a stress problem or disorder can expect to be psychologically evaluated or directed to attend counseling sessions. Each situation is judged on a case-by-case basis.
- B. The Chief of Police reviews all fit for duty requests from commanders. The Chief may:
  1. Dismiss the request and send a letter to the requesting commander and officer stating the reasons for the dismissal.
  2. Grant the request for an evaluation. The Office of Professional Standards coordinates with the officer to ensure all conditions of the evaluation are met.
    - a. The City pays for fitness for duty evaluations.
    - b. The City may specify the practitioner to complete the evaluation.
  3. Request the Office of Professional Standards to conduct further investigation in to the situation, which led to the fit for duty request.
  4. Place an officer on paid administrative leave or light duty pending the results of a fit for duty evaluation.
- C. If a fit for duty evaluation shows that an officer is not fit for duty, the Chief of Police in conjunction with the Office of Professional Standards and Human Resources meets with the officer to develop a corrective action plan and to discuss what options are available. The

Chief of Police, Office of Professional Standards, and a representative from Human Resources inform the officer that if the officer is unable to remedy the condition, which is causing the officer to be unfit for duty that the officer may be permanently prevented from returning to work

- D. Information obtained in the course of a fit for duty examination regarding the medical condition or history of any officer shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:
  - 1. Commanders may be informed regarding necessary restrictions on the work or duties of the officer and necessary accommodations;
  - 2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
  - 3. Government officials investigating compliance with this part shall be provided relevant information on request.

### **III. No Discrimination**

- A. The Department will not discriminate on the basis of disability against a qualified individual in regard to:
  - 1. Recruitment, advertising, and job application procedures;
  - 2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
  - 3. Rates of pay or any other form of compensation and changes in compensation;
  - 4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
  - 5. Leaves of absence, sick leave, or any other leave;
  - 6. Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
  - 7. Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
  - 8. Activities sponsored by a covered entity, including social and recreational programs; and
  - 9. Any other term, condition, or privilege of employment. However, poor performance, inability to competently perform the essential job functions, or inability or unwillingness to perform to the satisfactory performance levels the Department establishes for positions are well-recognized legal grounds upon which commanders may be allowed to take employment actions for the benefit of, and against officers.
- B. In order to assure that the Department is able to complete its mission to protect and defend the people of the City of Billings, the Department must take those actions which are necessary to ensure that officers are fit for duty and that officers have the ability to perform the essential job functions of a sworn officer of the Department working in the position for which they have been employed.

#### **References:**

- **Independence Missouri Police Department**  
**General Order PD99-001 “Wellness / Fitness Program” (March 2007)**
- **Charleston West Virginia Police Department**

**Policy #13.0 “Standards of Conduct” (May 2004)**

**29 CFR §1630**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 2-9**



**ABSENCE CONTROL**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St John

**PURPOSE:**

The purpose of this policy is to establish guidelines to be used for monitoring and addressing Department officers' absenteeism.

**POLICY:**

The policy of the Department is to recognize officers are susceptible to illness, injury, and responsible for the care of others all of which can result in the use of accrued time. Regular attendance at work is a crucial component in delivering quality public services. This policy is to ensure all employees are aware they are expected to report for work as scheduled and that their attendance is a factor related to their job performance. It is the Departments responsibility to see that accrued leave benefits are used properly and administered on a fair, consistent basis.

**PROCEDURE:**

**I. Definitions:**

- A. Sick Leave - Any failure to report for or remain at work as scheduled as a result of illness, disability or injury of the employee, appointments with a doctor, dentist or other professional medical practitioner, quarantine, and for serious illness or disability in the employee's immediate family which requires the employee's personal care and attention.
- B. Sick Leave Occurrence - is any consecutive period of absence for the same reason. For attendance monitoring, more than one (1) absence for the same reason may also be counted as one occasion.
- C. Monitoring period – Previous 12 Months
- D. The following exemptions are not included as sick leave occurrences:
  1. Absences resulting because of a verified medical condition will be addressed on a case by case basis
  2. Workers' compensation injuries or illnesses
  3. Qualified Family and Medical Leave Act (FMLA), unless FMLA balance has been exhausted
  4. Approved funeral leave
  5. Approved scheduled medical/dental appointments

**II. Responsibilities**

A. Officer:

1. The responsibility for good attendance lies with the employee
2. It is the employee's responsibility to notify the Department that he will not be at work. Only extenuating circumstances, such as immediate hospitalization, unconsciousness,

- etc., will relieve the employee of this responsibility, but it should still be reported as soon as practical;
3. An employee, regardless of assignment, who is unable to report for work due to personal or family sickness will notify by calling the on duty shift commander or their immediate supervisor no later than one (1) hour prior to his assigned starting time. The following information will be given by the employee requesting sick leave:
    - a. Reason(s) why sick leave is being requested;
    - b. Telephone number where the employee can be contacted; and
    - c. Any scheduled court appearances or department obligations that will be affected;
  4. An employee will reconfirm his sick leave status with the on duty shift commander or his or her immediate commander on a daily basis except when a written medical excuse from the treating physician is presented to a commander indicating the number of days the employee will be on sick leave;
- B. Supervisor
1. The on duty shift commander or employee's immediate supervisor will ensure that all sick leave notifications received are recorded on the Time Off/Overtime Request Form to include:
    - a. Reason(s) why he is requesting sick leave; and
    - b. Telephone number where the employee can be contacted;
    - c. Any scheduled court appearances or department obligations that will be affected;
  2. Supervisors will forward all sick leave absences recorded on the Time Off/Overtime Request Form to the respective shift Lieutenant.
  3. The shift Lieutenant will record and monitor sick leave absences for patterns or issues for further action;
  4. The Captain of Professional Standards will be responsible for auditing the process across all divisions.

### **III. Monitoring Procedures:**

- A. Attendance monitoring is a program designed to prevent poor attendance and curb sick leave abuse.
- B. During the monitoring period, instances which will be noted for review and possible action are:
  1. Three (3) sick leave absences in the monitoring period in conjunction with:
    - a. Scheduled days off
    - b. Legal holidays
    - c. Weekends
    - d. Same days of the week
    - e. Immediately following discipline
    - f. After working overtime
    - g. After leave request denied
  2. Use of any sick leave under false pretenses
  3. Under any suspicious circumstances
  4. Tardiness on three (3) separate occasions within the monitoring period

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 3-1 (Core Policy)**



**USE OF FORCE**

Effective: December 29th, 2020  
Review: Assistant Chief, Administrative LT

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide members of the Billings Police Department with guidelines for the use of less-lethal and deadly force.

**POLICY:**

It is the policy of the Billings Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

- I. The Department recognizes that the use of force and an officer's response to a threat is not necessarily a linear progression as depicted in the following Threat Response diagram.

THREAT RESPONSE DIAGRAM



**PROCEDURE:****I. Use of Force:**

- A. Officer Presence:
- B. The attendance of authority by:
  1. A uniformed officer; or
  2. Plain clothes officer with proper police identification
- C. Verbal Commands
- D. De-Escalation
  1. Actions or verbal/non-verbal communication during a potential force encounter used to stabilize the situation and/or reduce the immediacy of the threat, so that more time, options, and resources are available for resolution without the use of force or with a reduced type of force, or reducing or ending use of force after resistance or threat has ceased or diminished. When possible de-escalation must be used before resorting to the use of physical force.
- E. Whenever feasible officers should identify himself or herself and de-escalate and/or give verbal commands. For example: An officer challenges a suspect by shouting; "Police, don't move."
- F. Recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider and/or deploy a greater variety of force options.
- G. Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy.
- H. Physical Force
- I. Officers are authorized to use physical force when and to the extent force is objectively reasonable to accomplish official duty. The amount of physical force varies in degree and shall only be the amount of force that is objectively reasonable depending on the circumstances of each situation based on the totality of circumstances to obtain compliance for official purpose. Use of inappropriate physical force in any situation is prohibited.
- J. Control Holds
  1. Low level control holds (arm control, arm bar, come along, elbow control, and shoulder/twist/wrist locks), pressure-point control tactics, and other types of holds intended to control the movement of an individual with minimal pain and/or injury, or when attempting to gain compliance with targeted pressure or joint manipulation.
- K. Personal Body Weapons
  1. Anatomical weapons (hands, knees, elbows, feet, etc.) used to deliver kicks or strikes as means of self-defense or in the protection of others.
  2. Distraction strikes may be used when reasonable as a decisive means to disrupt/distract a subject in order to transition to another technique to gain or re-gain control.
- L. Takedown
  1. The act of physically directing an individual to the ground to limit physical resistance, prevent escape, or increase potential for controlling the individual.

M. Less Lethal Force:

1. Less lethal force is the use of police tools to gain compliance with less force. Any less lethal weapon must be approved and issued by the Department.
2. Any officer carrying or utilizing a less lethal weapon must have annual refresher training and manufacturer certification per manufacturer recommendations in the use of the less lethal weapon.
3. The Department issues four (4) less lethal weapons. Uniform officers must carry at least one less lethal weapon. Other weapons may be issued to the S.W.A.T. team upon team member qualification.
4. Less lethal weapons include OC-10, ASP, Specialty Impact Munitions (SIMs) and the Taser:
  - a. OC-10
    - (1) OC-10 canisters may not be modified in without the permission of the Chief of Police.
    - (2) Officers must complete a basic certification course, including a written test, instructed by a certified instructor in the use of OC-10.
    - (3) OC-10 Decontamination: Personal Decontamination
      - i Handcuff and secure any prisoner first;
      - ii Once the suspect is under control, immediately have the suspect sit upright;
      - iii Expose subjects to fresh air, facing upwind as soon as possible;
      - iv If suspects complain of throat or lungs irritation or burning are received, advise subject to take shallow breaths to relieve symptoms;
      - v As soon as possible, flush the contaminated area with large amounts of cold water;
      - vi If irritation persists:
        - (i) Further relief may be obtained by showering and washing affected area with soap and water;
        - (ii) Do not apply salves, oils, creams, or lotions, which can trap the irritant.
        - (iii) If necessary, obtain immediate medical attention.
      - vii Advise the suspect that contaminated clothing can be washed with ordinary soap and water without cross-contamination of other uncontaminated clothing.
    - (4) OC-10 Decontamination: Area Decontamination:
      - i If an enclosed area is contaminated, advise the owner or occupant that is responsible for the area security to ventilate the affected area by opening doors and windows.
      - ii Residue can be successfully dispersed in as little as (30) minutes.
      - iii In instances where high amounts of OC-10 spray are utilized, contact the Fire Department for ventilation fans.
    - (5) Medical Attention:
      - i Transport any suspect to the hospital when the suspect requests transport or after decontamination when the suspect appears incoherent or is acting in an abnormal manner.
      - ii In cases where medical personnel are requested to OC-10 contaminated areas or where a contaminated subject is taken to the hospital, medical or hospital personnel shall be advised of the OC-10 contamination for proper

- precautions.
- iii In an effort to avoid positional or restraint asphyxia, when transporting subjects exposed to OC-10, officers will follow the guidelines of Policy #4-5.
- b. ASP Expandable Baton
- (1) Any officer wanting to carry a baton must be properly trained and have a current certification
  - (2) The Department issues ASP expandable batons, but allows officers to purchase or to furnish his or her own batons, however, the Asp instructor must inspect the baton before the baton is authorized to be carried.
  - (3) Batons must not be modified in any way without the permission of the Chief of Police.
  - (4) ASP Training:
    - i Completion of a basic certification course instructed and tested by a certified instructor in the use of the baton.
    - ii The officer must demonstrate proficiency with the use of the baton in a test prescribed by the certified instructor.
    - iii The basic certification is good for 2 years.
- c. Specialty Impact Munitions (SIMs)
- (1) In General
    - i Officers selected to be issued SIMs must complete the department's initial training course. Recertification and demonstration of proficiency will take place annually.
    - ii The department will issue dedicated and distinctively marked less lethal shotguns for the sole purpose of discharging SIMs. Use of lethal ammunition in a dedicated less lethal shotgun is prohibited.
    - iii Only department issued SIMs will be loaded and discharged in dedicated less lethal shotguns. Discharge of SIMs through any other shotgun is prohibited.
  - (2) Applications
    - i The use of SIMs shall conform to the principles outlined in the training program in accordance with best practices.
    - ii Considerations for use include but are not limited to active resistance, use or display of weapons other than a firearm, and aggressive animals.
    - iii Deployment of SIMs should be used in conjunction with lethal cover.
    - iv If practical, the officer shall announce prior to discharge to warn other officers.
  - (3) Post Application Procedures
    - i If necessary, medical personnel shall respond to the scene of a SIMs deployment.
- d. Taser
- (1) Qualification and Certification:
    - i Officers selected to carry the Taser must complete a Department authorized

training and certification course before he or she may carry or use a Taser.

- ii Authorized officers may only carry a Department issued Taser and cartridges.

(2) Applications:

- i The use of a Taser shall conform to the principals outlined in the Taser training and certification program.
- ii At the earliest practical opportunity, a Commander shall be notified of the application of a Taser.

(3) Post-Application Procedures

- i If necessary, medical personnel shall respond to the scene of a Taser deployment.
- ii Extended Taser probes and cartridges shall be handled as a biohazard and evidence. Officers are authorized to remove Taser probes from subjects. Officers should wear latex or protective gloves when removing the probes. Officers should summon medical personnel if necessary to remove the probes to prevent further injury to a suspect. Medical personnel are required when a Taser probe strikes a suspect in the eye, neck, genitals, or in a bone.
- iii Extended Taser probes and cartridges will be properly secured into the 4X4 cardboard mug box as follows: the Taser probes are to be inserted into the cartridge to preserve the evidence gained from the probes. The wires from the cartridge are **NOT** to be spun or wrapped around the cartridge, but instead loosely balled up with the probes still connected to the wires and the cartridge.

e. Reporting:

- (1) When the Taser is deployed on a suspect, the officer deploying the Taser and the officer's Commander shall follow the Department use of physical force reporting procedures, to include the Taser deployment form.
- (2) Taser Replacement of Cartridges and Batteries Officers are individually responsible for obtaining replacement Taser cartridges and batteries from the Department Taser instructors. Taser instructors shall maintain, control, and record the inventory of replacement cartridges and batteries.

**II. Response to Resistance Reporting:**

- A. A Response to Resistance Report will be completed when an officer applies force through use of the following, regardless of whether an arrest is made, the individual dies, is injured or complains of injury:.
  - a. Any low level Control Hold that results in injury.
  - b. Personal Body Weapons
  - c. Takedowns
  - d. OC Spray
  - e. Baton
  - f. Any tool, object, or device used as an impact weapon.
  - g. Chemical Agents / Munitions
  - h. CEW / Taser
  - i. Specialty Impact Munitions

- j. K9 Bite
- k. By any means reasonably likely to result in death under the totality of circumstances, regardless of whether the force, does in fact result in death.
- l. Charge of Resisting Arrest
- m. In circumstances where a minimal level of force / restraint was used, a Response to Resistance Report can be completed at Commander discretion.
- B. Officer's shall notify an on duty Commander as soon as reasonable regarding use of physical or less lethal force.
- C. A Commander is responsible for completing the Response to Resistance Report as part of the use of force review procedure.

**III. Deadly Force:** An officer is justified in the use of force likely to cause death or serious bodily injury only if the officer reasonably believes that such force is necessary to prevent imminent death or serious bodily injury to the officer or another or to prevent the commission of a forcible felony. When feasible, before using deadly force, officers will identify themselves as a police officer, give clear verbal warning of intent to use deadly force, and allow sufficient time for the warning to be observed.

#### **IV. Breathing Impairment**

- A. Unless engaged in a deadly force encounter, officers will not apply direct pressure to an individual's trachea or airway with the intention to reduce the intake of air.
- B. When body weight is used in an attempt to control an individual who is resisting, it may not be used in a manner that intentionally interferes with the persons breathing and officers will immediately cease applying body weight to an individual's back, head, neck or abdomen once the individual is restrained and other control tactics may reasonably be utilized other than body weight.
- C. As soon as possible after an individual has been handcuffed, the individual should be turned onto his/her side or allowed to sit up, so long as the individual's action no longer place officers at risk of imminent injury. Officers will make all reasonable efforts to ensure that the individual is not left in a prone position for longer than absolutely necessary to gain control over the resisting individual.

#### **V. Medical Attention:**

- A. Officers are required to provide medical attention as soon as practicable and reasonable after use of force when injury is apparent or there is complaint of injury.
- B. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from a person's mouth.
- C. Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the arrestee's health and safety.

#### **VI. "Fleeing Felon":**

- A. Officers may use deadly force to affect the capture or prevent the escape of a felony suspect whose flight is reasonably believed to present an imminent threat of serious bodily injury or death to the officers or other person(s).
- B. Officers shall adhere to the following restrictions when his or her firearm is exhibited:
  - 1. Except for maintenance or during training, officers shall not draw or exhibit his or her

firearm unless circumstances create reasonable cause and a necessity to use the firearms in conformance with this policy.

2. Officers will not fire warning shots.

## **VII. Moving Vehicles:**

- A. Firearms shall not be discharged at a moving vehicle unless:
  1. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
  2. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which include moving out of the path of the vehicle.
- B. Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Deliberately moving into or remaining in the path of a moving vehicle may not be by itself justification for discharging a firearm at the vehicle or any occupant.
- C. Officers are discouraged from immediately approaching a stopped vehicle at the conclusion of a pursuit or high-risk stop. Where reasonably possible, the officer shall use the red stop or high risk stop tactic.
- D. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have articulable reason for this use of deadly response.
  1. This provision shall not preclude tactical responses in a S.W.A.T. operation by its members.
- E. A police vehicle is a law enforcement tool, which is capable of inflicting serious bodily injury or death when used as an offensive weapon. Therefore, a police vehicle's use should be considered in the same as any use of deadly response.
- F. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or officers were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department approved training.

## **VIII. Officer Involved Shooting / Deadly Force Procedures:**

- A. Intentional Shooting / Use of Deadly Force:
  1. Officer Responsibilities:
    - a. Officers involved in the use of deadly force, on or off-duty, shall immediately notify a commander. If the officer is off-duty and outside the City of Billings when the use of deadly force occurred, the officer shall also notify the Department with jurisdiction for investigation of the incident.
    - b. Ensure that the threat from the suspect has been stopped. This includes handcuffing or otherwise securing the suspect(s).
    - c. Determine the medical condition of any injured person, summon medical personnel, and render aid when appropriate and safe to do so.
    - d. Secure the incident scene, establish a perimeter, and act to protect physical evidence in the original location if possible.
    - e. Attempt to identify potential witnesses
    - f. Protect the suspect weapon for later examination and submit the weapon to a commander or the detective assigned to the incident.

- (1) If it is necessary to take an officer's firearms, a Commander will immediately provide the officer a spare loaded firearm, unless it is determined that to do so would create an unsafe condition for the officer or others.
  - g. Brief the Commander of the nature of the incident and the actions taken, as well as identify involved officers and witnesses.
  - h. When relieved of duties at the scene by a Commander accompany and remain with the officer or commander at the station or another designated location.
    - (1) The officer should avoid discussing the details of the incident with anyone until an interview is complete with the assigned commander or detective.
    - (2) Officers involved in a deadly force incident are allowed to communicate with family members, union representatives, the chaplain, legal counsel, or other appropriate persons prior to making any formal statements to Commanders or to the detective assigned to the case. Officers still need to inform Commanders an initial briefing per - VII, A, 1, g).
  - i. Officers are requested to provide a formal statement when the use of deadly force has been utilized and only after the scene has been rendered safe, and if the officer is uninjured, and capable of accomplishing the listed tasks.
  - j. Officers who use deadly force will not be required to speak to the media.
2. Commander Responsibilities:
    - a. The Commander will immediately respond to the scene, assume control, and maintain the integrity of the scene until properly relieved;
    - b. Determines the status of the scene and respond appropriately, i.e. establish perimeter, locate witnesses, etc.
    - c. Checks all officers' involved in the incident to see if his or her firearm was for discharged.
    - d. Notifies the on-call Investigation Commander who will assist with coordinating investigations with patrol and detective;
    - e. Assists the officers involved in deadly force;
    - f. Notifies the Chief of Police;
      - (1) Assigns an uninvolved Commander or officer to transport the officer to the station or other location and to remain with that officer.
      - (2) The uninvolved Commander or officer should avoid discussing the details of the incident with the officer involved in the deadly force incident until a formal interview with the commander or detective is complete.
      - (3) The uninvolved commander or officer will assist the officer involved in the deadly use of force incident as needed to make contact only with family members, union representation, chaplain, legal counsel, or other appropriate persons prior to being required to make any formal statements to the commander or detective assigned. The officer involved in the deadly force incident should not have contact with other persons or other officers while waiting on the formal interview with the commander or detective assigned the case
      - (4) The uninvolved commander or officer will consult with other commanders if problems are noted that would require the Department's attention, such as initiating a fitness for duty or an employee assistance referral.
    - g. A Department Critical Incident Stress Management Team (CISM) officer shall be called and alerted to the situation. (refer to Policy #8-4 for response protocol).

- h. Calls out the Office of Professional Standards Captain.
- i. The names of officers involved in a deadly use of force incident shall not be released prior to notification of family members.
- 3. Office of Professional Standards Responsibilities:
  - a. Responds to the scene to initiate an Internal Affairs Investigation;
  - b. Coordinates with the commander or detective assigned to the incident regarding any formal statements or supplements taken from involved officers.
  - c. Monitors the situation to ensure the integrity of the investigation;
  - d. Ensures that no conflicts of interest arise involving investigating parties. For instance, no officer involved in the shooting should be involved in conducting the investigation.
  - e. Reviews on-going investigative efforts to determine if there were any policy, civil rights, or criminal violations;
    - (1) If there are any indications of civil rights or criminal law violations, the Office of Professional Standards will immediately notify the Chief of Police, who requested an outside agency to conduct a parallel investigation into the incident.
- 4. Alcohol and Controlled Substance Testing for Officers Involved in Deadly Force Incidents:
  - a. An officer may provide either blood or urine samples for the criminal investigation or shall provide breath or urine samples for the administrative investigation.
  - b. The Investigations Division will first ask the officer to voluntarily provide samples as a part of the criminal investigation. If the officer consents to give samples, the officer will not need to provide further samples to the Department. If the Investigations Division does not obtain blood or urine samples, the Office of Professional Standards shall order the officer to submit samples for the administrative investigation.
  - c. The sample collection shall follow standard evidence collection procedures to ensure that the officer is accurately identified and that the sample(s) are not contaminated.
  - d. The urine sample will be split at the time it is taken to provide an opportunity for the officer to request a second specimen be tested at a different certified laboratory in the event that he or she disagrees with the results of the first test.
  - e. The tests must be administered within the first 4 hours, when possible, and not later than 8 hours for alcohol or 32 hours for controlled substances.
  - f. An officer who refuses to take the administrative tests or who attempts to disrupt or tamper with either the administrative or criminal tests in any way is subject to disciplinary action, up to and including dismissal.
  - g. Submission to a test under this policy shall not be interpreted to invoke administrative privileges under Garrity, because no questions or interviews shall occur during sample collection.
  - h. If the officer is hospitalized, the toxicology contractor requests the hospital to obtain samples for testing.
- B. Accidental Discharge (death, injury, or serious risk of injury):
  - 1. Investigations into these situations follow the same procedures as an intentional shooting / Use of Deadly Force.
- C. Accidental Discharge (no injury or serious risk of injury):
  - 1. Investigations into these situations are handled by on-duty commanders and treated as a Class II Complaint (refer to Policy #2-7)

**IX. Use of Force Review:**

- A. Any time an officer uses any level of physical force, including Less Lethal Weapons, the officer completes the use of force report form to articulate and justify why the level and use of force was appropriate.
  1. Officers must immediately notify his or her commander or an on-duty commander
    - a. If less lethal weapons were used.
    - b. While on or off duty, discharges a firearm (duty weapon or otherwise) either intentionally or accidentally, other than for training or recreational purposes.
    - c. Any time use of force above and control tactics are used.
    - d. Takes an action that results in or is alleged to have resulted in the injury or death of another person.
  2. All use of force reports shall be forwarded to the officer's commander by the end of the shift or as soon as possible as the situation necessitates.
- B. Commanders:
  1. Review reports to insure that the officer's use of force complied with Department Policy.
  2. Complete the Department Response to Resistance Report form detailing the incident and making comments as necessary as to the reasonable necessity, and appropriateness of the use of force incident.
  3. The commander completes the form and routes the form through the chain of command to the Patrol Captain for comments before sending the form to the Office of Professional Standards Captain for final review and filing.

Immediately notify the Assistant Chief when any officer's action results in, or had the potential to result in the serious bodily injury or death of another person.

**X. Inappropriate Force:**

- A. All uses of force which fall outside the standards established by BPD Policy and training shall be classified as "inappropriate force. Inappropriate force encompasses the following situations:
  1. An officer has used force in a particular circumstance but, under BPD policy, no force should have been used;
  2. An officer has used a particular level of force but, under BPD policy, a lesser degree of force should have been used;
  3. An officer has used a particular type of weapon, device or instrument but, under BPD policy, that type of weapon, device or instrument should not have been used or should not have been used in the manner it was used;
  4. An officer has used force in a particular way but, under BPD policy, the officer was not justified in using force in the way it was used; and
  5. Any other situation in which the officers use of force is not justified by BPD policy.
- B. Officers will intervene when reasonably possible, without regard for chain of command, whenever they witness another officer using inappropriate force and/or otherwise mistreating arrestees, suspects or other persons.
- C. An Officer who witnesses inappropriate force by other law enforcement officers will report it immediately to a supervisory or command officer higher-ranking than the involved officer.
- D. Any Officer who intervenes in and/or reports inappropriate conduct – such as

inappropriate force - will not be disciplined or retaliated against – in any way – including if the officer fails to follow what the officer reasonably believes is an unconstitutional directive.

- E. Any officer who is found to have failed to intervene in the use of inappropriate force may be subject to discipline as outlined in the Management Guide to Discipline.

**XI. Use of Deadly Force Review Committee:**

- A. Reviews the circumstances surrounding each incident where an officer has discharged a weapon for other than training, recreation, or for the purpose of dispatching a wounded animal. The committee consists of a chairperson and (4) others as designated by the Chief of Police, as follows:
  1. Assistant Chief or his designee (Chairman)
  2. Office of Professional Standards Captain,
  3. Firearms Sergeant, and
  4. Two officers below the rank of Sergeant.
- B. The committee is to be convened by the Chairman within a reasonable time after the report of a firearms discharge, but not before all investigative reports are in his or her possession.
- C. In the event the committee's review indicates a potential violation of policy or criminal law, the Office of Professional Standards Captain will immediately notify the Chief of Police to discuss further investigative needs.
- D. The committee may also make recommendations to the Chief of Police for modification to policy or a need for additional training.
- E. The Office of Professional Standards Captain generated a report of findings at the conclusion of the committee's review. The report will be forwarded to the Chief of Police for review before being placed in the Internal Affairs file or Complaint File.

**XII. Removal from Line of Duty Assignment:**

- A. Any officer whose use of force results in the serious injury or death of any person may be placed on paid administrative leave or on light duty at the option of the Chief of Police, pending the review of the incident.
  1. Officers placed on paid administrative leave or light duty will be available at reasonable times for official interviews, statements, and evidence gathering.
- B. Officers whose use of force results in the serious injury or death of any person shall be afforded the opportunity to consult with a mental health provider at the Department's expense. If the use of force results in death, the officers involved shall be required to consult with a mental health provider at the Department's expense, prior to return to duty.

**References:**

- **Montana Law Enforcement Academy**  
**Model Policy P2-2007-V2.1 "Use of Force" (Issue Date: August 1, 2007)**
- **Portland Police Bureau**  
**Policy # 1010.20 "Physical Force" (February, 2007)**
- **Montana Highway Patrol**  
**Chapter IV, Section D-1 "Use of Force" (February 2005)**

- **Syracuse, New York Police Department**  
**Policy 2.00-2.25 “Use of Deadly Force” (July 2006)**
- **Boise Police Department**  
**Policy # 5.01.00 “Investigation of Employee-Involved Critical Incidents with Boise City” (April 2005)**
- **National Consensus Policy on Use of Force (January 2017)**
- **Denver Police Department Policy Manual**
- **San Francisco Police Department Policy Manual**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 3-2 (Core Policy)**



**FIREARMS**

Effective: April 9<sup>th</sup>, 2020

Chief Rich St. John

Review: by Firearms Commander

**PURPOSE:**

The purpose of this policy is to regulate and supervise the use of firearms within the Department.

**POLICY:**

The policy of the Department is to provide firearms for official duty use, provide the option for officers to purchase and use pistol-mounted lights and holsters, and allows the carrying of private off-duty handguns. Officers must qualify twice per year with duty firearms a low light firearms qualification and private firearms.

**PROCEDURE:**

**I. Duty Firearms:**

A. Handgun:

1. The Firearms Commander documents the make, model, serial number and caliber of firearms for department issued firearms
2. Officers shall only carry the firearm and ammunition issued for his or her department issued or Officer Purchase Program duty firearm
3. The Firearms Commander exchanges defective firearms to the manufacturer and provides the officer with a new duty firearm. The firearms commander documents the new duty firearm replacing the defective firearm as described above IA1.
4. Firearms furnished by the Department or Officer Purchase Program firearms shall be kept in serviceable condition. Firearms shall be kept clean, free from an excessive amount of oil, and always ready for inspection.
5. While in the performance of official duties, officers must have his or her duty firearm in possession at all times. With the following exceptions:
  - a. While at the Yellowstone County Detention Facility (YCDF);
  - b. Youth Services Center;
  - c. Other facilities that require firearms to be secured such as at the United States (Federal) Court house, Montana State Prison etc.
  - d. During training exercises at the direction of the firearms instructor.
  - e. Detectives conducting child forensic interviews or engaged in other activities with special victims.
6. A uniformed officer shall carry his or her assigned duty firearm, badge, and police identification card on his or her person while on-duty or operating a Department vehicle.
7. Plainclothes officers wearing exposed weapons shall also readily identify himself or herself as a police officer by having visible identification.
  - a. Plainclothes officers who are working in an undercover role are authorized to carry a back-up or off-duty weapon without police identification as long as the officer has a cover team in the vicinity.

- B. Shotguns:
  - 1. Shotguns are supplied in marked patrol vehicles, and are available to unmarked police vehicles when approved by the Firearms Commander or designee
  - 2. The Firearms Commander documents the make, model, serial number, and caliber of firearms for department issued firearms and Officer Purchase Program firearms
- C. Special Firearms: Supplied as additional equipment to S.W .A.T.
  - 1. The Firearms Commander documents the make, model, serial number, and caliber of firearms for department issued firearms
  - 2. Officers shall carry the special firearms and ammunition issued to him or her.

## **II. Officer Purchase Program (Effective 7/01/18)**

- A. The Billings Police Department, with authorization of the Chief of Police, allows its officers to purchase and deploy their own duty firearm, as long as the firearm meets the below requirements.
- B. Starting in July of 2018 the Billings Police Department will start a transition to the Glock 17 and (Glock 26 Option for Detectives) 9mm handgun as its issued handgun. This will be a phased roll-out taking no longer than five years and to be complete by July 2023. To facilitate this transition quicker, the department has elected to allow the officers to purchase their own sidearm.
- C. The following are a list of approved purchases as well as approved modifications to those Officer Purchase firearms:
  - 1. Officer Purchased firearms must be a Glock 17, Glock 19, Glock 45, or Glock 34; Gen 4 or newer with the exception of the Glock 19X.
    - a. Officers assigned to investigations or administrative duties may carry a Glock 26, Glock 43X, or Glock 48.
  - 2. Officer Purchased firearms must be black in color.
  - 3. All internal hardware, to include but not limited to; guide rods, springs, trigger bar, and trigger, must stay Glock factory original.
  - 4. Approved modifications:
    - a. Night sights of quality construction to include; Trijicon, AmeriGlo, 10-8 Performance, Novak, Warren Tactical, Meprolight
    - b. Tall (Suppressor) Sights to include; Trijicon, AmeriGlo, 10-8 Performance, Novak, Warren Tactical, Meprolight
    - c. Grip Stippling, as long as performed by a certified armorer.
    - d. Trigger guard undercut, as long as performed by a certified armorer.
    - e. Accelerator cut, as long as performed by a certified armorer.
    - f. Flared Magwell
    - g. Finger Groove Removal, as long as performed by a certified armorer.
    - h. Magazine Base Plate
    - i. Magazine Extension, no larger than a plus 5.
    - j. Additional Serrations / Modify Existing Serrations, as long as performed by a certified armorer.
  - 5. Red Dot Sights
    - a. Red Dot Sights (RDS) on Duty firearms are allowed, however, few have been proven to withstand long-term recoil and duty-use. Approved optics are as follows: Trijicon RMR; Leupold Delta Point.
    - b. Any other high quality Red Dot Sight must be inspected and approved by the Firearms Commander.
    - c. Iron sights must be visible through the RDS window and be usable as a backup.
    - d. Prior to fielding an RDS, Officers will complete the BPD RDS Pistol Introduction Course.

### **III. . Light Mounted Firearms and Equipment:**

#### **A. Lighted Handgun:**

1. The pistol-mounted light is a part of the Glock weapon system and will only be used for illumination when, consistent with Department firearms policy and training, and officers are justified in deploying the weapon.
2. Pistol-mounted lights will not be used as a flashlight. Pistol-mounted lights are a dedicated part of the weapon system and may only be pointed at a potential threat or in search of a potential threat. Just as in any case where an officer presents their weapon, they must be able to articulate the reason for doing so. Violation of this policy shall result in disciplinary action.
3. Officers authorized to carry a pistol-mounted light will simultaneously carry the issued or auxiliary flashlight on their person at all times.
4. Officers must complete a low-light training and qualification course, approved by a Firearms Commander, to be authorized to carry a pistol-mounted light.
5. Pistol-mounted lights will only be utilized on Glock firearms that have an integrated rail molded into the frame.
6. Pistol-mounted lights will be carried in a Department-approved holster while the officer is on duty. The pistol-mounted light will not be attached or removed from the pistol at any time during pistol deployment.
7. The pistol-mounted light will be firmly attached to the pistol's integrated accessory rail (below and parallel to the muzzle of the pistol) by means of a clamp attachment actuated by a push button or tightening screw.
8. The pistol-mounted light will be operated by a switching system that allows for "momentary on," and may also allow for a "constant on" and or a strobe function.

#### **B. Equipment**

1. Holsters: Glock Blackhawk, EPOCH Level 3 Light-bearing duty holster {44E000BK}; Safariland, Level 3 Light-bearing duty holster {7365}.
  - a. Red Dot Specific – Safariland, Level 3 with hood {6360}.
2. Lights: Glock; Streamlight, TLR-1, TLR-1HL; Surefire, X300 Ultra, XC1
3. Officers wanting to exercise the option of using a pistol-mounted light and holster must purchase both items from the BPD Quartermaster to assure the correct equipment is acquired. Once the equipment is paid for and issued, the officer will notify a firearms instructor and schedule a low light qualification course and pass it, prior to fielding the equipment on duty

### **IV. Off-Duty Firearms and On-Duty Backup Firearms:**

#### **A. Off duty firearms may be the department issued firearm or:**

1. A personally owned firearm that has been approved by the Firearms Commander.
2. An officer may have 3 personally owned firearms approved for off-duty or on duty-backup use at one time.
3. No officer is authorized to carry a personally owned off-duty or on duty backup firearm until that officer has completed the Department off-duty backup firearms training.
4. Once the officer has completed the classroom off-duty backup firearms training:
  - a. The officer will first go to a Firearms Instructor with the Firearms Training Unit and request an off-duty/backup firearms application.
  - b. The officer will then take the application and handgun to either the indoor or outdoor range. The firearm will be inspected prior to completing the qualification course. If the firearm passes inspection and the officer qualifies with the firearm, the Firearms Instructor will sign and approve the application.
  - c. When a firearms training is available the officer reports to the range with the completed off-duty backup firearms application. The firearms instructor inspects the firearm prior to completing the qualification course. The firearms instructor will sign and approve the off-duty backup firearms application

- approving the firearms once the firearm is inspected and the officer passes the range qualification on the firearm.
- d. The firearms instructor may refuse any firearm if he or she believes that the firearm was modified in a manner that would affect safety and/or reliability. The firearms instructor may also refuse the firearm if the firearm is insufficient in quality, regardless of proper function), or if the firearm is inappropriate for off-duty/backup carry because of caliber or model concerns.
  - e. The Firearms Commander makes the final determination regarding any off-duty backup firearm applications.
  - f. The Firearms Training Commander will maintain all records pertaining to approved off-duty/backup weapons.
5. All officers carrying authorized off-duty backup firearms, while off duty, will have his or her badge or police identification on their person,
  6. Officers will not carry an off-duty backup firearms while under the influence of an intoxicating substance.
  7. An officer on Light Duty may carry their off-duty firearm or on-duty back up firearm at the discretion of the Chief of Police in accordance with Light Duty Policy 12-4.

#### **IV. Ammunition and Holsters:**

- A. On Duty:
  1. Approved ammunition is purchased and issued by the Department for;
    - a. Practice, qualification, and duty Use.
  2. No other ammunition will be carried or used unless authorized by the Chief of Police.
- B. Off-Duty On-Duty Backup:
  1. For authorized off-duty/back-up handguns, officers are required to use quality factory ammunition of the appropriate caliber.
  2. For practice shoots and official training, the ammunition must be factory, or remanufactured, but not reloads.
  3. All ammunition for off-duty backup firearms is purchased by the officer.
- C. Holsters: All holsters will conceal the trigger of the firearm
- D. On Duty:
  1. Patrol Division: Officers are issued a holster that is a threat level 2 standards, which has a minimum of two retaining devices.
    - a. EXAMPLE: A holster manufactured with a clamp in the sides and retention device over the top to retain the handgun.
  2. Investigations Division: Generally, Detectives are issued a holster of a threat level 1 standard, which has a minimum of one retaining device. Note - Some exceptions may occur for personnel assigned to undercover operations.
    - a. EXAMPLE: A holster designed with a retention device to retain the handgun.
  3. Any other holster for on duty use including fanny packs must be authorized by the firearms commander
- E. Off-Duty On-Duty Backup: The type of holster used to carry an off-duty backup handgun will be a threat level 1 standard, which completely covers at a minimum the trigger and trigger guard.
  1. While on the range officers must keep his or her firearm holstered at all times unless directed by a firearms instructor otherwise. When the firearm is approved out of the holster, officers shall point the firearms at the ground. Shoulder holsters and fanny packs are not authorized at the range.

#### **IV. Firearms Training:**

- A. Delegation of authority.
  - 1. The firearms commander assigns a range master to command each training class, shoot, or qualification. The range master must be a certified firearms instructor assigned as a Department firearms instructor.
  - 2. All officers, commanders, or other officers who are participating in department firearms training will immediately obey all orders of the firearms instructors that are teaching the class, shoot, or qualification.
- B. Department Firearms Training Manual.
  - 1. The department firearms training manual is updated and maintained by the Firearms Commander and used as a reference to describe the rules, procedures, methods, tactics, care, maintenance, and use of firearms by officers of the Department.
  - 2. Officers' conduct in regards to the use of firearms is outlined in the department firearms training manual.
  - 3. All officers of the Department will train annually on the key aspects of the firearms training based on the firearms training manual. Annual firearms training focuses on use of force, the shotgun, and the handgun.
- C. Yearly Firearms Training
  - 1. The department offers 4 practice shoots throughout the year. Attendance is voluntary. Training is in 2 hour segments. Officers attending on his or her off-duty time are compensated at the rate an overtime rate for 2 hours.
    - a. The Department requires all officers to attend yearly mandatory firearms training. The firearms commander assesses the firearms training needs of the department and facilitates necessary training yearly.
- D. Qualification:
  - 1. The department conducts 2 mandatory qualifications per year.
    - a. One qualification in the spring and the second qualification in the fall.
    - b. Each officer is required to pass each qualification with a minimum score of 80%.
  - 2. If an officer fails to qualify on his or her first attempt the officer is given a second opportunity to qualify. If the officer fails the second attempt, the officer is relieved of duty until the officer can receive remedial training, and re-qualification.
  - 3. The Firearms Commander schedules remedial training for the unqualified officer as soon as is practical. After the remedial training the officer is given another opportunity to qualify. If the officer qualifies with a score of 80% or more the officer will be reinstated to duty status. If the officer fails to qualify, the officer will remain relieved of duty until the Chief of Police is made aware of the failure and is able to make a determination as to the employment of the officer.
  - 4. The Firearms Commander will be notified as soon as possible when an officer is relieved of duty.
  - 5. Officers that fail firearms qualification may be required to attend remedial training at a later date assigned by the Firearms Commander
  - 6. The Firearms Commander is responsible for creating a comprehensive qualification course of fire.

#### **V. Indoor Range Operation:**

- 1. Only sworn officers are allowed inside the range. No new officer may use the range until they are in the FTO phase of training.
  - a. Upon entering the range make sure outer door is shut tightly, sign in, turn on exhaust system, and turn thermostat to auto - 68 degrees
- 2. An officer may shoot alone in the range, but this is strongly discouraged. No more than

4 officers are allowed inside the range at the same time, unless authorized by a firearms instructor.

3. Eye and ear protection must be worn while shooting is taking place. Double ear protection is encouraged.
4. Ballistic vests will be worn by all officers while using the indoor range.
5. Acceptable weapons for use in the indoor range include:
  - a. 22 caliber handgun
  - b. Duty firearm.
  - c. Approved off-duty/backup firearms
  - d. Patrol Shotguns.
    - Shooters must have completed the BPD Patrol Shotgun school and be current on their qualification to shoot it in the range.
    - Only 00 buckshot is to be used in the indoor range.
- e. Patrol Rifles. No large rifle caliber, such as 308 or 7.62 may be fired in the indoor range.
  - Shooters must have completed UPR training and be current on their qualification to shoot it in the range.
6. SWAT Officers may fire SWAT issued weapons.
7. Shooters may shoot forward of the stalls as long as they do not move forward of another shooter.
8. Only factory or factory remanufactured ammunition is authorized for use in the indoor range. Reloads, armor piercing, incendiary, or explosive rounds are not authorized in the indoor range.
9. No officer is allowed in the indoor range within twenty-four (24) hours of consuming alcohol.
10. Officers will only use paper or cardboard targets in the indoor range. Targets must be hung, not placed against any wall within the range.
11. Do not place any items on or near the rear wall where the air flow system is located.
12. The indoor range needs to be kept clean so throw away used targets and garbage after use.
13. Brass should be placed in the bucket for recycle. 22 caliber is not recycled so throw the 22 brass away.
14. Leaving Range:
  - a. Clean up range, turn off exhaust, sign out,
  - b. Turn out lights,
  - c. Lock doors, and
  - d. Wash the gun residue off your hands to prevent cross-contamination.
15. If damage to the range occurs while officers are on the range at least one officer must report the damage immediately to the firearms instructor who approved the training or to the firearms commander. Leave a message with the shift commander if the firearms instructor or firearms commander are not available.
16. Officer must know at all times where his or her bullets will hit. Do not fire a round that will hit the ceiling or damage any portion of the range.
17. If the exhaust system breaks down or an alarm goes off, shut the range down and leave. Immediately contact the firearms instructor that approved the training or the firearms commander. Leave a message with the shift commander if the firearms instructor or firearms commander are not available.

## RULES

- I. Officer must follow the firearms safety rules, and range rules as defined and documented in the firearms training manual at all times when officers are operating, transporting, or carrying department issued firearms, or when operating, transporting, or carrying authorized personally owned off-duty backup firearms under the officer's authority as a police officer.
- II. No officer other than a sworn Department police officer is allowed to handle, operate, or shoot department firearms without authorization from the Chief of Police or his or her designee.
- III. All firearms being operated, transported, or carried by an officer under the officer's authority as a police officer are subject to inspection, must be clean, and properly lubricated.
- IV. Officers are authorized to disassemble the Department issued Glock firearm and the 12-gauge shotgun to the field strip condition as trained and outlined in the firearms training manual. Further disassembly is not authorized and can only be accomplished by a Department firearms instructor.
- V. Officers utilizing authorized personally owned off-duty backup firearms are responsible for maintaining his or her own firearms through certified gunsmiths.
- VI. During firearms training, on the range, or other places, firearms will remain holstered until the officer is signaled or instructed to draw the firearm by a firearms instructor. All shoulder weapons will be carried with the muzzle pointed in the safest possible direction as defined in the firearms training manual.
- VII. Officers will carry only Department issued or other approved firearms, in accordance to this policy, with Department issued ammunitions. Other ammunition must be approved by the Chief of Police or his or her designee.

## References:

- Eastpointe Michigan Police Department Policy #5.14 "Weapons" (Issue Date: January 1, 2005)
- Boise Idaho Police Department Policy #9.00.00 "Firearms" (Issue date: November 1, 2006)
- Chicago Police Department Uniform and Personal Equipment Policy U04-02-03 (Issue date: June 14, 2012)
- Peoria Police Department (AZ) Policy 4.09 Section E Weapon Mounted Lighting Systems (Issue date: April 20, 2007)
- IACP Temporary Light Duty Policy (Document#63522)

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 3-3 (Core Policy)**

**EMERGENCY RESPONSE AND  
VEHICULAR PURSUIT**

Effective: May 15<sup>th</sup>, 2020  
Review: Assistant Chief, Administrative LT

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide guidelines for the pursuit and apprehension of fleeing suspects, and the effective and safe operation of Department vehicles during pursuits and other emergency conditions.

**POLICY:**

The policy of the Department is to protect the safety of all persons, including the safety of its officers, to the extent reasonably possible, in performance of enforcing or providing assistance in emergency situations. The Department also provides guidance to officers in the safe performance of his or her duties by defining the manner and under what circumstances vehicular pursuits may be undertaken.

All emergency operations of Department vehicles, including vehicular pursuits, shall be guided by policy and in accordance with applicable portions of the Montana Code Annotated (MCA). The decision to undertake a vehicular pursuit must include a balancing of the need for immediate apprehension of a suspect, including consideration of compelling need as defined herein, and the need to maintain public safety in emergency situations.

**PROCEDURE:**

**I. Emergency Response:**

- A. 61-8-107 MCA. Police vehicles and authorized emergency vehicles.
  1. The driver of a police vehicle or authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
  2. The officer driving a police vehicle or authorized emergency vehicle may:
    - a. Park or stand, irrespective of the provisions of this chapter;
    - b. Proceed past a red or stop signal, or stop sign but only after slowing down as may be necessary for safe operation;
    - c. Exceed the speed limits so long as he or she does not endanger life or property;
    - d. Disregard regulations governing direction of movement or turning in specified directions.
  3. The exemptions granted to a police vehicle or authorized emergency vehicle apply only when the vehicle is making use of an audible or visual signal, or both, meeting the requirements of 61-9-402 MCA.
  4. The foregoing provisions shall not relieve the officer driving a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of

all persons, nor shall such provisions protect the driver from consequences of his or her reckless disregard for the safety of others.

5. The burden of responsibility rests solely with the officer driving a police vehicle or authorized emergency vehicle to exercise good judgment and care with regard to the safety of lives and property.

**II. Vehicular Pursuit:**

- A. **Vehicular Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect vehicle, once the operator has given conscious, deliberate, and purposeful indication of lack of intent to stop or yield. This indication can be any evasive tactics including but not limited to increasing speed, bypassing traffic control devices, or other means.
- B. **Types of Vehicular Pursuits:**
  1. **Basic Pursuit:** Fleeing vehicle is obeying all traffic control devices and speed limits yet not stopping for marked police vehicle with emergency lights and sirens activated. This type of pursuit may be a medical situation and require intervention.
  2. **Compelling Need Pursuit:** Fleeing vehicle is disobeying traffic control devices, exceeding speed limits, and driving in such a manner as to disregard public safety.
- C. **Evaluating the Circumstances:** When making a decision whether to undertake a pursuit, officers shall objectively consider the totality of all circumstances known to him or her at the time, including but not limited to, the need for immediate apprehension of the suspect combined with public safety considerations because of the time of day, road conditions, weather, existing vehicular traffic, pedestrian and non-motorized traffic, officer's own capability, availability of assistance from other officers or law enforcement agencies, and availability of effective communications among the pursuing officer, dispatch, assisting officers and agencies. An officer who decides to undertake a pursuit must continue to objectively evaluate the circumstances as the situation develops or changes in the course of the pursuit and respond by his or her conduct to the changed developing circumstances.
- D. **Decision to Pursue:**
  1. The decision to initiate a pursuit must be based on the pursuing officer's conclusion that a compelling need is established; that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
  2. A Compelling Need to initiate a pursuit exists when an objective evaluation of the totality of the known facts and circumstances leads an officer to reasonably conclude the need for immediate apprehension of a suspect is greater than the possible risk to public and officer safety posed by the pursuit. Compelling need exists whenever an officer reasonably believes that the suspect or the actions of the suspect pose an imminent and identifiable risk of serious bodily injury or death to the public or to the officer.
  3. Compelling Need does not include:
    - a. The mere act of fleeing, even if the suspect is fleeing recklessly
    - b. [REDACTED]
    - c. Property crimes including auto theft and joy riding

4. Officers are prohibited from pursuits under the following circumstances, unless authorized by a Commander
  - a. When the pursuit is in the opposite direction of the flow of traffic on a divided roadway or a one-way street,
  - b. When a passenger in the police vehicle is not an officer,
  - c. When the officer is not the primary or secondary pursuit vehicle,
  - d. May not use spotlight to blind suspect driver
  - e. May not pursue in unmarked vehicles, but may follow obeying all applicable laws, if there is a Compelling Need until a marked unit is in position.
- E. Initiating Officer's Responsibilities in Pursuit:
  1. The officer shall immediately notify the dispatcher:
    - a. Reason(s) for pursuit,
    - b. Location and direction of the suspect vehicle,
    - c. Description of the suspect vehicle; including license plate if known,
    - d. Speeds involved,
    - e. Occupant(s) information of the suspect vehicle,
    - f. Traffic, road, and weather conditions.
  2. The pursuing officer must use emergency lights and siren as outlined in MCA 61-8-107 and must have his or her in car video activated during the pursuit. The use of the air horn does not fulfill the siren requirement, but may be used in addition to the lights and siren.
    - a. The public address system may be used when in the discretion of the officer it might be effective.
  3. Any officer involved in the pursuit has the authority to terminate the pursuit at any time.
- F. Second unit responsibilities in Pursuit:
  1. Provide cover for the primary officer.
  2. Once a single backup unit has been identified over the radio, no other unit shall engage in the pursuit unless specifically authorized by a Commander.
  3. Upon request of the primary unit or in the event that the primary unit is disabled or unable to continue the pursuit, the backup unit shall assume the responsibilities of the primary unit.
- G. Other units responsibilities in Pursuit:
  1. Unless otherwise authorized by the Commander, no more than 2 police vehicles will become involved in the pursuit.
  2. Other units will be made aware of the progress and direction of the pursuit but will not participate. Officers may monitor progress of active pursuits but not violate any traffic ordinances to become strategically involved in pursuit.
  3. Radio traffic: When any officer becomes aware of a pursuit he or she will not use the radio unless his or her traffic is of an emergency nature.
- H. Commander's Responsibilities in Pursuit:
  1. The commander, as soon as he or she is notified by the dispatcher of a vehicular pursuit:
    - a. Will establish radio contact with the officer involved in the pursuit; and
    - b. Assert control over the pursuit.
  2. The commander will terminate the pursuit:

- a. Anytime he or she is unable to maintain clear radio communications with the officer(s) involved; and/or
  - b. Anytime when, in his or her judgment, the necessity of immediate apprehension is outweighed by the level of danger involved.
3. The commander may at his or her discretion:
    - a. Terminate the pursuit;
    - b. Order specific units into or out of the pursuit;
    - c. Request the assistance of other law enforcement agencies through his or her proper commander.
- I. Pursuit Intervention
1. Pursuit Interventions will be viewed as the use of force necessary to stop the furtherance of serious bodily injury to the officer or another bystander from the reckless actions of the fleeing suspect. Mechanical tire deflators are the preferred method of pursuit intervention unless more serious intervention is necessary. More serious intervention includes: intentional vehicular contact, firearms discharge, and roadblocks.
    - a. Mechanical tire deflators (road spikes):
      - (1) Should be considered as a potential application of force and employed with that in mind.
      - (2) Training: Officers will become familiar with tire deflators operation by reviewing the video tape provided by the manufacturer. Officers will receive training on the construction, maintenance, and safe use of the device, and participate in a practical deployment exercise. Only officers who have received this training may deploy the tire deflators.
      - (3) Deployment:
        - (i) All officers involved in the pursuit must be aware of the exact location of deployed tire deflator strips, so he or she can slow in time to allow the removal of the device after the suspect's vehicle crosses it. If possible, other traffic should be diverted from the area to prevent unnecessary damage to other vehicles.
        - (ii) Tire deflator strips will not be used when a pursuit involves motorcycles, bicycles, mopeds, three wheeled vehicles, or all-terrain vehicles.
        - (iii) Tire deflator strips should be deployed from a position of safety and at a location where the officer can be in a position to allow sufficient time for deployment.
      - (4) Recovery:
        - (i) The officer deploying the device should remove the device immediately after the suspect vehicle crosses the device. The suspect vehicle will be slowing rapidly and the pursuing officer(s) should be prepared to take evasive action to avoid contact with the suspect's vehicle.
      - (5) Officers will document the deployment in the pursuit report. A copy of the pursuit report will be provided by the deploying officer to the Department Internal Services Specialist for replacement of the used section(s) of the tire deflation device.

**b. Intentional Contact**

- (1) If intentional vehicle contact is made under the Compelling Need to apprehend the suspect and personal injury or property damage is a result:
  - (i) Medical personnel will be notified.
  - (ii) A commander will be notified and will complete a full accident report.
  - (iii) The accident report will accompany the initial pursuit report and supplements from all officers involved in the pursuit.
  - (iv) Copies of all reports and the commander's completed Pursuit Form shall be forwarded through the chain of command to the Office of Professional Standards.

c. Officers may discharge a firearm at a moving vehicle or from a moving vehicle if necessary to do so to protect against an imminent threat of serious bodily harm or death to the officers or others as listed in Policy #3-1, section VI, E, 3.

**d. Roadblocks:**

- (1) Must be considered a last resort.
- (2) May be authorized by a commander when the violation constitutes an immediate and continuing serious hazard and all other efforts to effect apprehension have failed.
- (3) Emergency fixed roadblock:
  - (i) Set up at a predetermined location,
  - (ii) Vehicles will be placed so that the vehicles are the most visible considering their emergency equipment,
  - (iii) Officers will not remain in the vehicles, but will take cover away from the vehicles; and
  - (iv) An escape path will be maintained; total blockages are not authorized.
  - (v) Any roadblock, as time and circumstances allow, should conform to MCA 46-5-510.

**J. Inter and Intra-jurisdictional Pursuits:**

1. When a pursuit is initiated by an outside law enforcement agency:
  - a. Officers of the Department will not become involved in another agency pursuit unless a request for assistance is received by a commander and he or she authorizes the assistance.
  - b. Notification by another agency of a pursuit in progress shall not be construed as a request to join the pursuit.
  - c. When the commander authorizes assistance to the outside agency, he or she will control the Department officers involved in the pursuit following the provisions of this policy.
2. Pursuits into other jurisdictions:
  - a. When a pursuit enters another jurisdiction, the commander should request assistance from the other jurisdiction via dispatch.
  - b. When the pursuit is assumed by another jurisdiction, the commander will determine if the initiating officer should proceed to the termination point to provide information required for the arrest.
  - c. When terminated from the pursuit, the officers will return to the City as soon as practical.

- K. If an accident occurring during the pursuit:
  - 1. A commander will conduct an investigation of the accident.
  - 2. All potential witnesses will be interviewed and statements taken.
- L. Post Pursuit Critique: The Patrol Captain unless he or she was involved with the pursuit, will conduct a critique of the pursuit:
  - 1. The Patrol Captain will, as soon as reasonably possible, critique the incident with the officers involved; and
    - a. Determine whether Department policies were followed
    - b. Determine if there are any training needs
    - c. Recommend any changes to the rules, policies, or procedures
  - 2. Provide a written report to the Assistant Chief.

### **III. Tracking, Reporting, and Notification**

- A. It is important to document, track information, and notify command regarding officer engagement, in accordance with policy, with vehicles that flee, elude, or fail to stop.
- B. DC Code, Written Reporting, and Notification Guidelines:
  - 1. Using "DC Code 6A – Pursuit Vehicle Fled" with narrative is acceptable when an officer attempts to stop a vehicle, the vehicle flees, and the officer terminates per policy.
    - a. Narrative should contain details including but not limited to the reason for stop, descriptions, and officer actions.
  - 2. A written report is required anytime an officer engages in pursuit with a vehicle in accordance with this policy or at the request of a commander.
    - a. When a written report is required or an attempt to stop a suspect vehicle is made as part of an investigation, officers will use the "pursuit tab" in the case report for documentation.
  - 3. Anytime an officer attempts to stop a vehicle that flees and the officer terminates per policy or anytime an officer engages in a pursuit with a vehicle a commander will be notified as soon as reasonably possible.
  - 4. The on duty Commander is responsible for reviewing each incident for compliance.
  - 5. A Pursuit Report from will be completed by a Commander any time an officer engages with a vehicle fleeing, eluding, or failing to stop.

## **RULES**

- I. **Mandatory Termination of Pursuits:**
  - A. **When in the opinion of the officer(s) involved or the Commander, the level of danger created by the pursuit outweighs the necessity of immediate apprehension.**
  - B. **When the officer(s) involved and the Commander cannot maintain clear radio communications.**
  - C. **When the suspect's identity has been established and there is no immediate need for apprehension**
  - D. **When the pursued vehicle's location is no longer known.**

E. When circumstances indicate that the pursuit should have been discontinued.

Note: All Commanders and officers will be held accountable for continuing pursuits that should have otherwise been terminated.

F. Commanders and officers will not be criticized nor disciplined when his or her decision is to terminate, rather than continue a pursuit.

II. Actions Upon Termination of Pursuit

A. Initiating and secondary units will deactivate emergency equipment, change the vehicle direction from previous pursuit, and contact dispatch via the police radio to document the time of termination of pursuit.

B. Initiating Officer will write a report including supplemental reports from the secondary and Commanders and other officers involved in the pursuit.

C. Regardless of the length or outcome of the pursuit, a full report will be generated.

D. The Patrol Captain conducts a pursuit critique and copies of the critique will be given to the Captain of Professional Standards and the Assistant Chief for review.

III. All Officers involved in the pursuit will turn in a copy of the video of his or her in-car camera

References:

- Bozeman Police Department  
Policy: Section 5b “Pursuit Driving” (Revised July 2007)
- Montana Law Enforcement Academy  
Model Policy 1.1 “Emergency and Pursuit Driving”
- Montana Highway Patrol  
Chapter IV, Section D-8 “Emergency Vehicle Operations” (Revised November 2005)
- International Association of Chiefs of Police (IACP) Model Policy 2001
- Denver Police Department Operations Manual (Rev. 1-06)
- Scottsdale Pursuit Policy

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

Effective: April 9<sup>th</sup>, 2020  
Review: by Firearms Commander

**Policy Number: 3-4**



**URBAN PATROL RIFLE**

Chief Rich St. John

**PURPOSE:**

To provide guidelines for the proper use of semi-automatic rifles referred to now as Urban Patrol Rifle (UPR) in the performance of police duties.

**POLICY:**

The policy of the Department is to allow personally owned Urban Patrol Rifles (UPR). UPR are to be used for unconventional situations where the police may face heavily armed and or criminal suspects wearing ballistic vests or armed mentally unstable subjects. These rifles are a tool to allow the potential resolution of these incidents by allowing a tactical advantage not available with more conventional police firearms.

**PROCEDURE:**

**I. Authorization to Carry Personally Owned Urban Patrol Rifle:**

- A. Officers must pass the required training as set forth by the Billings Police Department.
- B. The officers UPR must be inspected and approved by a UPR Range Instructor prior to attending the mandated training

**II. Approved Rifles:**

- A. Approval is based on functionality and safety. Weapons that have features better suited to match shooting, and are not sufficiently rugged to withstand everyday use in a tactical setting, will not be approved. If versions of any approved models are deemed unsafe, they will be selectively disapproved.
- B. UPR will normally have a barrel between 16-20 inches unless the officer has a short barrel weapons stamp in which case the barrel length will comply with the restrictions of the NFA stamp. The rifle stock may be fixed or adjustable.
- C. .223 Caliber/ 5.56 mm
- D. AR-15 Style Semi-Auto Rifle

**III. Examples of approved manufactures include, but are not limited to:**

- A. Colt,
- B. Bushmaster,
- C. DPMS,
- D. DSA,
- E. Rock River Arms,
- F. Olympic
- G. Smith and Wesson.

- H. It is recommended that the UPR Instructor be consulted for approval, prior to selection and purchase. Billings Police Department is not responsible for a rifle not accepted after inspection.
- I. Must have (3) twenty or thirty round magazines.
- J. Must have a hard or soft protective storage case.
- K. Rifle must have a sling.
- L. Weapon mounted light is mandatory. Lights with lasers are prohibited.

**IV. Approved ammunition is purchased and issued by the Department for:**

- A. Department Training,
- B. Qualification, and
- C. Duty Use.
- D. No other duty ammunition will be carried or used unless authorized by a UPR Instructor or approved by the Chief of Police

**V. Approved ammunition:**

- A. Officers will be issued 60 rounds of 55 grain VMAX. (This will be officers primary duty ammo).
- B. Officers will be issued 30 rounds of 55 grain GMX. (This ammunition is meant for barrier engagements officers may face). These rounds are required to be stored in a magazine that has been painted white on the bottom inch of the magazine, including the base plate.

**VI. Modification and Accessories:**

- A. All UPR's shall be maintained in a factory condition suitable for law enforcement use, unless the UPR Master Instructor first approves modifications, in writing.
- B. No unauthorized equipment or modifications will be allowed

**VII. Authorized UPR Modifications and Accessories:**

- A. Unless the UPR Master Instructor approves otherwise, only the following modifications and accessories are authorized:
  - 1. Trijicon self-luminous iron sight.
  - 2. Tactical Light (Must not interfere with the operation of the weapon)
  - 3. Optical sights will be mounted in conjunction with iron sights. UPR must have iron sights. Officers must qualify with both iron and optical sights.
  - 4. Rifle Stock Magazine Pouch
  - 5. Adjustable Stock
  - 6. Grips-fore end grip
  - 7. Magazine Clamps
  - 8. Magazine pulls
  - 9. Single, two, or three point slings
  - 10. Suppressors (proper NFA tax stamp is required).

**VIII. Approved Optical Models are as follows:**

- A. Aimpoint: COMP M2, ML2, M3 and ML3
- B. Burris: 1x35 Extreme Tactical Speed Dot
- C. Trijicon: Tripower Reflex Sight
- D. Other sights if approved by UPR Master Instructor

**IX. Prohibited Modifications**

- A. Specifically prohibited modifications include, but are not limited to:
  1. Unauthorized Optics
  2. Triggers should have a pull weight of 4lbs
  3. AR .223 pistols do not fit the parameters of an Urban Patrol Rifle, and are prohibited.

**X. Minimum Criteria for the approval to carry of UPR**

- A. Officers requesting authorization to carry a UPR and to allow it to be deployed in police operations must meet the following criteria:
  1. One year without a sustained use of force complaint as a police officer.
  2. Complete Field Training Officer Program
  3. Complete "Request to Carry Non-Duty weapon" form.
  4. Written approval by the Chief of Police, or designee

**XI. Meet training requirements:**

- A. Basic POST certified UPR course
- B. Pass UPR Proficiency test and UPR Recertification test.
- C. Re-qualify/training at least semi-annually

**XII. Officers may deploy when they reasonably believe:**

- A. There is a strong likelihood they have encountered, or are about to encounter, a suspect armed with rifles, multiple weapons, or with immediate access to such weapons: or, the number of suspects coupled with the nature of the crime (likelihood of weapons present) creates an immediate disadvantage to the officer.
- B. The suspect(s) possesses a tactically advantageous position (such as a fortified location) for which deployment of UPR may increase the likelihood of neutralizing the threat and minimize the risk of death or serious injury to officers or members of the community.
- C. During regularly scheduled training and qualification sessions

**XIII. The UPR should not be deployed in routine circumstances (i.e. disturbances not involving weapons.)**

**XIV. Any supervisor who responds to a tactical incident shall take command of the incident and determine if the incident is within the capability of the unit(s) at the scene, or alternatively contact the SWAT Commander for further guidance per policy 8-1 Special Operations.**

**XV. Responsibility of Officers carrying his or her own UPR's:**

- A. Officers will provide a protective case to store UPR in while on duty.
- B. Each officer owning a department-authorized UPR is responsible for their own weapons when they are off duty. This includes safety, storage, theft and damage.
- C. Each officer owning a department-authorized UPR is responsible for their own cleaning, maintaining, doing preventative maintenance, repairs, and keeping their rifle in good working , serviceable condition.
- D. If an officer owned UPR is kept the Police Training Facility it must be kept in a department issued locker that is locked when the officer is not present.

- E. When on duty the UPR will be cased, secured in trunk of vehicle, in patrol duty condition (bolt closed, chamber empty, safety on, loaded magazine in magazine well). If the patrol car is equipped with a dual mount the UPR may be secured in the car in the locked mount.

**References:**

**Iowa City Police Department Policy 07-01**  
**Glendale Police Department Policy 23.200**  
**Santa Paula Police Department Policy 5-2**  
**Minneapolis Police Department**  
**San Antonio Police Department**  
**Phoenix Police Department**

**BILLINGS POLICE DEPARTMENT****POLICY MANUAL**

Effective: May 15<sup>th</sup>, 2020  
Review: by Firearms Commander

**Policy Number: 3-5****SHOTGUN**

Chief Rich St. John

**PURPOSE:**

To provide guidelines for the proper use of shotgun referred to now as Patrol Shotgun (PS) in the performance of police duties.

**POLICY:**

The policy of the Department is to allow personally owned Patrol Shotguns (PS). PS are to be used for unconventional situations where the police may be easily ambushed, face heavily armed, concealed and or criminal suspects wearing ballistic vests. The PS can be used as an option to defeat barriers and hardened cover. These shotguns are a tool to allow the potential resolution of these incidents by allowing a tactical advantage not available with more conventional police firearms.

**PROCEDURE:****I. Authorization to Carry Personally Owned Patrol Shotgun:**

- A. Officers must pass the required training as set forth by the Billings Police Department.
- B. The officer's PS must be inspected and approved by a PS Instructor prior to attending the mandated training.
- C. If a PS fails or has unacceptable performance at any time, the PS will be immediately pulled from service and its ammunition turned in. The PS will not be re-evaluated until it has been inspected and fixed by an authorized armorer. The responsibility lies with the officer.

**II. Approved Shotgun:**

- A. The BPD will only support the Remington 870 Police Magnum with department armorers.
- B. Approval is based on functionality and safety. Weapons that have features better suited to match shooting, and are not sufficiently rugged to withstand everyday use in a tactical setting, will not be approved. If versions of any approved models are deemed unsafe, they will be selectively disapproved by the Firearms Training Unit and/or Command Staff.
- C. The below shotguns have been tested and approved for department use:
  1. Pump Action
    - a) Remington Model 870 (Police Model Recommended)
    - b) Mossberg Models 500 and 590
    - c) Winchester Model 1300
  2. Semi Auto
    - a) Benelli Model M4
    - b) Beretta Model 1301
  3. Other
    - a) Other shotguns may be authorized on a case by case basis upon inspection and approval of the PS head instructor.

D. Approved PS will meet the following criteria:

1. 12-gauge caliber
2. Wood or Synthetic material
3. Finished in all black, natural wood, or a subdued authorized earth tone. No other colors will be authorized
4. Smoothbore barrel between 18-22 inches without a barrel rib, have an approved choke of cylinder or improved cylinder, and a fixed front sight
5. Barrels under 18 inches are authorized as long as proper NFA paperwork is approved by BATFE.
6. Barrel and Receiver will be capable of firing 12-gauge, 2 ¾ inch, and/or 3-inch magnum ammunition
7. Stock may be fixed or adjustable, with or without a pistol grip
8. Receiver mounted ammunition carrier capable of securely holding a minimum of 4 cartridges
9. Must have a single or double point sling
10. Must have a hard or soft protective storage case Solid piece (milled) extractor. No MIM extractors will be authorized.(870 Specific)

- E. It is recommended that a Firearms Instructor be consulted for approval, prior to selection and purchase. The Billings Police Department is not responsible for a shotgun not accepted after inspection.
- F. All personally owned shotguns are subject to inspection by the department Firearms Instructor and/or armorer at any time.
- G. A department armorer must inspect a personally owned shotgun prior to the shotgun going into service.
- H. If a shotgun cannot reliably cycle department duty buckshot, slugs, and practice loads, it will not be approved.

**III. Approved ammunition is purchased and issued by the Department for:**

- A. Department Training,
- B. Qualification, and
- C. Duty Use.
- D. No other duty ammunition will be carried or used unless authorized by a PS Instructor or approved by the Chief of Police.
- E. No officer will be authorized to carry slugs without first successfully completing the shotgun operator's course and have a shotgun equipped with ghost ring, rifle sights, or red dot.
- F. Slug shells must be carried transposed (in the reverse/opposite direction) of the buckshot shells while in the sidesaddle.

**IV. Modification and Accessories:**

- A. All internal hardware to include trigger/action/bolt/springs must remain factory original.
- B. Barrel modifications such as porting or back boring and receiver modifications such as loading port milling must be performed by certified/reputable company.

**V. Authorized PS Accessories:**

- A. Unless the PS Master Instructor approves otherwise, only the following accessories are authorized:
1. Self-luminous sights (tritium insert or fiber optic)
  2. Rifle style sights including ghost ring sights with adjustable rear aperture
    - a. Rifle style sights, red dots, and/or ghost ring sights are required to carry slugs
  3. Red dot sights. Only the following brands/models are authorized:
    - a) Trijicon RMR
    - b) Trijicon MRO
    - c) Leupold Delta Point
    - d) Aimpoint ACRO or micro sights (T-1, H1-2) only.
    - e) Holosun Reflex Models.
    - f) Any other red dot must be inspected and approved by PS instructor.
  4. Tactical Light (white light only and MUST not interfere with the operation of the weapon)
    - a. Weapon lights are highly encouraged. Some qualifications will take place in low light
  5. Magazine tube extensions that do not extend past the end of the barrel.
  6. Recoil pads

**VI. Prohibited Modifications**

- A. Specifically prohibited modifications include, but are not limited to:
1. Triggers r pull weight below 4 lbs.
  2. Pistol grip fore ends
  3. Pistol grip stocks that are not integrated into a fixed or adjustable stock
  4. Any choke or muzzle device that changes choke from IC "improved cylinder" or cylinder.

**VII. Training requirements:**

- A. Complete a certified PS course
- B. Complete Field Training Officer Program
- C. Qualify bi-annually with their personally owned shotgun to keep the shotgun in service during patrol

**VIII. Officers may deploy when they reasonably believe:**

- A. There is a strong likelihood they have encountered, or are about to encounter, a suspect armed with rifles, multiple weapons, or with immediate access to such weapons: or, the number of suspects coupled with the nature of the crime (likelihood of weapons present) creates an immediate disadvantage to the officer.
- B. The suspect(s) possesses a tactically advantageous position (such as a fortified location) for which deployment of PS may increase the likelihood of neutralizing the threat and minimize the risk of death or serious injury to officers or members of the community.
- C. During regularly scheduled training and qualification sessions

**IX. The PS should not be deployed in routine circumstances (i.e. disturbances not involving weapons.)**

**X. Any supervisor who responds to a tactical incident shall take command of the incident and determine if the incident is within the capability of the unit(s) at the scene, or alternatively if SWAT should be requested.**

**XI. Responsibility of Officers carrying his or her own PS's:**

- A. Officers will provide a protective case to store PS in while on duty.
- B. Each officer owning a department-authorized PS is responsible for their own weapons when they are off duty. This includes safety, storage, theft and damage.
- C. Each officer owning a department-authorized PS is responsible for their own cleaning, maintaining, doing preventative maintenance, repairs, and keeping their PS in good working, serviceable condition.
- D. If an officer owned PS is kept the Police Training Facility, it must be kept in a department issued locker that is locked when the officer is not present.

When on duty the PS will be cased, secured in the trunk of the patrol vehicle, in patrol duty condition (bolt closed, chamber empty, hammer down, safety on, loaded side-saddle). If the patrol car is equipped with a dual mount the PS may be secured in the car in the locked mount.

**References:**

**Iowa City Police Department Policy 07-01**

**Glendale Police Department Policy 23.200**

**Santa Paula Police Department Policy 5-2**

**Minneapolis Police Department**

**San Antonio Police Department**

**Phoenix Police Department**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 3-6**

**ACTIVE SHOOTER / RTF**

Effective: June 27, 2019  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide guidelines during an Active Shooter event to assess the threat, immediately respond to limit serious injury or loss of life, and utilize the Rescue Task Force (RTF) concept to rapidly treat, triage, and transport casualties. While the term "active shooter" is used throughout, this document applies to all situations where there is an active, ongoing deadly threat, to include, but not limited to, those from firearms, explosives, knives, vehicles, and fire.

**POLICY:**

The policy of the Department in an active shooter situation is that immediate action by officers at the scene is necessary to limit serious injury and loss of life.

**DEFINITIONS:**

**Casualty Collection Point (CCP):** A location for gathering victims that provides protection in moving from the warm zone to cold zone for triage/treatment/ transport. Based upon incident dynamics, such as the number and location of victims, multiple CCPs may be required.

**Cold Zone:** A geographic area where first responders can operate with minimal threat to personal safety or health.

**Contact Officer or Team:** The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and stopping the threat.

**Delivery Team:** BFD personnel tasked with moving victims from a CCP to a Triage / Treatment / Transport area. If a CCP is located in a warm zone the Delivery Team shall enter only at the direction of unified command.

**Extraction Team:** BFD personnel operating in the warm zone with a Protection Team at the direction of Unified Command. Tasked to remove sorted victims from the identified location to the CCP.

**Hot Zone:** A geographic area, consisting of the immediate incident location, with a direct and immediate threat to personal safety or health. Only law enforcement should operate in the hot zone.

**Immediate Action:** Rapid response by one or more officers to an active shooting based on a reasonable belief that failure to swiftly seek out and address the threat would result in death or serious bodily injury.

**Incident Commander (IC):** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. Responsibilities of the IC can be assumed by the officer handling the original call to the chief executive of the agency and any additional qualified officers, depending on the size, scope, and complexity of the incident or event.

**Protection Team:** Officers who shall maintain the warm zone and provide protection to the RTF. The Protection Team is in charge of the RTF assigned to them.

**Protected Island:** Method of using RTF in a warm area likely surround by Hot Zone on all sides. Warm area must be protected by sufficient number of officers.

**Rescue Task Force (RTF):** Comprised of Officers and BFD personnel deployed together as Sort Teams, Extraction Teams, and Delivery Teams. BFD personnel are tasked with initial treatment and triage of victims in the warm zone. Officers are tasked with protection for these teams and should not separate from them.

**Sort Team:** Two (2) or three (3) BFD personnel tasked with operating in the warm zone to locate and sort victims until they run out of equipment or all accessible victims have been treated. This team will operate at the direction of Unified Command with a Protection Team. The Sort Team is the first and most important team to quickly enter the warm zone.

**Staging Area:** An area or location near the incident where outside resources respond and are quickly inventoried for utilization and assignment at the incident. There may be more than one staging area per incident.

**Unified Command (UC):** An incident command system used when there is a coordinated response by multiple agencies to incident. At minimum the on-scene BPD commander and BFD commander shall be co-located, possibly in the warm zone, to coordinate response. Other law enforcement, fire, ems, or facility personnel may be present to provide for an efficient response. The IC responsibility is shared within the UC, with the function most important at the time taking the lead role.

**Warm Corridor:** An area or pathway in the warm zone that is protected by law enforcement allowing for freedom of movement for RTF members.

**Warm Zone:** A geographic area where law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk; can be considered clear, but not secure. This is where the RTF shall deploy, with protection, to treat victims. All zones establish by BPD.

## **PROCEDURE:**

### **I. Concept Application:**

- A. Active shooter events are complex and unique in that a standardized and generic response approach is likely to be insufficient.
- B. The following procedures are designed to be used as tools in a rapidly evolving and fluid environment to allow adaptation by responders.

### **II. Priorities:**

- A. Responding officers should apply the priorities of life to guide their decision making process.
  1. Hostages, Innocent Civilians, Injured Victims;
  2. Fire/EMS and other responders;

3. Law Enforcement;
  4. Suspect;
  5. Property.
- B. The prioritization of activities, in their order of importance are:
1. Stop the killing;
  2. Provide immediate aid to victims if possible;
  3. Initiate RTF concept early and as soon as possible;
  4. Crime scene preservation.

### **III. Situational Assessment**

- A. Conduct an initial assessment based on available information from dispatch, other officers, and if time permits witnesses.
- B. Valuable information includes number of suspects, locations of victims/suspects, weapons, and location of any improvised explosive devices (IED's).
- C. Upon completion of initial assessment, the first arriving officer shall:
  1. Advise communications and request resources as deemed necessary, and
  2. [REDACTED]

### **IV. Immediate Action**

- A. [REDACTED]
- B. [REDACTED]
- C. [REDACTED]
- D. [REDACTED]
- E. [REDACTED]
- F. [REDACTED]
  1. [REDACTED]
  2. [REDACTED]
  3. [REDACTED]
- G. [REDACTED]
- H. [REDACTED]
  - a. [REDACTED];
  - b. [REDACTED];
  - c. [REDACTED];
  - d. [REDACTED];
  - e. [REDACTED]

## **V. Rescue Task Force**

- A. Early and rapid deployment of the RTF concept is the preferred course of action. Ideally, a Sort Team should deploy into the warm zone with a Protection Team [REDACTED]  
[REDACTED]
- B. Sort Teams shall enter and sort as many victims as possible until they run out of equipment or all accessible victims have been treated.
- C. Officers and RTF will establish one (1) or more CCPs, which may be in the warm zone.
- D. Extraction Teams shall remove non-ambulatory, non-deceased victims from their location in the warm zone to the CCP.
- E. Delivery Teams shall move victims from the CCP(s) to the designated Triage/Treatment area.
- F. [REDACTED]  
[REDACTED]
- G. Protections Teams may use the following methods to protect RTF members:
  1. [REDACTED]
  2. [REDACTED]
  3. [REDACTED]
- H. Protections Teams shall not leave RTF members unattended while in the warm zone unless exigency exists.
- I. If the situation allows and officers are able to provide aid, they are encouraged to do so as long as they are able to perform their duty to protect lives.

## **VI. Unified Command and Control**

- A. Unified Incident Command shall be established as soon as possible.
- B. The first supervisor to arrive on scene who is not part of the initial contact team will be the Incident Commander (IC).
- C. The IC shall ensure the following actions are taken:
  1. Organize and establish UC with agencies involved.
  2. Coordinate Contact Team activities.
  3. Establish / communicate staging areas.
  4. Establish / communicate warm and cold zones.
  5. Coordinate RTF and CCP activities with BFD.
  6. If resources allow, establish inner and outer perimeters for control.
- D. Additional considerations:
  1. Early activation of additional resources such as SWAT, Negotiators, and Bomb.
  2. [REDACTED]
  3. [REDACTED]
  4. [REDACTED]

## **REFERENCE**

- IACP Active Shooter Model Policy April 2018
- Maryland State Police Active Shooter Policy 2010
- Rapid City Police Department Active Shooter Response 2011

# BILLINGS POLICE DEPARTMENT

## POLICY MANUAL

Policy Number: 4-1 (Core Policy)



### PATROL DIVISION

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

#### **PURPOSE:**

The purpose of this policy is to establish guidelines for the Patrol Division.

#### **POLICY:**

The Department will have a Patrol Division that performs uniform patrol functions.

#### **PROCEDURE:**

##### **I. In General:**

- A. The Patrol Division is run by a Captain and the Patrol Division is aligned under the Assistant Chief.
- B. The Patrol Division carries the following responsibilities:
  1. Deterrence activities and patrol operations oriented toward prevention of crimes, accidents, maintenance of public order, anti-terrorism efforts, the discovery of hazards, and delinquency-causing situations.
  2. Response to requests for emergency and non-emergency calls for police service.
  3. Investigation of crimes, potential offenses, incidents, conditions for determining violations, and apprehending offenders.
  4. Traffic direction and control.
  5. Regulation of certain activities as required by law.
  6. Establish and maintain communication and rapport with the community to identify criminal or statutory problems and prevent crime.
- C. The Patrol Division shall coordinate patrol activities, cooperation with other departments or divisions, and communicate with other agencies and organizations:
  1. Make every effort to cooperate with all other divisions within this Department, other agencies and the public.
  2. Encourage other divisions and outside departments to attend Department briefings for coordination and collaboration purposes.
  3. Make written supplements available to other divisions within this Department, and to other law enforcement agencies.
  4. Make personal contact between officers and other officers from outside agencies to share information that is pertinent to the other agencies.

##### **II. Services:**

- A. The Patrol Division will maintain 24 hours a day and 7 days a week patrol.
  1. Basic law enforcement services are available during 24/7.
  2. Emergency response is available on a priority basis:
    - a. Calls regarding actual or perceived threats to life are considered the first priority.

- b. Calls related to property are considered a second priority.
- c. All other calls not identified as priority or second priority.
- B. The Patrol Division provides Billings with continuous patrol and emergency response capability by using overlapping shifts:
  1. Day Shift: 0600 to 1600 hours
  2. Afternoon Shift: 1400 hrs to Midnight
  3. Night Shift: 2130 to 0730 hours

**III. Officer Assignments:**

- A. Shift Assignments (Annual Shift Change):
  1. During the first week of December the Assistant Chief determines the number of sworn personnel assigned to each shift.
  2. During the second week of December the Captain of Patrol determines the days off for patrol officers and provides the union representative the list containing the number of officers assigned per shift with the days off.
  3. The union representative will:
    - a. Contact union members by order of seniority; to
    - b. Determine shift assignments and days off.
  4. By the third week in December the union representative provides the Assistant Chief with the completed shift rosters.
  5. The Assistant Chief then provides the shift roster to municipal court and the Human Resource Department
  6. The first pay period after January 1<sup>st</sup> each year the shift change will take place and the officers will report to their new assignments.
- B. Temporary Assignments are assignments that do not exceed 3 months may be assigned to meet Department needs.
- C. Any other assignments not based on seniority or a temporary assignment must be made for just cause to meet department needs.
- D. Shift rotation: The only shift rotation is the annual shift change unless directed by the Chief of Police for just cause.
  1. The annual shift change contains dates as guidelines, which may be altered to meet Department needs.

**IV. The Radio Call Signs:**

- A. Investigative Division Call signs:
  1. D- Followed by the officer employee number.
- B. Canine units will be assigned the following call signs:
  1. K- Followed by the officer employee number.
- C. Patrol Units will be identified by employee number.

**V. Briefing (Roll Call):**

- A. Purpose:
  1. To familiarize the officers going on shift with the daily bulletin:
  2. To notify the officers of changes of schedules or assignments for the day:
    - a. Vehicle assignment
    - b. Beat and or detail assignment.
  3. To notify the officers of new policies or changes in policies.

4. Inspection of officers' uniform and readiness to assume his or her duties.
  5. Provide roll-call training.
  6. To alert officers about issues on his or her beat and to provide and receive feedback from officers
  7. Discuss ways to achieve goals and objectives plus set priorities.
- B. Officers who, with permission, arrive for work at other than the normal time are responsible for:
1. Reading the intelligence bulletins and briefing report
  2. Determining other information that may have been discussed at briefing.
- C. Officers returning from time off are responsible for reading and reviewing intelligence briefings and briefing reports during the time he or she was absent.
- D. Briefing times:
1. Day shift 0600 Hrs.
  2. Afternoon Shift 1400 Hrs.
  3. Night Shift 2130 Hrs.
- E. Commanders responsibility:
1. The Commander is responsible for the conduct of officers during briefing.
  2. In the absence of a Commander:
    - a. The senior officer present shall conduct; or
    - b. The officer designated by a Commander.
  3. The officer conducting the briefing will provide the dispatcher a list of the persons working and their call sign.

## **VI. Deployment of Units:**

- A. Initial response and investigation of all crimes is handled by patrol officers.
  1. Detectives also respond to major crime scenes.
  2. Patrol officers may be relieved by an Investigations Commander after initial response.
- B. At least one backup unit should be sent on all calls where there is a possibility of danger to either the officer or the public.
- C. If a unit is dispatched on a call and no other officer is available as a backup, the officer will be notified and every effort will be made to dispatch a backup as soon as possible.
- D. Pursuant to Billings Municipal Code 18-102, officers have powers of arrest within 5 miles outside of the city limits and make arrests along the line of water supply of the city, which is the Big Ditch.
- E. Follow-up:
  1. Patrol Officers normally conduct initial investigations.
  2. Investigations Division personnel normally conduct follow-up investigations.
  3. Patrol Officers may be assigned follow-up investigations.
    - a. Cases not assigned by the Investigations Division may be referred back to the officer who generated the initial report.
    - b. Commanders may assign cases on an individual basis.
- F. Canine units will assume routine patrol duties when not otherwise deployed.
  1. Canine units will be dispatched on calls involving armed robberies, stolen vehicle apprehensions, burglaries in progress, or any other calls in which canine special capabilities could be utilized.

G. Breaks: 10-10 and 10-42

1. Should not exceed 30 minutes and are allowed at the discretion of the dispatcher
2. Should be arranged so that no more than 15 minutes travel time is required to the location.
3. Officers will check out via radio and provide a physical location. Note: If checking out at home, "my 10-42" is appropriate.
4. Breaks may not be taken;
  - a. Between 0730 and 0830, and 1630 and 1730 hours nor
  - b. The last hour of the shift, unless approved by a Commander
5. No more than 2 officers will be at a location unless those officers are training recruits or unless otherwise approved by a Commander.
6. Breaks will not be combined.
7. Officers are subject to call while on break and will monitor his or her portable radios.

**VII. Commanders Response:**

- A. Commander may respond anytime that:
  1. A Commander is requested by an officer
  2. An officer is involved in a shooting
  3. Personal injury accidents of a serious nature
  4. An accident involving a Department car, and a commander is available
  5. A hostage situation
  6. A terrorist threat
  7. A major crime against person(s) or
  8. A disaster situation.

**VIII. Special Patrol:**

- A. Bicycle Patrol: established to provide pro-active law enforcement and enhance public relations.
  1. Scheduling:
    - a. The Commander is responsible for assigning the bicycle officer to bike patrol during the officer's regularly scheduled shift.
    - b. The Commander assigns one or two bike patrol officers depending on available manpower.
    - c. The officer drives his patrol car to the station to pick up a bicycle, which is stored in the City secured parking garage.
  2. Bicycle patrol functions include:
    - a. Bike patrol in the downtown area
    - b. Bike patrol during special events; and
    - c. Perform the same duties as an officer assigned in a car, except prisoner transportation.
  3. Traffic Enforcement: Is permissible providing the officer takes the following safety precautions (at a minimum):
    - a. Get the suspect's attention by use of an audible signal,
    - b. Direct the suspect out of the flow of traffic to the side of the roadway
    - c. Park his or her patrol bicycle off of the roadway and out of traffic

- d. Approach the offender from either side of the vehicle depending on officer's safety
  - e. Instruct the suspect to turn off his vehicle and activate the emergency flashers.
- B. Canine teams:
- 1. Canine teams have dual purpose capabilities consisting of searching and drug detection.
  - 2. The hours of work for canine teams are based on Department needs.
  - 3. Canine teams perform various public relations functions as directed by the canine commander.
- C. Foot Patrol:
- 1. Foot patrol is assigned at the discretion of the Commander.
  - 2. Considerations for a foot patrol should include:
    - a. High concentration calls for service or identified problems involving pedestrians or other persons on foot.
    - b. The need for frequent inspections, such as in bars or gambling places.

**IX. Sworn Affidavits:**

- A. Sworn affidavits are used to eliminate the officer's need to appear at arraignments.
- B. State Complaint and Affidavits of Probable Cause forms are prepared on all misdemeanor criminal charges that go to Municipal Court. If the suspect is arrested on a misdemeanor charges from Friday at 0700 to Sunday at 0700 an affidavit of probable cause will be faxed to the Municipal Court Judge to be in compliance with the 48 hour arraignment rule.

**X. Arrest and Confinement Alternatives:**

- A. Warning:
  - 1. An officer can use his or her discretion, issue warnings for minor offenses, such as disturbances, traffic infractions, other regulatory violations.
  - 2. This discretion can be limited or revoked by the Chief of Police.
- B. Request for warrant: If the officer is unsure that probable cause exists for an arrest he or she may request a warrant for the arrest of the suspect(s).
- C. Unarrest: The officer always has the option to unarrest a suspect when he or she determines that the elements of the offense are not present. Notice to Appear (Summons, Citation): A notice to appear may be issued if:
  - 1. The officer has reason to believe that the suspect will appear because he or she is:
    - a. A local resident; or
    - b. Has local employment.
  - 2. The officer must have reason to believe that the release of the suspect, without requiring bond, will not endanger the community.
- D. Bond: The arrested suspect normally has the legal right to have bond set for pre-arraignment release.
  - 1. The bond schedules on misdemeanors are set by the Municipal Judge.
  - 2. The bond for felonies is set by the Justices of the Peace on an individual basis.

**XI. Officer Materials:**

- A. Each officer is responsible for carrying the appropriate forms and materials when beginning shift.

**XII. Vehicles:**

- A. Each vehicle assigned to the patrol function has the markings that are approved by the Chief of Police.
  - 1. Canine units have warning signs posted on the sides of the vehicles.
- B. Each vehicle assigned to the patrol function has the following equipment in operational order:
  - 1. Emergency lighting:
    - a. Roof mounted or interior lights facing front and rear;
    - b. Red and blue lights with 360 degree visibility;
    - c. Amber lights visible to the rear;
    - d. Alley lights that shine to the sides;
    - e. Take down lights that shine to the front; and
    - f. A siren.
  - 2. A mounted mobile two-way radio capable of transmitting and receiving on all frequencies authorized for the Patrol Division.
  - 3. A first aid kit, with latex gloves
  - 4. A fire extinguisher,
  - 5. One blanket,
  - 6. Reflective traffic vest,
  - 7. Hazmat guide
  - 8. Gunshot trauma kit
  - 9. Safety tubes, and
  - 10. Shotgun
- C. Each vehicle may be optionally equipped with any equipment authorized by the Assistant Chief.
  - 1. Maintenance:
    - a. Officers shall inspect the vehicle assigned to him or her prior to going on-duty and report damage or equipment deficiency to the commander, before operating the vehicle.
    - b. Vehicles should also be inspected for any mislaid property or contraband (i.e. back seat area) prior to going on shift.
  - 2. When a vehicle assigned is damaged or has defective equipment, the officer must report the damage or defect to the commander immediately. Whenever a vehicle is damaged, the commander insures:
    - a. That an incident report is initiated, completed, and returned to the police clerk to be entered into the record management system; and
    - b. A "City of Billings Accident/Injury Form" is completed and an accident report is completed if necessary.
  - 3. Officers that are assigned a patrol car or unmarked car have the responsibility for:
    - a. Cleanliness
    - b. Proper use and care
    - c. Filling other supplies

- d. If an officer is assigned multiple cars during the work week he or she is responsible for the daily maintenance.
- D. Use:
  - 1. Officers shall not use Department vehicles for purposes other than police purposes unless he or she has permission to do so from a Commander.
  - 2. Officers shall not allow persons other than officers of this Department to use Department vehicles for any purpose without prior permission of the Chief of Police.
  - 3. No person or persons, other than officers, are permitted to ride in police vehicles unless:
    - a. The person is there for a specific purpose authorized by a Commander;
    - b. The person is being transported for an official police purpose; or
    - c. The person is a ride along and a "Ride along" form is properly filled out, signed, and approved by a Commander.

**XIII. Identification of Hazards:**

- A. Officers should identify hazards and notify dispatch of hazards present in his or her patrol area.
  - 1. Officers should take action with respect to hazards.
- B. The Department will attempt to notify officers of any potential or actual hazards through:
  - 1. Daily briefing
  - 2. Bulletin boards and
  - 3. Over the radio for on-duty officers

**XIV. Civil Standbys and Service Assists**

- A. Unless the Department receives a written order from the Billings Municipal Court, officers will not respond to civil standbys or service assists.
- B. If a person has received a threat of violence, violence is likely to occur or a disturbance is in progress an officer may respond

**XV. Notifications:**

- A. Death notification:
  - 1. Responsibility for death notification rests with the coroner.
  - 2. If an officer is required to make a death notification, the preferred notification method is through the Police Chaplain.
- B. Seriously ill or injured persons:
  - 1. Responsibility for serious ill or injured person notification rests with the medical community.
  - 2. If an officer is required to make a seriously ill or injured person notification the preferred response is through a Police Chaplain.
- C. If a Police Chaplain is not available and a notification must be made:
  - 1. The officer should have as many facts concerning the injury, illness, or death as possible.
  - 2. The officer should try to locate a friend or minister of the person being notified to assist with support for the person being notified.
  - 3. If the officer is unable to find a support person prior to notification, then the officer should obtain the name of a support person from the person being notified. The

officer would then notify the support person to respond, to the residence before the officer leaves the residence.

- D. In general:
  - 1. The Department makes emergency notifications as a service to the community.
  - 2. If notification appears inappropriate for law enforcement the notification should be referred to the commander.
  - 3. Notifications of deaths or injuries are carried out as soon as possible.

#### **XVI. Other Agency Notifications:**

- A. Other agency notifications, which do not have a monetary impact on the Department, may include:
  - 1. Coroner (Must be notified of a death)
  - 2. County Attorney (Must be notified of a homicide)
  - 3. Street Department (Must be notified of street or sign problems)
  - 4. Highway Department (Must be notified of state road problems)
  - 5. Public Utilities (Must be notified of water main breaks)
  - 6. Fire Department
  - 7. Ambulance
  - 8. Wrecker Companies
- B. Officers needing assistance from agencies outside the Department when there is no monetary impact on the Department will use the following procedure:
  - 1. The officer notifies dispatch of the assistance needed and from what agency
  - 2. The dispatcher notifies the proper agency according to established procedures
- C. Officers needing assistance from other agencies when there would be a monetary impact on the Department will follow the following procedure:
  - 1. The officer notifies the commander of the situation and the request
  - 2. The commander needs to obtain authorization from the Assistant Chief
  - 3. The Assistant Chief or his or her designee makes the necessary notifications and arrangements with the needed service agency.
- D. Street and Highway Department, MDU, power company, or public utilities personnel:
  - 1. Officer(s) are to report potential hazards to the dispatch, such as reporting:
    - a. Traffic control light bulbs not working
    - b. Downed street signs
    - c. Street lights out, or
    - d. Large pot holes in the street
  - 2. If after normal hours, officer(s) advise whether the situation needs immediate response.
  - 3. If the situation does not need immediate response, dispatch notes the problem in the dispatch service notification log for later response.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-2 (Core Policy)**



**ALTERNATIVE RESPONSE**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for alternative responses on some incidents.

**POLICY:**

The policy of the Department is to provide alternative responses for officers to some incidents. The Department recognizes that not all offenses require officer investigation and an incident report. With regard to any alternative response, if the complainant requests an officer, and does not want to make the report over the phone, come to the station, or Crime Prevention Center (CPC), an officer will be dispatched.

**PROCEDURE:**

**I. Civil Standbys:**

- A. Officers will not respond to civil standbys or service assists. The exception to this policy is if a person has received threats of or if violence is likely to occur, or if a disturbance is in progress.

**II. Checks:**

- A. All non-sufficient funds (NSF), and closed account checks:
  1. Are referred to the County Attorney's office (CAO), regardless of monetary amount.
  2. Officers should advise the victim(s) that he or she need to:
    - a. Complete and mail via certified mail a "5-Day Notice" to the account holder with copies of the NSF check
  3. Victim should keep the original check(s), certified mailing receipt, and a copy of the 5-day letter for submission to county attorney's office should the defendant not pay within 5 days. When the victim receives the certified return in the mail, which is signed as received by the account holder, the victim must wait the full 5 days from the date the certified return was signed to allow the account holder to make payment on the NSF
  4. If the victim receives the certified return in the mail and it was not signed as received by the account holder, the victim should take the paperwork over to the CAO to file a complaint.

B. Forgeries:

1. A report will be generated only if the below described standards have been met by the victim:
  - a. A photo identification was physically checked by the person accepting the check or credit card to verify the identity of the individual using the payment.

- b. The person accepting the check or credit card must have written down the identification numbers from the photo identification (i.e. driver's license number) directly onto the check or credit card receipt.
  - c. The person who accepts the check or credit card must have initialed the check, debit, or credit card receipt for possible future criminal investigation purposes.
  - d. Reports of a forgery must be filed with the Department within 30 days of the offense:
    - (1) When the victim is the owner of the checking account, and also the victim of the forged check, he or she should provide an affidavit of forgery when making the complaint. Note: Affidavits of forgery can be obtained at account holders banking institution.
    - (2) When the financial victim is a bank or business and an employee brings in a forged check, an affidavit of forgery of the account holder must accompany the check before the Department can start a complaint.
2. Two party forged checks:
  - a. Follow the procedure outlined in section B., 1, a. - d.
  3. An affidavit of forgery should be obtained at the time the report is taken unless an officer has notified the secretarial staff to accept checks on an account pending an active investigation.
  4. The victim must fill out the entire "Investigative Form for Forged/Bad Checks" at the time that he or she files the report. The form must be signed by the victim.
  5. A copy of the completed investigative form for NSF or closed account checks and forgeries will be made.
    - a. The original copy goes with the original report.
    - b. The copy goes with the working copy.
  6. All checks will be handled as though the checks are to be processed for fingerprints:
    - a. Fold a piece of paper or card to use to handle the check.
    - b. The check(s) should never be touched by officers) with ungloved fingers.
  7. Make two photo copies of each side of each check:
    - a. One copy is for the original report.
    - b. One copy is a working copy.
  8. Complete an evidence tag for each check.
  9. Place the check(s) into a plastic bag and then place in a legal sized white envelope.
    - a. Write the incident number is in the upper left hand corner of the envelope.
    - b. Tag the check into evidence with officer initials and the date the check was received in the upper right hand corner of the envelope.
    - c. The evidence tag will be stapled in the lower left hand corner.
  10. Place a small piece of paper in the envelope with the initials and date of the officer taking the check(s) into evidence and the date written.
  11. Place the check(s) into an evidence locker and lock up.
  12. Write the case number on all documents except the check.
  13. An incident is created for:
    - a. Each check except when more than one check is taken from the same victim and the same suspect is involved in all the checks. In that case, create only one incident.

- b. However, if the suspect is later charged individually for each check, a separate incident will have to be generated for each charge.
- 14. An Initial Offense Report is filled out with detailed information regarding the incident.
- 15. Data entry:
  - a. An entry must be made into the records system for:
    - (1) The victim; and the owner of the check; and
  - b. If a warrant is issued, the warrant must be entered under the global name of the suspect for whom the warrant has been issued.
  - c. Generally two party checks will not be investigated. Refer questions related to two party checks to the Investigations Division.
- C. Stop -Payment Checks:
  - 1. The following elements are needed before prosecution will take place on stop -payment checks:
    - a. The suspect purposely or knowingly obtains property, labor, or services;
    - b. The suspect incurs a legal obligation to pay for the property, labor, or services;
    - c. The suspect pays for the property or services with a check; and
    - d. The suspect stops payment on the check with the intent to defraud the payee of the property, labor, or services obtained.
  - (1) An example of a case which meets these elements would be where a person purchases an item, pays for the item with a check and then stops payment on the check without returning the item or informing the payee of any valid reason for stopping payment.
  - 2. Unless the four elements are present in C1a-d., generally stop payment checks will be considered civil and not investigated by the Department.
  - 3. Any questions related to stop -payment checks should be addressed to the Investigation Commanders.

### **III. Minor Thefts or Vandalism:**

- A. Normally an officer is not dispatched on misdemeanor vandalism or theft call that has no suspects or evidence
  - 1. The victim is referred to the Crime Prevention Center (CPC) or;
  - 2. May complete an on-line report via the Billings Police Website

### **IV. Administrative Warrant:**

- A. An officer verifies that property in a pawn shop is stolen by:
  - 1. Checking serial numbers in NCIC and CJIN,
  - 2. Checking serial numbers listed on incident reports,
  - 3. Checking physical descriptions for matches on items listed on incident reports.
- B. If victim only wants his or her property back and does not want to pursue charges he or she has to pay the pawnshop to get the property back.
  - 1. If victim wants to pursue charges but has already paid the pawnshop and retrieved his or her property prior to officer(s) arrival, the victim can still pursue charges.
- C. Officers will issue an Administrative Warrant to secure the property once the property has been verified as stolen and that a police report has been filed.
  - 1. Officers obtain the original pawn slip which is later tagged in as evidence.

2. Officers should submit copies of the pawn slip with the original report and working copy.
  3. Officers need to conduct the preliminary investigation including interviewing victims, witnesses, and suspects then take his or her respective statement per Policy 6-1.
  4. If probable cause exists to make the arrest then officers may either make the arrest or request a warrant.
- D. Issuance of Administrative Warrant
1. Officers complete the Administrative Warrant and
    - a. Give a copy to the pawnbroker or dealer
    - b. Retain a copy for the original report
    - c. Retain a working copy
    - d. And write supplement.
- E. Officers or Detectives who placed the Administrative Hold on the property at a pawn shop are required to recover the item(s) at the end of the 30 day time period.
1. If the item is too big to place in a patrol vehicle then contact the pawn detective who will recover the property.
  2. When recovering the property, make sure the property is photographed and then released to the victim, or tag the property into evidence to be released back to victim.
    - a. If the incident is a misdemeanor, the property is released back to victim.
    - b. If the case is a felony, the CAO has to approve the release of the property back to the victim.
  3. If the officer or detective is unable to recover the items within the 30-day period, the officer or detective needs to send a request to the pawn detective to recover the property with the following information:
    - a. Copy of the investigative report
    - b. Copy of the original pawn ticket
    - c. Copy of the administrative warrant
    - d. Instruction on whether the items can be photographed and released or needs to be held in evidence.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-3.1 (Core Policy)**



**DOMESTIC DISTURBANCES**

Effective: July 21, 2021  
Review: by DV Investigator

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines pertaining to response to incidents of domestic disturbance.

**POLICY:**

The policy of the Department is to respond and investigate all reports of domestic disturbance. Officers shall make an arrest when probable cause exists when a partner or family member has been injured or the use of or threat of the use of a weapon has been made. Officers shall also arrest when a violation of an order of protection has been made or if the suspect creates a situation that may present other imminent danger to the partner or family member. Officers are discouraged from making dual arrests in domestic disturbance incidents by determining and arresting the predominant aggressor.

**DEFINITIONS:**

Predominant Aggressor (46-6-311, MCA):

When investigating a partner or family member assault and the circumstances appear that the parties were involved in mutual aggression, the following non-exclusive factors should be considered to determine the predominant aggressor:

- Not necessarily the first aggressor;
- Prior history of violence among the parties if known
- Severity of injury among combatants;
- Whether a combatant acted in self-defense;
- Size and apparent strength of each combatant;
- Apparent fear or lack of fear of each combatant;
- Statements of witnesses.

Partner or Family Member Assault Arrest (46-6-311, MCA):

An officer may arrest if probable cause exists to believe that the suspect is committing an offense or that the suspect has committed an offense and existing circumstances require immediate arrest.

When an officer is summoned to a residence by a partner or family member, this constitutes an exigent circumstance for making an arrest. Arrest is the preferred response in a partner or family member assault involving injury to the victim, use or threatened use of a weapon, violation of an order of protection or imminent danger to the victim.

**PROCEDURE:****I. Domestic Violence Intervention:**

- A. A domestic disturbance situation is any action on the part of at least one family member or partner against another, which requires some type of intervention by law enforcement personnel. Domestic disturbance incidents usually involve but are not limited to the following circumstances:
  1. The actual criminal offense of partner or family member assault or perceived threat, stalking, privacy in communication, or violation of an order of protection.
  2. Substance abuse including alcohol and other dangerous drugs.
  3. A required response to a home or private residence by officers.
  4. A history of similar incidents.
  5. A high degree of risk to responding officers and third parties.
- B. The primary reasons for officers to intervene in domestic disturbance incidents are to:
  1. Restore and maintain order.
  2. Render emergency assistance and or aid.
  3. Make an arrest for the applicable criminal offenses.
- C. Persons who participate in domestic disturbance incidents often commit the crime of Partner or Family Member Assault as set forth in 45-5-206, MCA and 46-6-311(2), MCA.
- D. The preferred response to domestic disturbances is a two officer response.
- E. Officers responding to domestic disturbances should take all reasonable and necessary precautions, including but not limited to the following:
  1. [REDACTED]
  2. Keep other officers advised of conditions and observations.
  3. [REDACTED]
  4. After making an exterior assessment of the situation, make contact with the participants and identify yourself as a law enforcement officer.
  5. Use the basic safety principals for approaching, standing, and knocking on doors.
- F. If possible separate participants out of visual range of each other to interview the participants, but always maintain control. Officers shall seize any weapons or any other items used or threatened with use in the alleged assault. Any weapon or item seized in relation to a partner or family member assault may not be returned to the offender until acquittal or upon issuance of a court order. (46-6-603, MCA).
- G. The officer may, as appropriate:
  1. Take any and all reasonable action necessary to provide for the safety of a victim or any other member of the household.
  2. Transport or arrange for transportation of the victim and any other member of the household.
  3. Allow the victim or any other member of the household to remove necessary personal items. (Refer below to Disposition of Property)
- H. Officers will thoroughly investigate and prepare the appropriate reports pertaining to any and all incidents of domestic disturbances. All Officers on scene should write a supplement. This should include but is not limited to the following:
  1. Completing the Department Domestic Violence Supplement report.
  2. Documentation of excited utterances of the victim, suspect, or witnesses.
  3. Interview and interrogate all witnesses, victims, suspects, and/or any other person that has direct knowledge of the incident.

4. Prepare statements including written, videotapes, or audiotape. Written Initial reports should be specific including immediate statements of both parties upon arrival and the rationale for determining the predominant aggressor. Supplemental summary reports of a person's statement will be detailed and specify which portions of the statement were offered immediately or spontaneously as opposed to the formal statement.
  5. Collect and preserve evidence from the scene and/or upon the body of the victims and/or suspects.
  6. Photograph with a written description of the crime scene. Photographs should be taken from where the victim was located at the time of the assault to later provide the court the victim's view. Photographs should also be taken of injuries on either the victim or the suspect.
- I. If there is no probable cause to make an arrest, the officer should make a reasonable effort to mediate the situation, including but not limited to encouraging one of the parties to temporarily leave the residence.
- II. **Disposition of Property:**
- A. Officers should not permit any family member to remove, attempt to remove, destroy, or attempt to destroy any property in or upon the premises of the household.
    1. This does not apply to necessary personal items of either the victim or the offender.
    2. In instances of disputes governing actual ownership of property in which both parties appear to have legitimate claim, officers should refer both parties to seek legal counsel or to make an appropriate petition to a court to seek ownership clarification.
    3. Unless both parties and or family members consent to the removal or destruction of property or until an order from a court is issued clarifying actual ownership, all property should remain intact in and upon the original premises.
- III. **Child Removal:**
- A. In the absence of a court order from a court of competent jurisdiction, officers should use the following guidelines in determining custody of children.
    1. When an officer has reason to believe that a child is in immediate or apparent danger of harm due to domestic disturbance incident, the officer shall take an appropriate course of action to minimize any apparent threat of continued harm in accordance with the following;
      - a. Immediately remove the child from the home.
      - b. Request the Department of Public Health and Human Services to take custody of the child.
- IV. **APRAIS:**
- A. At the conclusion of any investigation involving Intimate Partner Violence, the primary officer will attempt to administer the APRAIS on-scene risk assessment with the victim in accordance with BPD Policy 4-3.2 APRAIS.

**RULES:**

**I. Reports Required:**

- A. When an officer is called to the scene of a reported incident of domestic violence but does not make an arrest, the officer shall file a written report setting forth the reason(s) for the decision as required under MCA 46-6-601.
- B. If an officer is dispatched to a reported PFMA, the nature of the call may not be changed through dispatch. If it is determined that the call was not actually a PFMA, but rather some other sort of disturbance, a report still must be filed.

**II. Victim Rights and No Contact Order:**

- A. Whenever an officer arrests a person for PFMA or responds to a call in which a PFMA is suspected, the officer, outside the presence of the offender, shall advise the victim of the availability of a shelter or other services in the community and give the victim immediate notice of any legal rights and remedies available by providing the victim with the "Victim/Witness Notice of Rights" (46-6-602, MCA).
- B. Officers will issue a "Notice of Standing No Contact Order" to all defendants arrested for PFMA.
  1. Both the officer and defendant sign the No Contact Order and the defendant is given the pink copy. If defendant refuses or is unable to sign the No Contact Order, note this on the No Contact Order. The officer will differentiate between a refusal to sign and the inability to sign by notation on the No Contact Order.
  2. The officer turns in the white and yellow copies of the No Contact Order with his or her report paperwork.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

*Policy Number: 4-3.2*



**APRAIS**

Effective: July 21, 2021  
Review: by Administrative Lt, DVI

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines pertaining to the use of the on-scene risk assessment tool for incidents involving intimate partner violence.

The BPD's on-scene risk assessment tool is based on the Arizona Intimate Partner Risk Assessment Instrument System (APRAIS). The purpose of the risk assessment is to provide officers with an evidence-based procedure by which they can gather information beyond the elements of the current incident. The results of the risk assessment help officers and victims identify the victim's potential risk of future severe re-assault or near lethal intimate partner violence.

No portion of the on-scene risk assessment procedure should be interpreted as replacing BPD policy 4-3.1 Domestic Disturbances or any other BPD policy.

**POLICY:**

It is the policy of the Department that officers shall attempt to administer the on-scene risk assessment with victims in all incidents involving intimate partner violence, specifically including but not limited to Partner or Family Member Assault investigations.

**DEFINITIONS:**

***Intimate Partner:***

Same meaning as "Partner" in Partner or Family Member Assault (MCA 45-5-206).

- Spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

***Intimate Partner Violence:***

Same definition and elements of Partner or Family Member Assault (MCA 45-5-206).

- Purposely or knowingly causing bodily injury or reasonable apprehension of bodily injury, or negligently causing bodily injury with a weapon

**PROCEDURE:**

**I. Application:**

- A. The on-scene risk assessment procedure applies to all investigations in which current or former partners are involved in the following offenses:
  1. Partner or Family Member Assault (misdemeanor or felony);
  2. Strangulation;
  3. Aggravated Assault;
  4. Assault w/ Weapon.

- B. Using professional judgment, officers may administer the risk assessment questions and follow the outlined procedure during any investigation wherein the officer believes the victim could benefit from knowing his/her risk and having a conversation with the YWCA Help Line. Those additional investigations may include, but are not limited to:
  - 1. Sexual Assault / S.I.W.O.C;
  - 2. Order of Protection Violation;
  - 3. Stalking;
  - 4. Privacy in Communication.
- C. Department issued risk assessment cell phones are assigned to each patrol vehicle. Officers are responsible for the use and care of the cell phones, as they are all other pieces of Department-issued equipment.
  - 1. Lost, stolen, or damaged cell phones must be reported.

## II. Assessment:

- A. Officers shall respond to and investigate all reported domestic disturbances, as per Department Policy 4-3.1. During the course of the investigation, officers will have determined the relationship, if any, between the involved parties (familial or intimate partner relationship).
  - 1. The risk assessment is intended for current and former intimate partner relationships. Officers should not administer the risk assessment in cases involving any other relationship type.
  - 2. Officers will administer the risk assessment, regardless of the victim's or suspect's gender.
- B. At the conclusion of any investigation involving Intimate Partner Violence, the primary officer will attempt to administer the on-scene risk assessment with the victim.
  - 1. The officer will advise the victim that the investigation into the current situation is complete, but in an effort to help both the officer and victim assess that victim's risk of future re-assault, the officer would like to ask some additional questions.
  - 2. The officer **must** advise the victim that his/her participation in the risk assessment is voluntary: The victim may decline to answer any individual question(s), and the victim may decline to participate altogether.
  - 3. The officer **must** advise the victim that his/her answers to the risk assessment questions are discoverable: The assessment form becomes part of the case file, and the suspect may see the victim's responses to the assessment questions.
  - 4. If a victim advises that he/she participated in an on-scene risk assessment recently, the officer should inform the victim that the Department recognizes that circumstances and answers may change, even in a short time; the risk assessment is an evidence-based tool that can help assess the victim's current risk; and the officer would like to administer the assessment questions with the victim's consent.
- C. For victims who decline: The officer should provide the victim with all appropriate or requested referrals and resources before clearing the scene. Under no circumstances will an officer criticize a victim for declining to participate in the assessment.
- D. For participating victims: The officer will ask the Tier 1 (first 7) assessment questions. The officer will note victim answers ("yes", "no", or "decline") on the risk assessment form. The officer should proceed to the Tier 2 questions whenever possible.

1. For victim safety considerations, risk assessment answers must match the victim's answers as provided, even if those answers differ from previous statements and/or officer observations.
- E. After completing the assessment, the officer will score the Tier 1 questions:
  1. 0-1 "Yes" answers = At Risk. The officer should provide the victim with all appropriate or requested resources.
  2. 2-3 "Yes" answers = Elevated Risk. The officer will provide the victim with the corresponding Risk Information from page 2 of the Department's risk assessment form.
  3. 4+ "Yes" answers = High Risk. The officer will provide the victim with the corresponding Risk Information from page 2 of the Department's risk assessment form.
- F. For Elevated and High-Risk victims, the officer will advise the victim that based on his/her risk score, the officer would like to call the YWCA Help Line on a Department-issued phone, summarize the risk information for the Help Line Advocate, and then allow the victim a brief confidential phone call with that Advocate. The officer may also offer to contact the YWCA Help Line based on that officer's professional judgment of the victim's risk, regardless of the victim's participation in or Tier 1 score from the assessment questions.
  1. If the victim declines the YWCA Help Line call, the officer should provide the victim with all appropriate or requested referrals and resources before clearing the scene. Under no circumstances will an officer criticize a victim for declining to speak with the YWCA Help Line.
  2. If the victim accepts the call, the officer will use a Department-issued risk assessment phone to call the YWCA Help Line.
    - a) The officer will identify him/herself, advise that the officer is calling with a risk assessment (or "APRAIS") referral.
    - b) The officer will provide the advocate with the CNO, offense type, and whether the situation involves an in-custody, warrant request, or informational case.
    - c) The officer will give the advocate the victim's full name and will list the victim's "Yes" answers to the Tier 1 questions.
    - d) The officer will introduce the advocate to the victim by name before handing the cell phone to the victim.
    - e) The officer will advise the victim that the officer is stepping out of earshot during the confidential phone call, and advise the victim of where to find the officer at the conclusion of the call.
  3. Recognizing that the YWCA often has only one advocate working, if the officer calls the YWCA Help Line and gets no answer, the officer should wait a short period of time and then try the call again. If the 2<sup>nd</sup> call goes unanswered, the officer should send a brief text message to the YWCA Text Line to include information from the first 3 bullet points above. The officer can leave information with the victim regarding how he/she can contact the YWCA at a later time.
- G. Once the victim has concluded his/her phone conversation the officer should provide the victim with all appropriate or requested referrals and resources before clearing the scene.

**III. Documentation:**

- A. Officers will complete the On-Scene Risk Assessment form and submit it with their case paperwork. The completed form will include completing the “body diagrams” on the right side of the page, as well as listing the victim’s correct, current contact information.
  - 1. Victim contact information listed in the Case Report **must** match that listed on the assessment form.
  - 2. If a victim does not have or refuses to provide contact information, the officer must document that in the case report.
- B. Officers should document in their supplements that they attempted to administer the risk assessment questions, as well as either the assessment score or that the victim “declined to participate”.
  - 1. Officers will use the term “declined” rather than “refused”.
- C. Officers should document whether the victim agreed or declined to accept the call to the YWCA Help Line.
- D. Within the case report, officers should document any disclosures made by the victim that relate to the specific investigation.
- E. Officers responding to a PFMA call that does not require administering the risk assessment (i.e. parties have a familial relationship) should use the same risk assessment form for the purposes of documenting injuries/complaints of pain on the body diagrams. The actual risk assessment may be crossed out or left blank.

**References:**

- **Arizona Intimate Partner Risk Assessment Instrument System (APRAIS) Law Enforcement Protocol**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 4-4 (Core Policy)**

**PRISONERS & TRANSPORTATION OF  
PRISONERS**

Effective: January 25, 2018  
Review: Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set forth guidelines as to the handling and transporting of prisoners in custody.

**POLICY:**

The policy of the Department is that adult prisoners are transported to the Yellowstone County Detention Facility. Juvenile prisoners are transported to the Youth Services Center. The transportation of prisoners requires safety of the prisoner being transported, and the safety of the officer. If for any reason a prisoner is transported to City Hall, the prisoner(s) should be handled in a safe manner consistent with the guidelines established in this policy.

**PROCEDURE:**

**I. Responsibility:**

- A. The officer transporting any prisoner to City Hall is responsible for prisoner safety.
- B. Officers must maintain control of prisoners at all times to ensure that prisoners are not left unattended. Support staff is not allowed to guard nor search prisoners.

**II. Transport Equipment:**

- A. Any vehicle utilized for at least half of its function as a prisoner transport vehicle will have the driver separated from any prisoners by safety barrier.
- B. Any vehicle utilized for at least half of its function as a prisoner transport vehicle will have the rear inside door handles and window handles removed and/or the doors fixed so that the prisoner(s) cannot open them.
- C. The transport vehicle will be inspected, at the beginning of shift, to ensure that:
  1. The transport vehicle is properly equipped with:
    - a. Spare tire,
    - b. Jack,
    - c. Jack handle, and
    - d. Lug wrench.
  2. The transport vehicle is in proper operating order:
    - a. Tire inflation
    - b. Gas tank is full,
    - c. Oil level is full, and

**III. Searches:**

- A. Officers, upon going on shift, are required to search his or her vehicles at the beginning of the shift for contraband

- B. Officers shall also search his or her vehicles immediately after the transport of any prisoner for contraband.
- C. Officers shall search prisoners for contraband or weapons before placing the suspect in the transport vehicle.
- D. Prisoners of the opposite sex:
  - 1. Pat down searches should be conducted with another officer present and should be done by an officer of the same sex if at all possible.
  - 2. Officers should take care not to be placed into compromising situations by prisoners of the opposite sex; use of a witness is preferred unless exigent circumstances dictate otherwise.
  - 3. If possible, record the pat down search utilizing the patrol vehicle's audio/video recording system.

**IV. Prisoners Transports**

- A. Officers may not intermix transports of persons of the opposite sex nor adult and juvenile prisoners unless approved by a commander.

**V. Prisoner Transports In Uncaged Vehicles**

- A. Prisoners maybe transported in uncaged police vehicles under the following circumstances:
  - 1. Non-combative prisoners only
  - 2. Handcuffed behind the back, belly chains and ankle cuffs available if requested
  - 3. Placement of the prisoner in the vehicle will be rear-passenger
  - 4. Prisoner will be seat belted
  - 5. Back-up officer in rear seat behind driver, while transporting
  - 6. If a prisoner is combative or if the officer feels uncomfortable transporting the prisoner in the uncaged vehicle, a patrol unit, with a cage, will be called for transport

**VI. Restraining Devices:**

- A. Prisoners being transported will be restrained:
  - 1. Short transport: prisoners will be handcuffed with his or her hands behind the back.
  - 2. Transport longer than 30 minutes: a belly chain is used, with his or her hands in front.
  - 3. The handcuffs are always to be double locked and checked for tightness.
- B. Handicapped or Injured persons:
  - 1. Will be restrained the same as any other person unless restraint is inappropriate because of the injury or handicap.
  - 2. The officer will use his or her best judgment and discretion as to whether to apply restraints to an injured or handicapped person.
- C. Prisoners are never to be handcuffed to any part of a vehicle.

**VII. Seating:**

- A. Prisoner transportation is done in a vehicle with a safety barrier:
  - 1. When transporting, arrested persons should be placed in the rear seat of the vehicle with the seat belt securely fastened, unless the seat belt cannot be safely fastened without significant risk of injury to the officer.

**VIII. Medical:**

- A. If a medical emergency occurs with a prisoner while en route to Yellowstone County Detention Facility, the prisoner should be taken directly to the emergency room for medical attention.
- B. If a prisoner is refused at the Yellowstone County Detention Facility, for injuries, the prisoner must be transported to a hospital for medical attention.
- C. Once a prisoner is booked into the Yellowstone County Detention Facility then the prisoner's medical issues are at the discretion of the staff at the Yellowstone County Detention Facility.
- D. A first aid kit is available at City Hall.
- E. Any medical emergencies that arise with a prisoner at City Hall:
  - 1. Contact dispatch to request an ambulance to respond to City Hall.
    - a. If the prisoner is a flight risk and medical personnel advise the prisoner is medically stable, the prisoner can be transported via patrol vehicle.
    - b. If the prisoner needs to be transported via ambulance, an officer will follow the ambulance to the hospital. An officer may ride in the ambulance to the hospital if the situation necessitates.
  - 2. Officers shall not dispense any over the counter medication or prescriptions to prisoners. If prisoners need medicine, advise the Yellowstone County Detention Officers at booking to request a nurse or transport the prisoner to the hospital for medical evaluation.

**IX. Escape:**

- A. In the event of a prisoner escape the commander on duty must notify the Communications Center. Dispatchers will then notify the shift of the escapees:
  - 1. The name of the escapee;
  - 2. Description; and the
  - 3. Last known direction of travel.
- B. The commander must notify dispatch upon the capture of the escapee.
- C. Dispatch shall then notify the officers of the capture of the escapee.
- D. In the event of an escape while in transport, the transporting officer must immediately notify:
  - 1. The dispatcher of:
    - a. Location;
    - b. Description of the prisoner;
    - c. Last known direction of travel; and
    - d. Any other information that would aid in the re-arrest of the escapee or aid the officer.
  - 2. An on-duty commander of the incident.
- E. Officers shall charge suspects who escape accordingly.
- F. Officers shall write a report for any escape, disturbances, or property damage at city hall. The report is then turned in to the Assistant Chief.

**X. Special Transport Situations:**

- A. If it is necessary to stop for a meal, the selection of the location will be random.

- B. Officers transporting prisoners should never stop to provide other law enforcement services unless a clear threat to life exists, the safety of the prisoner can be guaranteed, and the stop is approved by a commander.
- C. Officer transporting a prisoner of the opposite sex or a juvenile:
  - 1. The officer shall advise the dispatcher of the start and finish mileage for recording purposes
- D. Handicapped Prisoners:
  - 1. Handicap prisoners may require special transport procedures. Commanders should be notified when this occurs. The safety of the handicap prisoner is paramount. If the handicap person requires medication, officers shall notify the Yellowstone County Detention Officers when booking the handicap person into Yellowstone County Detention Center.
- E. Positional or Restraint Asphyxia:
  - 1. A restrained suspect should be placed seated upright.
  - 2. If a restrained suspect is placed in a position other than above
    - a. The officer shall monitor the suspect for any abnormal physical problems;
    - b. The officer shall attempt to alleviate any respiratory problem by repositioning the suspect; and
    - c. The officer shall call for medical assistance when any abnormal physical problem is observed.

**XI. Documentation:**

- A. Original Arrest:
  - 1. The booking slip at the Yellowstone County Detention Facility is filled out.
  - 2. Officers shall complete the Yellowstone County Detention Facility booking slip even if a prisoner is to be incarcerated in another facility.
- B. Move to another facility or to court:
  - 1. Any time that the prisoner is removed from Yellowstone County Detention Facility, a prisoner checkout form will be filled out:
    - a. The prisoner checkout form accompanies the prisoner to the destination and return to Yellowstone County Detention Facility
    - b. The proper dispositions will be filled in when the prisoner is taken to court.
  - 2. When moving to another facility, the Detention Officer at the Yellowstone County Detention Facility will provide a series of paperwork appropriate for the receiving institution:
    - a. Prisoner Checkout.
    - b. Disciplinary Report.
    - c. Booking Sheet.
    - d. If the prisoner is an escape risk or is potentially harmful to himself or others, documentation of this (a supplement) will accompany the prisoner to the new institution, the transporting officer will be responsible to either prepare it or see that it is prepared.
  - 3. Upon arrival at the new facility, the officer will require a receipt signed by the Correctional Officer at the receiving facility for the prisoner(s).

**XII. In General:**

- A. Prisoners will not be allowed to talk with others while in transport. This includes attorneys; they can communicate with legal counsel after being brought to a secure location.
- B. Upon arrival at a secure facility:
  - 1. [REDACTED]
  - 2. The restraining devices on the prisoner should be removed by the Detention Officer who takes control of the prisoner in the booking area for pat down.
  - 3. Officers shall complete a booking slip or probation hold slip on all prisoners for the Detention Officer and provide copies of the warrants if applicable.
- C. If a prisoner being transported to court is considered a security hazard, the Judge of the court is to be notified in advance.
- D. Prisoners should be positively identified before being transported from a detention facility:
  - 1. Booking records of the suspect should be verified with the individual.

**RULES:**

**I. Prisoners:**

- A. **Prisoners brought to City Hall must be either taken to the Yellowstone County Detention Center, Youth Services Center or released as soon as possible after initial investigation.**
- B. **If suspects are brought to City Hall for any reason:**
  - 1. **Suspects are accompanied by the arresting officer or another officer who will keep the suspect under control at all times.**
  - 2. **Suspects are not allowed into any area where evidence is being stored or processed.**
- C. **Officers may temporarily detain prisoners at City Hall:**
  - 1. **in one of the interview rooms,**
  - 2. **in the detectives areas, or**
  - 3. **on the bench in report writing area.**
- D. **If a prisoner has to use the restroom, the prisoner shall be escorted to the restroom,**

**II. Prisoner Rights:**

- A. **Appropriate, and timely, access to court is afforded all prisoners.**
- B. **Unauthorized persons must stay out of any areas where prisoners are being held.**

**III. Support staff may not search or guard prisoners at any time or for any reason.**

**IV. Prisoners are not to be released if not positively identified with the exception of juveniles who may be identified by his or her parent or guardian on matters where prints and photographs are not allowed by state law , such as with misdemeanors.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-5 (Core Policy)**



**WARRANT SERVICE**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for serving warrants and summons.

**POLICY:**

Officers will serve warrants and summonses as soon as possible after issue.

**PROCEDURE:**

**I. Warrant Service:**

- A. Arrest warrants directed to the Department shall be executed by officers.
- B. Any officers having contact with a person for whom there is a warrant or summons will whenever possible serve the warrant or summons.

**II. Arrest Documents:**

- A. Officers shall serve:
  1. Summons;
  2. Arrest warrants;
  3. Non-appearance (NA) warrants; and
  4. Bench (BW) warrants.

**III. Warrant Entry:**

1. Warrants are generally received by the Support Staff who must enter the warrant into the appropriate system. Local warrants are only entered into Global whereas warrants with extradition are entered into Global and NCIC. Warrants that are received from District Court or Justice Court are also entered into Global and CJIN/NCIC. The warrants are date and time stamped by the Support Staff.

**IV. Reports Required:**

- A. When the summons or warrant is served, the officer completes an arrest report. NOTE: In many cases with Bench and Non-Appearance warrants, incidents were not created with the original arrest. If this is the case an incident report needs to be created when the subject is served and an arrest report is completed.
- B. Revocation warrants also require a new incident report.

**V. Territorial Limitations on Execution of Warrants:**

- A. Warrants issued by Municipal Court:
  1. Warrants issued for the violation of City Ordinances cannot be executed outside the city limits (MCA 46-6-215)

2. Warrants for State Code violations:
  - a. May be served anywhere in Yellowstone County by the Sheriff's Department or the Montana Highway Patrol;
  - b. Officers may serve warrants in Yellowstone County, but need permission from a commander
- B. Misdemeanor warrants issued by Justice or District Court may be served only in the State of Montana.
- C. Felony warrants may be served anywhere in the United States As long as the warrant service is within the extradition limits designated on the felony warrant.
- D. If assistance is needed from another jurisdiction to serve an extraditable warrant or summons, the request shall be made by an officer through a teletype message. The requesting officer shall coordinate with the arresting agency immediately upon notification of the arrest to:
  1. Ensure copies of the warrants are sent to the arresting agency;
  2. Ensure extradition requirements are being met; and
  3. See that the appropriate reports are completed immediately.

#### **VI. Service of Warrants from Other Agencies:**

- A. In general:
  1. Officers may arrest on knowledge, through NCIC or CJIN, that a warrant exists in another jurisdiction if:
    - a. Authorized to serve a warrant within our jurisdiction, and
    - b. Extradition has been authorized from our jurisdiction.
  2. The warrant and extradition requirements must be verified with the originating agency by Support Staff within a reasonable time or the subject should be released.
  3. A teletype copy or Facsimile copy of the warrant shall be requested from the originating agency by Support Staff and received as soon as possible.
  4. Arrest reports and supporting documentation should be sent to the prosecutor's office at least one hour before the time of arraignment on the day of arrest or on the next closest working day when possible.
- B. When another agency has a warrant for a suspect presumed to be in our jurisdiction:
  1. Officers will assist that agency by attempting to locate the suspect by:
    - a. Putting the information on briefing, and
    - b. If a suspect's location is known then dispatch will send an officer to investigate.
      - (1) An initial offense report is generated; and
      - (2) The requesting agency is later advised of the outcome by the assigned officer.
  2. The individual is not entered into Global as a wanted individual, because it is the responsibility of the requesting agency to enter the suspect into CJIN and NCIC.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 4-6 (Core Policy)**

**ALARMS OR ROBBERIES AT BANKS  
OR LENDING INSTITUTIONS**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for responses to alarms or robberies at banks or lending institutions.

**POLICY:**

The policy of the Department is to respond to bank or lending institutions alarms or robberies in a way that minimizes the danger to the officer, employees, and the public. [REDACTED]

**PROCEDURE:**

**I. Business Hours Alarm:**

- A. When a bank alarm is received from the alarm company, the dispatcher immediately dispatches officers to the bank.
  1. The officers dispatched respond safely to observation positions near the bank that allows officers to see activity at the bank, but does not allow the officer or his or her vehicles to be seen from within the bank.
  2. During the response:
    - a. Officers use overhead lights and sirens.
    - b. [REDACTED]
    - c. Officers will proceed with due regard for safety of self, and others.
  3. The first officer to arrive assumes command and directs the positioning of the other officers. The first officer must determine if there are any accomplices outside the institution.
    - a. If suspected accomplice(s) are located, the first officer must notify the dispatcher and other responding officers.
    - b. [REDACTED]
- B. After dispatching the patrol officers to the bank or lending institution, the dispatcher notifies:
  1. The commander; and
  2. Contacts the head teller or contact person of the institution to ask the status of the alarm, and arrange for that person to call the Communications Center back in 1 minute to verify the alarm status.
- C. The dispatcher, after receiving the call back:

1. Shall arrange with the institution to have a representative meet the primary officer at the officer's location if the alarm is false.
2. The dispatcher should get a description of the representative and relay the description to the primary officer.
3. If no response is received from the bank within reasonable time the alarm or suspected robbery will be assumed credible.
- D. The officer will require the following identification from the bank employee who is verifying that the alarm is false:
  1. Drivers license; and, if available
  2. A business card.
- E. If the officer is satisfied that the alarm call was false, the officer reports this information to the dispatcher and clear.
- F. If the officer decides that the alarm is a robbery in progress:
  1. The officers maintains his or her observatory positions until the suspects leave the bank or until ordered otherwise by a commander;
  2. Every effort should be made to prevent a hostage situation.

**II. After Hours Alarm:**

- A. When the Communication Center receives an afterhours bank alarm, he or she will dispatch a patrol officer,
- B. The dispatcher relays the name of the responding bank representative to the responding officers.
- C. The officers will secure the building and enter the institution with the bank responding representative once properly identified.
- D. After the bank is checked and secured by the bank responding representative, the officer may clear.

**III. Robberies:**

- A. FBI Notification:
  1. The Federal Bureau of Investigations is notified by the detective in charge at the scene on all robberies of financial institutions.
- B. Coordination:
  1. The FBI generally responds to the scene, assists with the investigation, but conducts an independent simultaneous investigation for later determination of venue for prosecution. The FBI may decide to take control of a robbery of the financial institution, but officers and detectives should continue his or her own investigation.
  2. Statements are taken from the victim(s), witness(es), and suspect(s)
  3. Photograph the crime scene including photos from the victim(s) point of view as looking at the crime.
  4. Sketch the crime scene, if needed.
  5. Gather evidence, to include any video taken by the financial institution.
  6. Process the scene for latent fingerprints.
- C. News Release:
  1. Will be handled by the Department in accordance with Policy #10-9.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 4-7 (Core Policy)**

**MDTs, VIDEO/ AUDIO RECORDINGS,  
LERMS, AND CJIN/NCIC**

Effective: July 21, 2021  
Review: by Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the use of the Mobile Data Terminals (MDT), audio/video recordings, the Law Enforcement Records Management System (LERMS), and Criminal Justice Information Network (CJIN) / National Crime Information Center (NCIC).

**POLICY:**

Billings Police Department use of MDT's, audio/video recordings, LERMS, and CJIN/NCIC will be for authorized and official business use only.

**PROCEDURE:**

**I. Training:**

- A. Officers shall be trained on the MDT, audio/video equipment, LERMS, and CJIN/NCIC.
- B. Initial officer training on the MDT, audio/video equipment, LERMS, and CJIN/NCIC is conducted during the Field Training Officer program.

**II. MDT Usage:**

A. Dispatched Calls:

1. The MDT is used in conjunction with radio communications and is not intended to replace over the air dispatching.
2. All calls will be sent through the MDT when available. The following guidelines apply to the dispatching of calls:
  - a. Emergency calls or in progress calls will be sent via MDT and by over the air dispatching. Officers will immediately acknowledge the call by radio.
  - b. All other non-emergency calls are normally dispatched via MDT and via radio as radio traffic allows. Officers immediately acknowledge a non-emergency MDT dispatched call with the MDT or radio when the non-emergency call is received.
  - c. Calls may be cleared via MDT, but the officer shall confirm via radio that dispatch copied the clear disposition.
3. All requests from any outside agency or party for copies of video/audio will go through Evidence.

B. Traffic Stops:

1. Traffic stops are initiated by radio whenever possible. If an officer cannot get on the radio to transmit his or her traffic stop, officers may initiate a traffic stop via MDT. The officer must radio dispatch with traffic stop information as soon as the radio becomes available.
2. Officers may clear the traffic stop via MDT but must confirm 10-8 via radio.

C. Department of Motor Vehicle (DMV), NCIC, and Wanted person checks.

1. Officers may use the MDT for DMV and wanted person checks when available, unless the officer is out of the patrol vehicle, or the use of the MDT cannot be done safely.
  - a. Officers shall not release information from MDT inquiries including DMV, Global, and NCIC information to the general public. Any requests of this nature shall be referred to the Department Support Staff.
2. Any wanted person or stolen vehicle information received via MDT must be confirmed through dispatch.

**III. Video Audio Usage (Includes Body Camera): In General:**

1. Officers shall test his or her video and audio equipment including batteries at the onset of each shift to ensure proper function.
2. Officers shall report any equipment malfunctions to the immediate attention of the officer's commander who notifies the Motor Pool for in car issues or the quarter master for body camera issues.
3. Officers shall activate video and audio equipment to include body camera to record all investigative and enforcement contacts with citizens.
  - a. Exceptions to activating video and audio equipment include:
    - (1) Officer or citizen safety would be jeopardized by activating or;
    - (2) Equipment failure.
4. If the action or contact takes place outside the frame of the in car camera, officers can use the audio recording and must use body camera if issued.
5. Video and audio equipment shall remain activated until the contact is completed in order to ensure integrity of the recording.
6. If an officer fails to activate video and audio equipment, fails to record entire contact, or interrupts the recording, the officer shall document why a recording was not made, interrupted, or terminated.
7. Audio and visual recording may assist in written documentation and to support probable cause.
8. Recording may be stopped during traffic control situations, such as during funerals, directing traffic, at emergency scenes when the recording equipment is not otherwise being used, etc.

**IV. Video**

- A. In car video/audio recordings
  1. Videos will start when the overhead lights are activated
  2. Officers are encouraged to record (video or audio) all public contacts.
- B. Body Camera recordings.
  1. Body cameras may be issued to officers in specialized assignments who work away from their vehicles or use unmarked vehicles not equipped with mobile audio/video recording devices during enforcement activities.
  2. Body cameras will be activated and used under the same criteria set forth in this policy for any audio/video recordings when unable to use a mobile in car audio/video system or digital recorder.

**V. Audio**

- A. Digital statements are the preferred method of recording a statement from a victim, witness or suspect.
- B. Digital statements are required for felony cases.

**VII. Mobile Data Terminals (MDTs), Law Enforcement Records Management System (LERMS), and the Criminal Justice Information Network (CJIN)/National Crime Information Center (NCIC).**

- A. Officers shall utilize MDTs, LERMS, and CJIN/NCIC for authorized and official business only.
- B. Officers shall not utilize MDTs, LERMS and CJIN/NCIC to check on the status, criminal history, driving record, personal information, or reports when such inquiry is not in the course of official business or otherwise authorized.
- C. Background Investigators conducting background investigations will be authorized to utilize MDTs, LERMS, and CJIN/NCIC to conduct status checks, criminal history, driving record, personal information, and/or reports on candidates who are being considered for employment with the Billings Police Department.
- D. Officers are prohibited from using the internet on a CJIN terminal, such as an MDT, unless there is a criminal justice reason and/or official business use only.
- E. Officers utilizing CJIN are prohibited from private, recreational, personal business, or “for profit” internet use.

**VIII. Safe Vehicle Operation:**

- C. The officer's primary responsibility is safe vehicle operations. Use of the MDT is always of secondary importance, and the officer should consider the need to safely stop the vehicle before using the MDT when the use is going to divert the officer's attention from the safe operation of the vehicle.

**RULES**

- I. Officers shall check the operation of the MDT, audio, and video equipment at the beginning of the shift. Officers shall report malfunctions to his or her commander at the beginning of the shift.**
- II. Video and audio recordings shall be maintained at least for 90 days.**

**References:**

**Boise Police Department Policy 8.05.00 “Specified Equipment Use.” (Issued April 2005)**  
**Montana Law Enforcement Academy Model Policy for Body Worn Cameras 10/2015**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-8 (Core Policy)**



**ORDERS OF PROTECTION**

Effective: January 12, 2015  
Review: by Day Shift Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines to ensure the proper handling and prompt service of orders of protection issued by the Billings Municipal Court.

**POLICY:**

The policy of this Department is to serve Billings Municipal Court issued orders of protection in a timely manner. Orders of Protection are maintained in a file by the secretaries.

**PROCEDURE:**

**I. Orders of Protection:**

- A. Billings Municipal Court sends the original order and two copies to the BPD teletype support specialist.
  1. Support specialists flag the respondent's jacket in the New World System (NWS) indicating that an order needs to be served.
  2. Support specialists write the incident number on the original and two copies.
  3. Support specialists file the original order and one copy in the warrant file.
  4. Support specialists provide one copy to the commander.
- B. The commander in charge of restraining order records:
  1. Assigns an officer to the service of the restraining order
  2. Places an assignment sheet and "contact sheet" on the copy of the order and gives it to the assigned officer for service.
- C. The officer:
  1. Is responsible for serving the order in a timely fashion, preferably within 24 hours, and keeping track of service attempts on the "contact sheet". The officer should exhaust all possible leads when attempting service. If the officer cannot serve the order, he or she returns the paperwork to the commander along with the reason(s) why the order was not served. The commander determines whether or not to assign another officer during a different time frame. If the restraining order is not served, the original order and one copy remain in the warrant drawer in case the person is located by another officer or agency.
  2. When the officer serves the order, he or she gives the respondent a copy.
    - a. The officer signs the service certificate on the original order and one copy. The officer attaches the "contact sheet" to the original order.
    - b. The officer places the original order, the original service certificate, and original contact sheet in the Billings Municipal Court drawer.

- c. The officer gives support specialist a copy to be filed with a signed copy of the service certificate.
- d. The officer gives the completed assignment sheet and a copy of the service certificate to the commander.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-9**



**WILDLIFE WITHIN CITY LIMITS**

Effective: May 15<sup>th</sup>, 2020  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish a method for dealing with wildlife in situations that the wildlife may pose a threat to the community.

**POLICY:**

The policy of the Department is to manage and control wild animals within the City limits, which pose a hazard to property and to people until the wildlife can be properly removed.

**PROCEDURE:**

**I. Game and Other Wild Animals:**

- A. Game and other wild animals should be handled by:
  1. Fish, Wildlife, and Parks (FWP) officials if available
  2. Animal Control Officers (ACO), if FWP not available.
  3. An officer under emergency circumstances.
- B. Game and other wild animals should be monitored by officers until FWP arrives or advises what actions to take, unless emergency circumstances exist.

**II. In General:**

A. Animal Control Officers:

1. Officers should initially attempt to contact ACO on a domestic animal call unless immediate action is required.

B. Euthanizing Animals:

1. Euthanizing animals is the responsibility of an ACO unless a firearm is required.
2. Commanders must be notified when an animal is euthanized.
3. Officers need to obtain additional duty ammunitions from the firearms commander after euthanizing an animal.
4. The officer makes the final decision as to whether an animal is to be euthanized with a firearm, taking into account:
  - a. The danger to others that euthanizing the animal presents
  - b. The reasons to justify euthanizing the animal
5. Game or other wild animals are euthanized:
  - a. By or at the direction of FWP Officials or
  - b. At the direction of a commander when FWP cannot be contacted and or the need to protect lives and property outweigh the need to preserve the animal or
  - c. At the discretion of an officer on the scene in an emergency to protect life when a commander is not available.

- d. If game or other wild animal is euthanized, and FWP have not been notified, he or she must be notified within 72 hours. The officer is responsibility to confirm that the animal is deceased. FWP does not need to be notified when deer are euthanized.
- e. The Street Department are notified to pick up big game carcasses left on public property or the right-of-way. The Street Department will not pick up any carcasses on private property.
- 6. The officer will use due caution anytime he or she euthanizes an animal to keep from injuring himself or others.
  - a. Leave the carcass where the carcass can be found by the proper authorities
  - b. Officers must write a report outline the reasons for euthanizing an animal including:
    - (1) The reasons the animal was euthanized
    - (2) The means that were used to euthanize the animal
    - (3) The location of the carcass and
    - (4) Any other pertinent facts surrounding the situation.
  - c. Deer and larger animals should be shot in the head, between the eyes and slightly above the line of the eyes. The angle of the projectile should be parallel to the spine.
  - d. Dogs should be shot by pointing the muzzle of the gun to the middle of the back of the head aiming in line with the dog's nose.
  - e. When euthanizing an animal, the officer should avoid placing himself or herself in a position of danger from the animal.
- 7. Animals will not be chased or herded unless the animals pose an immediate threat of harm to people or property.

### III. Special Considerations

#### A. Bears

- 1. Primary goal should be to educate residents and remove attractants for bears and their associating humans with food such as garbage being left out etc.
- 2. If attractants are removed bears usually will leave without hazing.
- 3. Bears in trees typically come down if left alone.
- 4. Hazing may be considered if a bear refuses to leave, frequents an area, or in coordination with FWP.
- 5. Methods for hazing are dependent on the situation with safety as a priority.
  - a. Pepper spray
  - b. Taser
  - c. Bean Bag Shotgun
  - d. Noise Flash Distraction Device (NFDD)
- 6. Considerations for euthanizing.
  - a. Time of Day
  - b. Proximity to Schools
  - c. Other risk factors to public's safety.

#### B. Lions

- 1. Normally nocturnal and elusive to human contact, they normally do not stay in proximity to humans.

2. Officers may euthanize a lion that is showing abnormal behavior to human contact.
- C. Rabies
  1. Avoid shooting animals in the head that are showing signs of sickness or rabies.
  2. Wear gloves when moving suspected sick animals after euthanized.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-10**



**HAZARDOUS MATERIALS CONTROL**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for controlling hazardous materials.

**POLICY:**

The policy of this Department is that officers handle hazardous materials spills or incidents with the utmost caution. Officers must take into consideration the hazards to the community and to responding officers.

**PROCEDURE:**

**I. The Approach:**

- A. The responding units should always find out the direction of the wind and approach from the upwind side.
- B. Officers should not enter a reported or suspected hazardous materials scene until the suspect material has been identified if possible.

**II. Identify the Materials Involved:**

- A. An officer should attempt to identify possible hazmat material by using his or her Emergency Response Guide (ERG), which is found every marked patrol car. For cars with Mobile Data Terminals, the ERG is found online at <http://phmsa.dot.gov/hazmat/library/erg#page6>
  1. An officer may be able to identify a hazardous material using the ERG by:
    - a. The 4 digit ID NUMBER on a placard on a vehicle, semi truck, or train car; The ID number is found in the yellow section in the ERG
    - b. On the shipping papers the 4 digit ID NUMBER is preceded by the letters UN or NA. Use just the 4 digit ID number to find the hazardous material in the yellow section in the ERG. For more specific information on shipping papers refer to the white section in the ERG.
    - c. Or by the MATERIAL NAME on a shipping paper, placard, label or package. The material name is found in the blue section in the ERG.
- B. The ERG is organized via placard number or in alphabetical order by material name. Once the guide number is obtained by using one of the three identified methods listed in IIA1-3 then officers should turn to the guide page. Guide pages are found in orange in the ERG. The guide pages offer instructions for identifying potential hazards, public safety instructions, and emergency response guidelines.
- C. If the officer does not have time to identify the hazardous material on his or her own, the officer should relay the ID numbers or material name to the dispatcher who will use the ERG to obtain the information.

**III. Protect the Scene:**

- A. Do not allow unauthorized personnel to enter the incident scene and
- B. Have dispatch notify the Billings Fire Department (BFD). The BFD assumes responsibility for the incident scene upon arrival

**IV. Isolate the Area:**

- A. Officers should stay upwind and out of low lying areas, where excessive hazardous material vapors may condense
- B. Evacuate all persons to the distance recommended in the ERG based on the estimated size of the spill or
- C. At least 2 miles in all directions if the ERG information is not available

**V. Incident Command:**

- A. The first responding officer is the Incident Commander (IC) until he or she briefs the commander and relinquishes the IC command. Once the fire department arrive on scene, the officer should brief the fire department personnel then relinquish command to the fire department.
- B. The Incident Commander has the authority to activate the EOC based on his or her observations and the assessment of the hazardous material incident.
- C. When the EOC is activated the HAZARDOUS MATERIAL RESPONSE AND EVACUATION PLAN FOR BILLINGS AND YELLOWSTONE COUNTY will be placed in effect. At this time law enforcement will follow the guidelines specified in the plan.

**VI. Clandestine Labs:**

- A. Upon discovering a Clandestine Lab, officers will:
  1. Clear suspects and all pedestrians out of the area
  2. Not re-enter the lab or tamper with anything unless directed by C.C.S.I.U
  3. Secure the area by establishing a perimeter a safe distance from the lab, preferably upwind; and
  4. Notify a commander as soon as possible
  5. Notify medical and fire.
- B. If a Clandestine Lab is discovered in a vehicle the officer will:
  1. Clear suspects and any pedestrians out of the area
  2. Not re-enter the vehicle or tamper with anything
  3. Secure the area by establishing a perimeter a safe distance from the vehicle and close streets if necessary
  4. Notify a commander as soon as possible
  5. Notify medical and fire
  6. Never have a vehicle containing a Clandestine Lab towed
- C. The Commander will:
  1. Contact the C.C.S.I.U. Commander, or investigations commander
    - a. C.C.S.I.U. takes charge of the crime scene

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-11**



**ALCOHOLIC BEVERAGE IN PARKS &  
BLOCK PARTY PERMITS**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to ensure monitoring of alcoholic beverages in parks and block parties.

**POLICY:**

The policy of the Department is to issues permits for alcoholic beverages in City Parks, and monitors and controls block parties.

**PROCEDURE:**

**I. Alcoholic Beverage Permits in Parks:**

- A. Are not issued for Swords or Riverfront Parks..
- B. May be issued up to 30 days in advance of use
- C. The party requesting a permit should notify the Parks Department in the event of a large gathering, so that the Parks Department may advise the applicant of other gatherings on the same date
- D. Application:
  1. The individual wishing to obtain a "beer permit" must fill out the application completely.
  2. The support specialist receives the application and requests a photo ID from the applicant to verify that the applicant is at least 21 years of age
  3. The police employee will check global name on the applicant:
    - a. To see if there are any active warrants for the applicant
  4. If there is an active warrant on the applicant, the commander must be notified.
  5. The Department may refuse to issue the permit for any reason.
- E. Approval:
  1. The support specialist takes the completed permit to a commander to sign and date the permit
  2. A copy of the signed permit is given to the administrative assistant to file.
  3. The original signed copy is returned to the applicant who requested the permit.
- F. Revocation:
  1. Any officer has the authority to revoke an alcoholic beverage permit if the continued use of the permit is creating a public problem.
  2. The officer revoking the alcoholic beverage permit must:
    - a. Confiscate the permit
    - b. Document the reasons for confiscating the permit; and
    - c. Give the confiscated permit and the documentation to the Chief of Police.

**II. Processing Permits:**

#### **4-11 Alcoholic Beverage in Parks & Block Party Permits**

- A. The Parks & Recreations Department is responsible for processing all block party permits. The Parks & Recreations Department forwards a copy of the permit to the Department. The copy is filed and pertinent information is forwarded to the administrative secretary for filing.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 4-12**



**NALOXONE (NARCAN)**

Effective: January 1, 2018  
Review: by Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the utilization of naloxone (narcan). The objective is to reduce fatalities from opiate overdoses and exposures.

**POLICY:**

The policy of this Department is that officers will be trained in the use of naloxone by appropriate personnel and will complete biennial in-service training by appropriate trained personnel. No officer shall carry or administer naloxone without first attending the initial training and subsequent biennial training. No officer shall, after attending appropriate training, be subject to disciplinary action for not administering naloxone as long as appropriate medical responders are summoned to the scene.

**PROCEDURE:**

**I. Training:**

**A. Initial Training:**

1. All sworn personnel will receive initial training that will include an overview of the 2017 House Bill (HB) 333-Help Saving Lives from Overdose Act, use of naloxone, patient assessment (e.g., signs/symptoms of overdose), universal precautions, seeking medical attention, and the use of intra-nasal naloxone by appropriate trained personnel.
2. Upon completion of training, officers will have their training recorded and documented by the Training Coordinator.

**B. In-Service Training:**

1. All sworn personnel will receive biennial continuing education that will cover the same training as the initial training. This training will be delivered by appropriate trained personnel.
2. Upon completion of biennial in-service training will be recorded and documented by the Training Coordinator.

**II. Naloxone Deployment:**

**A. The department will deploy its naloxone kits in the following locations:**

1. Patrol Division Vehicles
2. School Resource Officers
3. City County Special Investigations Unit (CCSIU)
4. Street Crime Unit (SCU)
5. BPD Evidence Processing Area's

**III. Naloxone Use:**

- A. When an officer believes there has been an opiate overdose the officer should do their best to:
  1. Maintain universal precautions.
  2. Perform a patient assessment.
  3. Speak with bystanders, if appropriate, and scan the area for indications of opiate use by the patient.
  4. Determine patient's level of alertness, looks for signs of life, and determine if depressed/absent breathing is occurring.
  5. Notify the dispatcher that the patient is in a potential overdose state and request Medical response if not already enroute; and
  6. Administer naloxone in accordance with current training standards.
- B. Officer will notify responding medical units of all medical steps taken prior to their arrival.

**IV. Maintenance and Replacement:**

- A. An inspection of the naloxone kits shall be the responsibility of the personnel assigned.
- B. Missing, damage, or expired naloxone kits will be reported to the department quartermaster and replaced or pulled out of service as appropriate. The quarter master will be responsible from providing a replace kit as soon as reasonably possible.
- C. It is recommended that naloxone kits not be left in off-duty police vehicles when the ambient outside temperature will drop below freezing or rise above 90 degrees Fahrenheit.

**V. Documentation / Naloxone report:**

- A. Upon completion of the medical assist and administration of naloxone, the officer will submit a report detailing the nature of the incident, the care the patient received, and the fact that the naloxone was administered.

**References:**

- **Carrboro Police Department Policy Manual; Carrboro, North Carolina**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 5-1 (Core Policy)**



**TRAFFIC LAW ENFORCEMENT**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for traffic enforcement.

**POLICY:**

The policy of the Department is to conduct traffic enforcement uniformly.. An effective method of controlling traffic accidents and reducing the severity of accidents is strong enforcement of the traffic laws. Every officer of this Department must enforce traffic laws.

**PROCEDURE:**

**I. Traffic enforcement types:**

**A. Written Warning:**

1. Is issued at the discretion of an officer and when, the severity is such that a citation would not be warranted.
2. May be issued for equipment violations and if the suspect vehicle was not involved in an accident.
3. May only be issued when speeds are less than 10 miles per hour over the posted speed limit.
4. Warnings may be issued for violations of new laws, regulations, or city ordinances for 2 weeks from the effective date unless the violation causes an accident or are more serious in nature.
5. May have up to 5 violations on a warning citation.

**B. Citations are issued for:**

1. Drivers license violations;
2. Vehicle license or registration violations;
3. Reckless driving;
4. D.U.I.;
5. Speeding in excess of 10 mph of the posted speed limit
6. Red light and stop sign violations;
7. For any violation which an accident has occurred;
8. For any traffic complaint made by a citizen that necessitated officer follow-up;
9. Insurance violations; or
10. Any violation that causes a hazardous condition that results in a person taking evasive action to avoid an accident.

**C. Citations**

1. Are the primary methods of traffic enforcement.
2. May have up to five violations on a citation form

3. When issuing a citation, the officer shall inform the violator of:
    - a. The Court appearance date and if physical appearance in court is mandatory;
    - b. The specific violation(s) that the violator is charged with;
    - c. Officers will not accept bond.
      - (1) If the violator wants to post bond he or she will have to go through municipal court. The violator may contact Municipal Court at 406-657-8490 to determine the amount of the bond;
      - (2) Municipal court collects bond at 2nd floor City Hall between the hours of 0830 - 1700; Bonds must be cash or surety only;
    - d. The officer should ask the violator if he or she has any questions regarding the citation before being released.
    - e. Information regarding the violator's rights and responsibilities is on the back of the offender's copy of the citation.
  4. Officers may not discuss:
    - a. Bond amounts; or
    - b. Any possibility of:
      - (1) Citation dismissal;
      - (2) Charge reduction; and or
      - (3) Any other areas of judicial discretion.
- D. Physical Arrest:
1. Some traffic violations because of the seriousness of the offense mandate arrest. Examples of these types of traffic violations include DUI, eluding, endangering the welfare of a child, and driving while suspended or revoked. Arrest may be the option if the officer suspects that the violator may not appear.
  2. When juveniles are arrested, the officer must notify the juvenile's parent(s) or legal guardian as soon as possible.
- E. Traffic Enforcement:
1. Is part of the officer's daily work; and
  2. Must be performed using a marked patrol car.
  3. If an officer in an unmarked vehicle wants to stop a violator, he or she must contact dispatch to request a marked unit unless the unmarked unit is equipped with emergency lights and siren to make the stop.
  4. Bike patrol officers may initiate a traffic stop on a vehicle, but should request a marked unit if the traffic stop is in a congested area.

## II. Handling Violations:

- A. Traffic violations are handled the same for all violators, however, special processing may be required when dealing with particular circumstances:
1. Residents: warn, cite, or arrest, and then release with a citation unless a bond or incarceration is otherwise necessary.
  2. Non-Residents:
    - a. Non-resident adults may need to post bond before release. Refer to C, 3, c above for bonding procedure.
    - b. Non-resident juveniles may not be incarcerated in lieu of bond.
  3. Juveniles:
    - a. Same procedures as for adults with the exception of collecting bond.

- b. Juveniles, 16 or older, may be questioned about traffic violations arising under Title 61, including D.U.I. processing, without parental consent.
  - c. Juveniles 12 years or older will be cited into Municipal Court the same as adults.
  - d. Juveniles cannot be incarcerated in lieu of bond.
4. The following persons are privileged from arrest in all cases except treason, felony, or breach of the peace (MCA 46-6-102):
  - a. Legislators: may not be arrested if the offense occurs during a regular or special session of the legislature or if they are going to or returning from a session.
  - b. Electors: may not be arrested during his or her attendance at polling places and in going to or returning from an election.
  - c. Military Personnel: may not be arrested during his or her attendance at a muster, an elections, or coming to or going from either.
    - (1) May not be cited for failure to have current Montana drivers license provided:
      - (i) Had a valid Montana drivers license at the time of entrance into the service; and
      - (ii) Are still in the service; or
      - (iii) Have been separated from the service within the last 30 days.
    - (2) Military personnel who are operating a military owned or leased vehicle are exempt from license requirements.
  - d. Judges, Sheriffs, & other court officers: may not be jailed while attending court or going to or returning from court.
  - e. Foreign Diplomats:
    - (1) Same guidelines for enforcement apply;
    - (2) May not be jailed; and
    - (3) May operate on a driver's license issued in his or her home country, in conjunction with an international driver's license or permit.
5. Violators charged with offenses that prevent driving include:
  - a. Medical conditions, no insurance, and no driver's license.
  - b. The violator is issued a citation.
    - c. May have another sober licensed driver with them drive
    - d. May call for a ride
    - e. May have the officer park the vehicle at the curb or in a parking or
    - f. May have a wrecker called at the request of the owner.

### **III. Use of Speed Measurement Devices:**

- A. Speedometer:
  1. Officers using speedometer measurement to issue a citation must pace the violator for a reasonable distance maintaining the same distance from the violator.
  2. Officers shall be trained in the proper operation of the radar.
  3. Officers shall check the calibration of the radar unit with the appropriate tuning fork:
    - a. When it is placed into operation for the day;
    - b. When it is taken out of service for the day; and
    - c. Anytime during the shift that the operator suspects malfunction.
    - d. Radar equipment that is out of calibration will be turned in to the Deputy Chief without further use for the detection of violators.

4. The Deputy Chief or designee keeps records of radar units and includes any records of repair.
5. Radar units shall be turned off and properly secured to prevent damage when not in use.
6. The tuning fork assigned to a radar unit shall remain with it.

**IV. Drivers in Need of Reexamination:**

- A. Officers shall complete the form provided by the Montana Highway Patrol and mail it to the MHP Drivers License Division in Helena for action upon belief that the driver should be re-examined for:
  1. Driving ability;
  2. Vision;
  3. Physical impairment;
  4. Mental impairment; or
  5. Other (specify).
- B. The officer shall provide the facts that led him or her to the conclusion that the individual needed re-examining.

**V. Pedestrian and Bicycle Traffic Enforcement:**

- A. Pedestrians are expected to obey pedestrian laws and may be cited for violations.
- B. Bicyclists are expected to obey bicycle regulations and may be cited for violations.
- C. Violations causing accidents may be cited into Municipal Court when the violator is 12 years old or older.

**VI. Enforcement of Off Road Vehicles:**

- A. Violations of City Ordinances and State law by off road vehicles are cited whenever a provable violation exists.
- B. Off road vehicles are a source of many noise and other complaints and shall be responded to as any other complaint.

**VII. Parking Enforcement Activities:**

- A. Violations of parking ordinances in the downtown business district are handled by the Finance/Parking Department during normal business hours.
- B. A request for assistance from a parking attendant shall be responded to by officers.
- C. Officers shall be called by the parking attendants when a vehicle is to be impounded and the officer will request a rotational wrecker for the vehicle to be towed to the wreckers lot.
- D. Violations outside the downtown business district or during other than normal business hours in the downtown business district shall be handled by the officer assigned to the area.
- E. Residential Violations:
  1. When an officer observes a violation involving one of the special use vehicles in a residential area and the vehicle is not creating a hazard, he or she will contact the owner during reasonable hours and verbally advise the owner of the law and give the owner 24 hours to move the vehicle.
  2. If the owner cannot be located after talking with residents in the area the officer should tag the vehicle as abandoned.

3. The officer should make attempts to contact the driver or owner of commercial vehicles in addition to giving them a parking ticket or citation when the commercial vehicle is in a residential district.

**VIII. Officer Safety:**

- A. Dictates that traffic offenders shall not be placed in the police vehicle with the officer while paperwork is being prepared. The offender may be placed in a police vehicle only if an accident investigation is in progress or if the offender is under arrest and is going to be transported.
- B. Cover Car:
  1. Dispatch may choose to send a cover car to a traffic stop for a variety of reasons:
    - a. Registered owner with a warrant
    - b. Large numbers of occupants in the vehicle
    - c. Vehicle not immediately stopping
    - d. Other circumstances that raise concern
  2. The officer initiating a traffic stop may request a cover car anytime they feel one is necessary.
  3. Officers may choose to check on or drive-by traffic stops without being requested or dispatched if they are available. It is understood that this is a professional courtesy and should not be expected or presumed to be a patrol requirement.
    - a. If an officer does a drive-by of a traffic stop, but does not check out and stay, they should radio dispatch that the remaining officer is 10-38 and does not require a cover car at that point.

**IX. High Risk Traffic Stops:**

- A. The initial stop
  1. Choose your location to make the stop. Preferably in an area with little vehicular pedestrian traffic. Hills and curves in the roadway should be avoided.
  2. The traffic stop should be initiated where good lighting is available.
  3. At night, use high beams, takedowns and spotlights, when available.
  4. Notify dispatch by radio of the following information:
    - a. Red Stop (Felony Stop),
    - b. Location,
    - c. License plate information,
    - d. Description of vehicle,
    - e. Number of occupants
- B. Securing the suspect vehicle:
  1. The primary officer will issue commands or will direct another officer to assist with commands.
  2. After all visible suspects are out of the vehicle and secured, the primary officer will challenge the vehicle several times ordering any other suspect to sit up.
  3. The secured suspects should be asked if there are any other suspects hiding in the vehicle and if there are any weapons in the vehicle before it is approached.
  4. One or two secondary officers will carefully approach the suspect vehicle and insure all occupants have been secured.
- C. Suspect Flees:

1. If a suspect flees from a multiple occupant high risk traffic stop, officers should never chase the suspect. Officers should never leave a position of cover until all occupants of the vehicle have been secured and the vehicle checked.
  2. The Primary Officer should radio in a description of the fleeing suspect and a direction of travel.
- D. Suspect Refuses to Obey Commands:
1. If any suspect refuses to get out of the suspect vehicle, the scene should be handled as a barricaded suspect scene and a supervisor will be notified immediately.
  2. Officers will remain in covered positions until a supervisor arrives and takes command of the scene.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 5-2 (Core Policy)**



**D.U.I ENFORCEMENT**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for enforcing and processing Driving Under the Influence (DUI) offenses.

**POLICY:**

The policy of the Department is to identify problems associated with the intoxicated driver. All officers of the Department must be an active part in identifying and stopping intoxicated drivers.

**PROCEDURE:**

**I. Stopping:**

- A. An officer that has reasonable suspicion to believe that he or she is dealing with a possible DUI driver is recommended to stop the driver and request cover.
- B. If after closer inspection, through observations and if possible standardized field sobriety maneuvers with a preliminary breath test if possible, the officer has developed probable cause to believe that a driver is DUI the officer shall arrest the driver.
- C. If not previously completed for officer safety reasons, the arrestee shall be pat down for weapons or other items that could pose a threat to the officer.
- D. The DUI driver's vehicle should:
  1. Be legally parked and secured by the officer; or
  2. The driver may choose to allow a sober passenger to drive the vehicle; or
  3. The driver may request a wrecker at his or her expense.
  4. If the vehicle is a traffic hazard or is otherwise illegally parked, and the operator refuses to allow the vehicle to be moved, the officer shall call a wrecker off rotation and have the vehicle towed to the wrecker's lot at the owner's expense.
  5. In any case the DUI driver shall never be allowed to drive the vehicle after probable cause is established that the driver is impaired.
- E. The suspect driver shall be transported, by the arresting officer, to the DUI processing center as soon as possible after the arrest.
- F. The cover officer, when available, should assist the DUI processing by operating the video camera at the processing center.

**II. Upon arrival at the DUI Processing Center:**

- A. The arresting officer should enter the vehicle sally port only if the DUI driver is:
  1. Handicapped;
  2. Uncooperative;
  3. Fighting; or

4. The officer believes that the use of the vehicle sally port is appropriate given the DUI driver's demeanor.
- B. Both the arresting and the cover officers should park west of the sally port in the designated parking area.
- C. The officers enter the vehicle sally port by the west pedestrian door with the suspect.
- D. Both officers must secure his or her weapons in the gun locker. NO WEAPONS ARE ALLOWED IN THE DUI PROCESSING CENTER.
- E. The officer then takes the suspect into the processing center through the DUI door.
- F. If the vehicle sally port was used, the vehicle should be removed from it as soon as possible.
- G. Conduct the interview in the BPD interview room if possible, however if the BPD room is in use, use any other available processing room.

### **III. The Interview Process:**

- A. Search suspect for weapons and contraband for officer safety before beginning the interview process once the suspect driver exits the car.
- B. Remove the handcuffs from the suspect(if the suspect driver is not unruly or if suspect's conduct is not threatening to the officer
- C. Start the video recorder
- D. Read the start of the audio/video format so that the following information is at the start of the recording:
  1. Officer's name
  2. Assisting officer name
  3. Date
  4. Time
  5. Location
  6. Suspect's driver name
  7. Suspect's driver address and
  8. Suspect's driver date of birth
- E. Explain the standard field sobriety maneuvers, briefly demonstration, then have the suspect driver perform the standard field sobriety maneuvers as per training, which may include the following:
  1. Alphabet Recitation;
  2. Horizontal Gaze Nystagmus;
  3. Walking heel to toe; and the
  4. One leg stand
- F. DRE Assistance:
  1. If the officer is a Drug Recognition Expert (DRE) or has equivalent training, they may also ask the suspect driver to perform the Romberg stance and check for vertical nystagmus.
  2. If the officer is not a DRE, he or she may call for a DRE; when the initial DUI tests, SFST and or PAST (PBT) results are not consistent with the observed impairment.
    - a. Requests for a DRE's start with any BPD DRE on-shift, if no one is available have the dispatch center inquire if YCSO or MHP have a DRE available.
      - (1) Callout – if an on-shift DRE is not available the officer shall contact his supervisor and they will determine if a DRE should be called out.

- (2) Outside agency request for assist from one of our DRE's is limited to on-shift availability. The DRE will meet them at the DUIC after their initial assessment is completed.
3. Once the DRE is notified, the DRE will determine the next course of action based on the arresting officer's investigation and observations at the DUIC.
  4. The arresting officer will remain on scene throughout the entire evaluation, and is responsible for all charges brought against the arrested individual.
  5. The DRE will attempt to obtain a blood sample from the individual to confirm the presence of a drug(s). The arresting officer is responsible for the evidentiary process of the obtained blood sample.
- G. Next, the officer must advise the suspect driver of the implied consent law
1. If the suspect driver requests to consult an attorney, explain that the right to counsel applies only to in-custody interrogation concerning the facts of the offense, that, by operating a vehicle in Montana, by law he or she is deemed to have given his or her consent to the test and that a refusal to take the test prior to consulting an attorney is considered a refusal under the law.
  2. If the suspect consents to take the test, administer the preliminary test, making sure the suspect has not smoked, eaten, drank, belched, or placed any substance, such as gum into his or her mouth 20 minutes prior to the test. The Intoxilyzer 8000 requires a preliminary test first then a confirmatory test second. The Intoxilyzer measures both samples for accuracy and must meet a less than 5% deviation in the numbers. If the deviation is greater than + or - 5% then a third test is required.
  3. If the suspect has smoked, eaten, drank, belched, or placed anything in his or her mouth then officers must delay the test for 20 minutes.
  4. The officer has the option to chose which test, namely blood or breathe that the suspect driver must take.
  5. If the officer suspect drug use the officer should request a blood test. A blood draw can be conducted by a staff nurse at the Yellowstone County Detention Center.
- H. Obtain alcohol concentration test:
1. Breath Test:
    - a. This is the standard test that is offered to suspect drivers arrested for DUI when he or she is brought to the DUI processing center
    - b. Officer should use the Intoxilyzer as per training.
  2. Blood Test:
    - a. This test is offered to suspect drivers who are taken to the hospital or may be obtained at YCDF by a staff nurse
    - b. The officer must fill out and sign the Blood Test Request form that is provided with the blood vial from the State Lab and give the vial to the physician or registered nurse drawing the blood.
    - c. The blood must be drawn by an qualified medical person under controlled conditions to prevent cross-contamination
    - d. Whenever possible the officer requesting the test shall observe the collection of the blood sample to ensure that the qualified medical person drawing the blood properly marks the sample for later identification and so that the qualified medical person can testify to the blood sample authenticity;

- e. The blood test is the preferred test for those suspect drivers impaired possibly by drugs; however, the officer must follow the instructions on the blood vial kit with regard to sealing the blood vial, sealing the Styrofoam packing, and placing the request for analysis between the Styrofoam and the shipping box.
  3. The officer must fill out and sign for either blood tests and complete the following forms provided by the State Crime Lab:
    - a. An implied consent form; and
    - b. A Request for Alcohol Analysis form
  4. The suspect driver may request a blood test on his or her own. If the suspect driver requests an independent blood test, he or she must be offered the opportunity to obtain an independent blood test at his or her own expense, even if the suspect driver has refused the test offered by the officer. This test must be provided to the defendant in a timely manner.
- I. Advise of Miranda Rights:
1. If at any time the suspect driver in any way indicates that he or she wishes that an attorney be present or if he or she chooses to remain silent, all interrogation concerning the offense must cease.
  - J. If the suspect driver waives his or her right to counsel and agrees to answer questions voluntarily then the officer may proceed to question. Once the processing is complete then end the video recording and finalize the video per instructions at the video recording machine.

**IV. After Processing:**

- A. The subject driver is then handcuffed and escorted to the booking area of the YCDF for processing and is either:
  1. Incarcerated: A REMAND SLIP must be filled out and provided to the booking officer at the detention facility; or
  2. Detained: A TEMPORARY DETAINER form must be filled out and provided to the booking officer at the detention facility. The suspect driver may be released to a responsible, sober adult, or after bond is posted once a notice to appear is issued.
- B. It is not recommended to do any paperwork with the suspect sitting in the report writing area of the processing center. If a citation needs to be completed, do the citation in the interview room and then take the suspect driver to the booking area.
- C. Upon completion of the interview and before leaving the processing center, the arresting officer removes the DUI DVD and tags the DVD into evidence following standard evidence procedures (Reference BPD Policy 9-3).

**V. Miscellaneous Information:**

- A. Any weapons, contraband, or property belonging to the suspect driver may be turned over to YCDF staff, or tagged into evidence.
  1. Any in car audio or video recordings and the processing DVD shall be shall be tagged in as evidence with the case.
- B. All areas in the processing center are monitored by audio-video camera in the YCDF Control Center.
- C. There are several intercom buttons in the DUI processing center to be used for emergency situations or for communication with the control center or booking area.

- D. After completing the processing, turn off the lights in all unused interview rooms before leaving the processing center.
- E. After ensuring that the processing center is left in an orderly manner exit the building the way the building was entered and retrieve your weapon(s).

#### **VI. DUI Vehicle Seizure/Forfeiture:**

- A. Municipal Court
  - 1. Has jurisdiction on third offense DUI convictions.
  - 2. When a Municipal Judge issues a Seizure Order, the order is referred to the original arresting officer and the City Attorney's Office.
  - 3. The arresting officer:
    - a. Places a copy of the seizure order with the C&O written on the order in the original's basket.
    - b. Places an attempt to locate on the vehicle on briefing for 5 days and requests the support specialists to place an ATL on the vehicle in Global, along with flagging the registered owner's name in Global.
    - c. Attempts to seize the vehicle.
  - 4. If the vehicle is seized, the seizing officer:
    - a. Requests Hanser's towing and have the vehicle towed to the City Impound Lot
    - b. Completes a supplement report and an Impound Card and forward copies of both to the City Attorney's Office.
    - c. Notifies the support specialists to cancel the Global ATL on the vehicle and on the locate on the registered owner.
- B. District Court:
  - 1. Has jurisdiction on fourth and subsequent DUI convictions.
  - 2. After the District Court Judge issues a Seizure Order, the County Attorney's Office sends a copy of the order to the Department.
  - 3. The seizure order is given to the original arresting officer who:
    - a. Places a copy in the original file.
    - b. Places an attempt to locate on briefing for 5 days.
  - 4. The seizing officer follows the same procedure as listed above for Municipal court under VI, A.

#### **RULES:**

##### **I. Training:**

- A. The Department provides officers with training on DUI enforcement and apprehension.**
- B. All officers of the patrol division will be certified in the use of the Intoxilyzer by completing the Breath Test Specialist course and will recertify every 2 years.**

##### **II. No firearms are allowed in the DUI Processing Center.**

##### **III. All prisoners must be searched before entering the processing center. Also, any weapons or contraband will be seized and secure prior to entering the processing center.**

##### **IV. The EMERGENCY EXIT is not to be used to exit the building at any time other than an emergency because the emergency exit is alarmed. Officers are cautioned that the emergency exit is a possible escape route for the suspect driver.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 5-3 (Core Policy)**



**TRAFFIC DIRECTION & CONTROL**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for implementing traffic direction and control.

**POLICY:**

The policy of the Department is to perform traffic direction and control when and where necessary to ensure the safe and efficient movement of vehicles and pedestrians.

**PROCEDURE:**

**I. Traffic Control:**

A. Manual traffic direction is normally utilized only for special events, accidents, emergencies, or in the case of a non-functioning traffic control device. The decision to use manual traffic direction involves the assessment of:

1. Traffic volume;
2. The number of lanes to be controlled;
3. The speed of the traffic;
4. The number of pedestrians;
5. The expected duration of the congestion; and
6. The availability of manpower.

B. Fire Scenes:

1. The Department is responsibility to control traffic at fire scenes.
2. The officer(s) assigned to fire scenes have the following responsibilities:
  - a. Protect the public from fire and smoke dangers;
  - b. To close or restrict traffic on the necessary streets
  - c. Maintaining emergency access for emergency equipment, if those accesses have not been restricted prior to the assigning of an officer for control; and
  - d. To protect hoses from being driven over.
3. Officer(s) assigned should request the street department to provide barricades to reduce manpower required at the scene during anticipated extended street closures unless the fire scene turns into a criminal investigation. If the scene turns into a crime scene, the officers assigned must have approval from the Commander of the Detective Division before leaving the scene.

C. Escorts:

1. Law enforcement escort services normally are not provided.
2. Exceptions may be authorized by the Chief of Police, or designee, and may include:
  - a. The funeral of a dignitary.
  - b. Escort of public officials or dignitaries.

- c. Military convoys or military funerals.
  - d. Ambulance(s) from outside agencies that may not be familiar with emergency routes to local hospitals.
  - e. Hazardous or unusual cargos, such as high or wide loads, which would be in the interest of the Department to be quickly and safely transported through town; or
  - f. Escort of a private vehicle in an extreme emergency.
3. Scheduled roadblocks:
- a. Are utilized only pursuant to a traffic control plan approved by the Captain of the Operations Division, and in compliance with MCA 46-5-502;
  - b. May be used for:
    - (1) Safety checks, such as checking for driver's licenses, vehicle registration and insurance;
    - (2) DUI enforcement and;
    - (3) Special enforcement problems.
  - c. Adequate equipment and manpower must be available to assure safety of the public and the officers involved.
  - d. In all cases of a planned roadblock a Commander will be at the scene during the implementation of the roadblock.
- D. Temporary traffic control devices:
- 1. Normally temporary traffic control devices are used only at the direction of the Traffic Engineer, who has approved a temporary traffic control plan.
  - 2. May be utilized to replace a fixed traffic control device that is damaged, stolen, or otherwise not in place, until a replacement can be arranged for.
  - 3. Requests for temporary traffic control devices are relayed by the dispatcher to the street department or the on call person after normal work hours.
  - 4. During emergency situations:
    - a. Officers may obtain available signs, barricades, cones, from the street department. Officers should have dispatch notify the street department as soon as possible as to temporary equipment location and reason for equipment use.
    - b. Temporary traffic control devices that are utilized during an emergency should be removed as soon as the emergency no longer exists.
    - c. The officer's reports will indicate what temporary traffic control devices were used and how.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 5-4 (Core Policy)**



**ACCIDENT INVESTIGATIONS**

Effective: January 12, 2015  
Review: by Crash Investigator Command

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for investigating traffic accidents.

**POLICY:**

The policy of the Department is investigate or take reports on all accidents within the city limits, and other locations outside the city limits per written agreement with the Montana Highway Patrol, that occur upon the public right-of-way, or occur as a result of leaving the public right-of-way. Officers are responsible to provide emergency assistance to the injured; take appropriate enforcement action relative to the accident; conduct a thorough investigation at the scene, and follow up on the investigation when necessary.

**PROCEDURE:**

**I. Additional Jurisdiction:**

- A. Per written agreement with the Montana Highway Patrol dated February 3, 2004, the Department agrees to investigate accidents occurring at the following locations:
  1. Main Street from the intersection of HWY 87/1<sup>st</sup> Avenue N to the intersection of Main Street and US HWY312/Roundup turnoff.
  2. Shiloh Drive from Zoo Drive to Rimrock Road
  3. All of Rimrock Road and Molt Road to the railroad trestle
  4. The Montana Highway Patrol will continue to investigate all accidents occurring within the city boundaries on the interstate
  5. Bench Blvd from Main Street to Lincoln Lane (new cutoff)

**II. Investigation to be Completed:**

- A. Whenever an officer responds to an accident, a full and complete investigation will be conducted as follows:
  1. Non-injury accident:
    - a. Fill out the Billings Police Department Accident Information Exchange Form. These are the new CarFax exchange cards. Should include Report #, Date, Driver's Name, Insurance Company, Policy # and Party Contact #.
    - b. Check for driver's licenses, registrations and proof of insurance.
    - c. Complete accident report form
  2. Fatality and serious Personal Injury (PI) accidents and private property accidents involving DUI or reckless drivers:
    - a. Must be investigated regardless of location (either on the street or on private property).
    - b. If the accident is a fatality or appears that it might become a fatality:

- (1) A Commander should respond to the scene of the accident.
- (2) The Assistant Chief will be notified and may elect to respond to the scene of the accident for supervision.
  - (i) In cases of fatalities, a Commander will notify a Crash Investigator to respond to the scene utilizing the monthly call-out list. In cases of serious PI accidents, the Commander will decide whether or not a Crash Investigator is needed to respond.
  - (ii) The on-call Crash Investigator for the month will advise the Commander who else needs to be called out to assist them, if necessary.

**III. Accident Scene Procedures:**

- A. The primary officer and shall be in charge of the scene and investigation unless properly relieved.
- B. Responsibilities of the first officer arriving at the scene of an accident:
  1. Officer is to request medical for injured persons
  2. Summon additional assistance (e.g., officers, fire department, tow truck, power company, etc.) as required;
  3. Protect the accident scene;
  4. Call for barricades if necessary to block the roadway and establish a safe traffic pattern around the scene.
  5. In the case of hazardous material, refer to Policy #4-12
  6. Traffic direction and control
    - a. The officer must have the overhead lights on his vehicle operating
    - b. In non-fatality accidents, operable vehicles should be removed from the roadway as soon as possible to prevent unnecessary blockage of the street. The officer should establish a safe traffic pattern around the scene.
  7. Towing of vehicles
    - a. If the driver is unable to remove a disabled vehicle the investigating officer(s) will have the vehicle towed from the scene.
    - b. The vehicle is removed by a private wrecker company to their lot.
    - c. If a fatality occurred or there is a chance that a fatality will occur the vehicle(s) will be towed to and impounded in the City Impound Lot.
  8. Accident victim's property
    - a. Miscellaneous property belonging to accident victims (such as purses, clothing, etc.) will be:
      - (1) Sent with the victim in the ambulance; or
      - (2) Turned over to family or friends with the permission of the victim; or
      - (3) Remain secured inside the victim's vehicle and the property becomes the responsibility of the towing company which removed the vehicle from the scene.

**IV. Investigation Procedures:**

- A. The responding officer(s) must conduct a full and complete investigation at the scene of any accident involving fatality, serious injury, DUI or reckless drivers as follows:
  1. Interviews:

- a. Interview drivers: (if the accident is a fatality, or may become a fatality, the interview shall be audio/video taped and will be conducted by the Crash Investigator or a detective).
- b. Interview passengers to obtain corroborating statements; and
- c. Attempt to locate non-involved witnesses to obtain impartial testimony.
- 2. Examine and record the vehicle damage.
- 3. Examine and record effects of the accident on the roadway.
- 4. Take photographs as appropriate.
- 5. Take measurements as appropriate.
- 6. Collect and preserve evidence: (in accordance with Policy #9-3)
  - a. Fatality or serious injury accidents likely to become fatalities:
    - (1) A breath/blood test will be administered to the driver(s).
    - (2) If a driver(s) refuses to submit to a test, under exigent circumstances the officer will administer the test without obtaining a search warrant (as judicially recognized).
- 7. Exchange information between drivers - it is the responsibility of the officer to make sure that the drivers receive the following information from the other parties involved:
  - a. Officers complete the Carfax exchange card, which includes the drivers names, insurance companies, policy number, and insurance contact information. Note- Information on car accidents is usually not available on Carfax until after 7 business days.
- 8. The following paperwork is completed:
  - a. Supplements will be generated if necessary.
  - b. A diagram is prepared (to scale for fatalities, Crash Investigators will utilize the Total Station).
  - c. The accident form is filled out.
  - d. Citations:
    - (1) In the case of a fatality or possible fatality:
      - (i) No citation will be issued to the driver(s) who commit violations of the law until the case has been referred to the County Attorney's Office for criminal prosecution; and
      - (ii) Citations will only be issued under the guidance and direction of the County Attorney's Office.
    - (2) In all other accidents: Citations will be issued to those drivers where there is probable cause to believe a violation of the law has been committed.
- B. Responding officer(s) to all other accidents must adhere to the procedures listed in (II, A), (III, A, B: 1-8) and (IV, A, 8, d, (2)).

**V. Hit and Run Accidents:**

- A. The initial investigation should be carried out as far as possible by the primary investigating officer; and
- B. The follow up investigation is assigned based on evidence, leads, witnesses, etc.
- C. Hit and Run accidents on private property will be investigated if the victim has evidence or witnesses to assist an officer in locating the hit and run vehicle.

**VI. Private Property Accidents:**

- A. Accidents occurring on private property, including hit and runs, will be investigated if suspect vehicle information is available or they involve:
  1. Personal injury;
  2. An incident where a citation could be issued for these offenses:
    - a. DUI;
    - b. No insurance or no proof of insurance;
    - c. Reckless driving;
  3. City property or City employees on duty; or
  4. An arrest.
- B. If an investigation is done on private property it will include:
  1. Accident form;
  2. A supplement including witness information; and
  3. Citation(s) for violations as listed under A., 2: a-c.
- C. Accidents occurring on private property which do not meet the criteria above in A (1-4):
  1. If the driver(s) and/or property owner insist upon an officer's response, an officer if available will be sent to the scene of a private property accident.
  2. The officer responding will need to complete only a supplemental report with the following information:
    - a. Driver(s):
      - (1) Name(s);
      - (2) Address(es);
      - (3) DOB(s); and
      - (4) Phone number(s);
    - b. Property owner(s):
      - (1) Name(s);
      - (2) Address(es);
      - (3) DOB(s); and
      - (4) Phone number(s);
    - c. Vehicle description(s) to include license numbers; and
    - d. Circumstances.
  3. The driver(s) and/or property owner(s) should exchange information and be advised to contact their insurance companies.
  4. Officers will verify current insurance and fill out a Carfax card.

**VII. Officer-Involved Accidents:**

- A. If an employee is involved in an accident, he must:
  1. Remain at the scene;
  2. Attend to any injured persons;
  3. Report the accident, by radio, immediately to the Commander;
  4. Secure the names of any witnesses;
  5. Stand by until the accident has been investigated by a Commander;
  6. Fill out in duplicate:
    - a. The City of Billings Accident/Injury Form
  7. Make a separate additional copy of the accident report, the Incident report, all other supplements; and

8. Give the Commander, City of Billings Accident/Injury Form and the separate additional copies of the reports, supplements, etc. listed above. The aforementioned will be provided for the Assistant Chief to review.
- B. Any accident/incident involving Department personnel (sworn or unsworn) while physically operating vehicles associated with their duty will be investigated by a Commander or their designee. In cases of serious injury or death, the Commander will request members of the Department's Crash Investigation Team to assist with the investigation.
- C. The Commander investigating the accident will forward a report along with their findings to the officer's Shift Lieutenant. The Shift Lieutenant will have the responsibility to make an "At Fault" or "Not At Fault" determination with regards to the employee. The Lieutenant will make the determination of fault based upon:
  1. Did the employee have knowledge or should have had knowledge of applicable laws, regulations, rules, postings, or normal safety precautions?
  2. Did the employee violate such law, procedure or precautions?
  3. If so, did the violation contribute to the cause of the accident?
  4. Did the employee through disregard, carelessness, negligence, gross negligence or recklessness allow or cause the accident to occur?
- D. The relevant Shift Lieutenant will have the authority to administer discipline for accidents found to be the employees fault. Discipline for these situations will typically follow procedures outlined in Policy #2-7: VII.
- E. The Assistant Chief will select one Commander at the beginning of each calendar year to maintain records of any employee involved accidents. The Commander will submit an annual report to the Chief of Police by January 1 of each year. The report will include at a minimum:
  1. The number of at fault and not at fault accidents by month for the previous year, including names of the employees involved.
  2. Any recommendations for training or change in Department policy/procedure to reduce the number of accidents involving Department vehicles.

#### **VIII. High Accident Days:**

- A. If the Commander finds he does not have the ability to investigate all accidents during a shift, he can issue an Accident Alert and limit accident investigations to those accidents that have:
  1. Serious personal injuries;
  2. Reports of DUI Drivers; and
  3. Accidents with disabled vehicles.
- B. The Commander notifies the Communications Center that he or she is issuing an Accident Alert also known as the slick streets no response policy for non-injury accidents for the City of Billings. The Communication Center will use their procedure for alerting local media organizations. The Commander notifies agency personnel and any relieving Commander about the existence of the alert.
- C. The Commander who cancels the Accident Alert notifies the Communications Center and officers. The Communications Center follows their procedure for canceling the alert.

- D. If accidents are not investigated, the persons should be advised to fill out a Montana Highway Patrol (MHP) Vehicle Accident Report ("White Form"). The report can be obtained at City Hall or online at the MHP website , MHP HQ1598.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 5-5**



**ABANDONED VEHICLES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for abandoned and street for storage vehicles.

**POLICY:**

The policy of the Department is to process abandoned vehicles or owners using the street for storage complaints in a timely and consistent manner. The Crime Prevention Center (CPC) is responsible for the development and implementation of this project and is the primary reporting center for all such complaints.

**PROCEDURE:**

**I. Initial Complaints:**

- A. Officers wishing to initiate the process can complete the Abandon Vehicle Online Form on the Billings Police Department homepage at <http://ci.billings.mt.us/forms.aspx?fid=195> or call the Crime Prevention Center with vehicle information and location.
- B. Reports will come to the Crime Prevention Center from all other sources.

**II. Abandoned Vehicle Investigations:**

- A. Will be completed by the Volunteer Patrol Unit per their policies and procedures.
- B. An Officer will be present during all towing, they will be responsible to:
  1. Confirm the vehicle meets the tow requirements,
  2. Ensure all necessary paperwork is filled out correctly,
  3. Provide a police presence for security during towing.
  4. Under normal circumstances, the Crime Prevention Officer will be responsible to coordinate with the Volunteer Patrol Unit for towing of vehicles.
    - a. If the Crime Prevention Officer is not available on towing days, the Volunteer Program may request an officer from a Commander. An officer may be assigned to assist if staffing and call load allows.
    - b. The final decision to assign a patrol officer rests with the Commander. Under no circumstances should an officer be assigned to towing if it will create shortages to beat assignments.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 5-6**

**TOWING OF VEHICLES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for towing vehicles.

**POLICY:**

The policy of the Department is to have a standard procedure for the use of tow trucks (wreckers) and the towing of vehicles.

**PROCEDURE:**

**I. Towing Vehicles:**

- A. Vehicles that are a hazard to the motoring public and are in violation of the law may be towed at the orders of any police officer pursuant to MCA 61-8-705.
  1. Officers will make reasonable attempts to locate the owner before towing a vehicle.
  2. A parking ticket is issued for the violation before the vehicle is removed.
  3. All vehicles are taken to private wrecker lots unless the Commander orders the vehicle placed into the Evidence Impound lot.
- B. Other vehicles that come into Department possession because of:
  1. Being stolen:
    - a. The officer and or clerical staff is responsible for notifying the owner of the vehicle that has been recovered.
      - (1) If local, by phone.
    - b. If the owner cannot be contacted:
      - (1) A wrecker may be called to tow the vehicle to the wrecker's lot.
      - (2) An impound card will be filled out only if the stolen vehicle has been towed to the Evidence Impound lot for prints or investigative purposes. Officers must record attempts to contact the owner on the impound card.
      - (3) An impound card is not filled out if the vehicle is towed to a private lot. Instead, the officer completes the impound information on the initial offense report indicating where the vehicle was towed, the date the owner was contacted, and how the owner was contacted, such as by phone, in person, or letter.
    - c. The owner is responsible for the tow and storage charges.
  2. When the driver is arrested:
    - a. The vehicle shall be legally parked at the curb;
    - b. May be driven by a passenger at the request of the owner, and that passenger is not impaired and has a valid driver's license, or
    - c. May be impounded in a private wrecker lot at the request of the owner at owner expense.

**II. Use of Private Wrecker Service:**

- A. All requests for wreckers are made through dispatch including requests to impound vehicles.
- B. Officers are not to suggest any particular wrecker service to the public. If a driver and or owner of a vehicle request a particular wrecker service, the dispatcher shall be notified of this and the wrecker requested shall be noted on the incident report.
- C. All wrecker request calls go through the answering service telephone that is provided in the dispatch center.
- D. If for some reason the wrecker service that has been called does not clear and or acknowledge the call within 15 minutes between 0700 and 1900 hours or within 30 minutes between 1900 and 0700 hours, another wrecker company will be dispatched.

**III. Wrecker Fees:**

- A. All wrecker fees must be paid to the wrecker company before the release of the vehicle from impoundment.

**IV. Complaint or Appeal:**

- A. A complainant or suspect, who feels that his or her vehicle was unjustly towed, is to be referred to the Assistant Chief.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 6-1 (Core Policy)**



**INVESTIGATIVE PROCEDURES**

Effective: September 22, 2017  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to identify those common elements of all investigations and to establish basic procedures to be used in criminal investigations.

**POLICY:**

The policy of the Department is to provide guidance to officers conducting criminal investigations.

**PROCEDURE:**

**I. Criminal Investigations:**

- A. The criminal investigation begins when either an officer develops information that a crime has been committed or a call for police assistance is received. An investigation continues, if intelligence resources justify a criminal investigation or until the case is cleared, unfounded, or inactivated. The purpose of the criminal investigation is:
  1. To determine if a criminal violation has actually been committed.
  2. To determine what type of criminal offense has been committed.
  3. To identify and apprehend the perpetrator of the offense; and
  4. To provide the needed information and evidence that will be used in the prosecution of the offender.

**II. Preliminary Investigation:**

- A. The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus negating the need for a follow-up investigation.
- B. The officer assigned to the preliminary investigation should make every attempt to take the investigation to the extent possible, taking into account such variables as time available, officer's job knowledge, and complexity of the case.
- C. This does not preclude the officer conducting the preliminary investigation from being assigned the follow-up investigation.
- D. The officer(s) assigned to conduct the preliminary investigation is responsible for:
  1. Providing aid to the injured;
  2. Maintaining the crime scene and protecting the evidence;
  3. Observing:
    - a. The condition of the scene.
    - b. The events taking place; and
    - c. The remarks being made.
  4. Determining if an offense has actually been committed, and if so, the exact nature of the offense;

5. Locating and identifying all witnesses with at a minimum the following information:
    - a. Name.
    - b. Date of birth.
    - c. Address; and
    - d. Phone number.
  6. Arranging for the collection of evidence and processing of the scene including finger printing, photos, etc. where required;
  7. Interviewing the complainant, victim, and witnesses, to determine what information is known, taking written statements when appropriate;
  8. Determining the identity of the suspect or suspects and effecting an arrest if possible;
  9. Interrogating the suspect and being aware of voluntary statements made by the suspect. A written statement should be taken whenever possible and legal;
  10. Making a written report describing the incident fully and accurately.
- E. The assigned officer shall initiate and complete as many of the activities listed above as necessary. The individual circumstances of the incident will determine how many of the activities are required.

**III. Follow-up Investigations:**

- A. The basic functions of the follow-up investigation include:
  1. Reviewing and analyzing reports of preliminary investigations;
  2. Recording information obtained during follow-up investigations;
  3. Reviewing Department records for investigative leads;
  4. Seeking additional information (from uniform officers, informants, contacts in the community, other investigators/agencies etc.);
  5. Interviewing and re-interviewing victims and witnesses;
  6. Interrogating suspects;
  7. Arranging for the dissemination of information as appropriate;
  8. Planning, organizing, and conducting searches;
  9. Collecting physical evidence;
  10. Recovering stolen property;
  11. Arranging for the analysis and evaluation of evidence;
  12. Reviewing results from laboratory examinations;
  13. Identifying and apprehending the perpetrator;
  14. Checking the suspect's criminal history;
  15. Determining if other crimes may have been committed by the suspect; and
  16. Preparing case files for presentation to prosecuting attorney's office and assisting in the prosecution.
- B. The assigned officer shall initiate and complete as many of the activities listed above as necessary. The individual circumstances of the incident will determine how many of the activities are required.

**IV. Information Development:**

- A. Minor information is often crucial to the successful conclusion of a case. Intelligence information resources that should be utilized as appropriate:
  - 1. Global name file;
  - 2. Other complaint and offense reports;
  - 3. MHP state accident forms;
  - 4. Field Interview Reports (FIR);
  - 5. I.D. unit photos and fingerprint records;
  - 6. Pawn files;
  - 7. Stolen property file;
  - 8. M. O.;
  - 9. Intelligence files;
  - 10. Evidence files; and
  - 11. Dispatch records and recordings.
- B. Outside sources of information that should be utilized are:
  - 1. CJIN/NCIC/III;
  - 2. Rocky Mountain Information Network (RMIN);
  - 3. Probation and Parole records;
  - 4. Division of Motor Vehicles;
  - 5. Tax records;
  - 6. City license records;
  - 7. Welfare and SRS records;
  - 8. School records;
  - 9. Court records;
  - 10. Other criminal justice agencies; and
  - 11. Post Office records.
- C. Private Organizations and agencies can also provide information valuable to investigations. Court orders may be required to obtain certain records. Such sources of information include:
  - 1. Utility companies;
  - 2. Telephone companies;
  - 3. Real estate companies;
  - 4. Bank and credit agencies;
  - 5. Unions and professional agencies;
  - 6. Insurance companies;
  - 7. Neighbors, social contacts, and business associates; and
  - 8. Present or past employers.
  - 9. Hospitals

**V. Interviews and Interrogations:**

- A. Field Interview Reports (FIR'S) (also see Policy #6-3):
  - 1. They will be used only in the pursuit of legitimate goals of the Department and not to harass any segment of the community.
  - 2. FIR's will be conducted and documented on the proper form when officers come in contact with people whose suspicious behavior is observed. This may be initiated by an on view activity or as a result of a dispatched activity.

3. Officers should be aware of opportunities to complete FIR's even when Infield Reports are also written.
- B. Victim/Witness interviews:
  1. Detailed notes should be made and a supplement written, containing at a minimum:
    - a. Time;
    - b. Date;
    - c. Location;
    - d. Name, address, phone number, and DOB of subject interviewed;
    - e. Officers present;
    - f. Names of others present; and
    - g. Pertinent information related to the interview.
  2. A statement shall be taken:
    - a. In misdemeanor cases; from victims in crimes against people
    - b. Misdemeanor statements in other investigations will be taken at the officer(s) discretion.
    - c. In all felony investigations, an audio statement must be taken *excluding* sexual assault cases involving juveniles.
  3. Statements are taken in one of two methods:
    - a. Digitally-recorded statements must be used for felony investigations and are the preferred method in misdemeanor cases.
    - b. Handwritten statements may be taken if digitally-recorded statement is not possible in a misdemeanor case
  4. Statements are to include at a minimum the same information listed in procedures V, B, 1, a-g of this policy, and clearly stated in the digitally-recorded statement or written on the appropriate form (Witness Heading).
  5. The trauma/stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.
    - a. A location for the interview should be selected that would best serve both the officer and the subject being interviewed.
    - b. The interview should take place as soon as possible after the incident, taking into account the circumstances.
    - c. If the interview is to be delayed, an attempt to set a time for the interview should be made and noted in the officer's report.
  6. The age, physical limitations, and credibility of the witness/victim should also be considered.
- C. Interrogation of suspects:
  1. All constitutional precautions must be taken and recorded.
  2. Detailed notes and/or a audio/video recording should be made for future reference and court use giving:
    - a. Name, address, phone, and DOB of the suspect interrogated;
    - b. Date;
    - c. Time interrogation began;
    - d. Location;
    - e. Officers present;
    - f. Waiver of rights;

- g. Time interrogation ended; and
- h. Other information important to the investigation.
3. Statements obtained during an interrogation must not be based on:
  - a. Coercion;
  - b. Promises;
  - c. Delays in arraignment; or
  - d. Deprivation of counsel.
4. A suspect must be advised of his Miranda constitutional rights before any interrogation, and the officer must be able to demonstrate that:
  - a. The suspect understood those rights and made a knowing and intelligent waiver of those rights.
    - (1) Whenever possible, waivers should be recorded and/or made in writing.
  - b. If a video or audio tape is made of the interrogation, the reading and waiver of Miranda will be included as a part of the recording.
5. Juvenile procedures: See Policy #6-2.
6. The interrogator shall make every effort to have the final written or transcribed statement signed by the suspect who gave the statement.

**VI. Surveillance:**

- A. Surveillance may be utilized by any unit of the Department to effectively gather evidence of illegal activity or in the case of stakeouts, to apprehend criminals after a pattern of their criminal activity has been identified.
- B. All officers of the Department are encouraged to use surveillance of known trouble spots, and of known violators as part of their efforts to suppress crime and arrest suspects in their areas.
- C. For specific assistance in surveillance procedures, techniques, and equipment officers should contact commanders of the Investigative Division or CCSIU.

**VII. Crime Scene Van:** Shall be maintained and properly equipped to facilitate the investigation of crime scenes.

- A. Command:
  1. The Investigations Captain or designee is in charge of and responsible for the use of the crime scene van.
  2. The commanders of the Investigative Division are in command of and accountable to the Assistant Chief in the utilization of the crime scene van.
3. Detective role:
  - a. The detective in charge of the crime scene van will ensure that it is properly utilized and the supplies replenished.
  - b. At the scene of traffic accidents:
    - (1) The detective in charge of the van is subordinate to the Crash Investigator in the investigation of the accident; and
    - (2) Although the detective is subordinate to the crash investigator, the detective remains responsible for the crime scene van.
  - c. At the scene of a crime, the detective will assume command of the scene and relieve the primary officer of responsibility for the investigation.
  - d. The detective is subordinate to Commanders of the Department.

B. Use of Crime Scene Van:

1. Readiness:
  - a. The crime scene van is kept in a state of readiness 24 hours each and every day.
  - b. There is a detective available to operate the crime scene van 24 hours each and every day.
  - c. The crime scene van must be able to roll toward a crime/accident scene within one hour of notification.
  - d. The last detective using the crime scene van is responsible to see that all the equipment and supplies are in a state of complete readiness.
2. Equipment: The crime scene van is equipped with equipment (equipment and supplies list is kept in the van) to facilitate:
  - a. Recovery of latent prints;
  - b. Photography;
  - c. Sketching of the scene;
  - d. Collect and preservation of physical evidence;
  - e. Lighting the area in remote locations; and
  - f. Traffic control.
3. Billings City Limits:
  - a. Patrol Commander notifies the Investigations Commander and requests the crime scene van.
  - b. Or, detective at the scene determines the need of the crime scene van and notifies his Commander.
  - c. Investigations Commander determines:
    - (1) Whether the crime scene van will respond; and
    - (2) What personnel will be utilized or called out.
  - d. If the Commander cannot locate an Investigations Commander after reasonable attempts, he may assume the responsibility for the van himself and direct the use of the van (see rules section of this policy).
4. Use out of the City Limits:
  - a. The Sheriff or appropriate head of agency directs requests for assistance to the Chief of Police or Assistant Chief per Policy #14-1 Mutual Aid Requests.
  - b. The use is requested to be limited to major cases, for example:
    - (1) Homicides;
    - (2) Suspicious deaths; and/or
    - (3) Aggravated assaults involving a complicated crime scene.
  - c. Requesting agency will furnish:
    - (1) Mileage at the established rate per mile;
    - (2) Food and lodging for investigators assigned to the van.
  - d. Chief of Police and/or Assistant Chief will determine response.
  - e. Investigations Lieutenant or his designee will determine what personnel will respond.
  - f. The investigator in charge of the crime scene van will be accountable to the out of city investigators.

**VIII. Crime Scene Photography:** It is important that crime scene photographs demonstrate a true representation of the crime scene at the time of the investigation:

- A. Location protection:
  - 1. The crime scene must be protected from persons and/or vehicles entering the scene to prevent the destruction of evidence (SECURE THE AREA).
  - 2. Officers will refrain from entering the crime scene unless exigent circumstances exist. (Example: conducting protective sweeps, establishing condition of victims, rendering first aid as necessary).
  - 3. Photographs of the crime scene, interior and exterior, must be completed before any investigative equipment is taken into the secured area.
  - 4. No items of evidence will be secured before photographs are taken.
- B. Coordination:
  - 1. The photographer shall consult with the officer/detective in charge of the scene for guidance in what should be documented with photos.
  - 2. Do not limit photographs to the immediate area:
    - a. Include the general vicinity of the crime;
    - b. Include identifying markers such as:
      - (1) Street signs;
      - (2) Street addresses;
      - (3) Names of buildings; and
      - (4) Intersection signs.
    - c. Exteriors of buildings, and other areas pertinent to the investigation.
    - d. The route of approach and escape;
- C. Techniques:
  - 1. An Officer can on the first photo use an identification card with the following information:
    - a. Incident Number (C&O #)
    - b. Date
    - c. Photographers Name
    - d. Location/address
  - 2. Use a measurement device, (scale, ruler, etc) when photographing:
    - a. Latent fingerprints
    - b. Foot prints
    - c. Small objects (blood, hair, fiber, etc.)
    - d. When using a measurement device, position the camera perpendicular to the measuring device to avoid distortion.
    - e. Use coins (nickel, dime, quarter, etc) when a scale or ruler is not available, never use a pen/pencil or other items where their dimensions can change.
  - 3. Using markers or pointers:
    - a. Do not add any markers, paint, chalk marks or pointers to scene until overall crime scene photos are taken.
    - b. To indicate evidence and its location, also to clarify important aspects of a photo.
    - c. Special or similar objects may be referred to in a supplement or photo log by identifying that object with a marker when the photograph is taken.
    - d. EXAMPLES: bullet holes (1, 2, 3, etc...), tire marks (North, direction of travel, right/left etc...), shell casings, bullet fragments, blood stains or trails.
  - 4. Photograph assault victim and suspects in violent crimes from head to toe, front back, and sides; then continue with close-ups to document injuries, damage to

clothing or other evidence. When photographing close-ups use a measurement device to document the size of injury, tear in cloths, etc.

**D. Documentation:**

1. A photograph log shall be prepared of the photographs taken at the scene to include:
  - a. Type of offense, date, time & Incident Number;
  - b. Who took the pictures;
  - c. What kind of camera;
  - d. Kind of lighting:
    - (1) Flash; or
    - (2) Daylight.
  - e. Brief description of the photograph;
  - f. Photograph number; and
  - g. Camera settings (Auto or Manual).
2. The photo log requirement may be satisfied in a supplement or audio recording describing all the above listed information.
3. There may be times when a photo log is all that is required if all the information the officer/detective acquired and all actions that he took are completely documented in the photo log.
4. It is the responsibility of the photographer to complete all the information on the white envelope used for the digital media cards and turn the white envelope in along with the digital media card for processing.
  - a. Only one incident Number per digital media card and white envelope.
  - b. Up to four digital media cards may be placed in one white envelope per incident Number.
  - c. All media cards turned in to be processed must be placed in their protective cases.
5. The digital media cards will be downloaded weekly into a computer using an authenticating software program by the Investigation Photographer or designee in charge of all photographs.
6. The Request for Copies form will be completed when requesting photographs
  - a. Incident Number, Person requesting the photographs, Date requested and what media type is requested (4"x6" prints, enlargements, CD/DVD, etc.).
  - b. Request for Copies form once completed is forward to the Investigation Division.

**E. Equipment:**

1. Employees issued digital camera kits will be responsible for:
  - a. The digital camera and all the accessories.
  - b. That the digital camera is operating properly, and if not turn it in for repairs.
  - c. Report any lost or damaged camera or camera accessories.
2. The Billings Police Department has Video cameras for use to process a crime scene. The Crime Scene Van, Crash Investigation Team, Investigation Division and the Investigation Photographer each have one video camera assigned to them.
  - a. The Video Cameras are available to all sworn officers/detectives to use.
  - b. When an officer/detective videos a crime scene the video recording is to be tagged and secured into evidence.

**IX. Crime Scene Sketching:** It is important to provide a good crime scene sketch that represents as closely as possible the area of the crime:

- A. When to sketch (or make a diagram):
  1. Any automobile crash;
  2. Any serious (felony) crime; and/or
  3. Any other time that it would enhance the officer's testimony.
- B. What should be included:
  1. Dimensions & measurements to show:
    - a. Relation of the crime scene to other buildings, geographical features, or roads;
    - b. Location of significant features of the scene, including the victim; and
    - c. Location of items of physical evidence recovered.
  2. Address, floor, or room number as appropriate.
  3. Date and time of preparation.
  4. Names of the persons preparing the sketch.
  5. A bar scale representing distance measurements with the notation that it represents "near scale".
  6. Incident Number.
- C. Directions: North should usually be to the top of the sketch.

**X. Photographic Identification and Lineups:** Eyewitness identification is a frequently used investigative tool. As such, officers shall strictly adhere to procedures set forth here in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

- A. Show-ups: Many courts have suppressed identification of evidence based on the use of show-ups because of the inherent suggestiveness of the practice. Therefore, the use of show-ups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of show-ups, the following guidelines should be followed:
  1. A complete description of the suspect should be obtained from the witness prior to conducting the show-up.
  2. Whenever practicable, the show-up will be recorded by audio and/or video recording.
  3. Whenever, possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
  4. Show-ups should not be conducted when the suspect is in a cell, handcuffed or dressed in jail clothing.
  5. Show-ups should not be conducted with more than one witness present at a time. If the show-up is conducted separately for more than one witness, the witness should not be permitted to communicate before or after the show-up regarding the identification of the suspect.
  6. The same suspect should not be presented to the same witness more than once.
  7. Show-up suspects should not be required to put on clothing worn by the perpetrator or to perform other actions of the perpetrator.
  8. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.
  9. Document the time and date of the procedure:
  10. Record any identification or non-identification obtained from the witness;

11. Record in the witness' own words his or her certainty if a positive identification is made.
- B. Photographic Identifications: In conducting photographic identifications officers shall adhere to the following procedures:
  1. Photographic identifications must be multiple photographs shown individually to a witness or simultaneously in a book or array;
  2. Document the photo lineup in writing, including:
    - a. The date and time the lineup was conducted.
    - b. Identification information of the photos used, if available.
    - c. Provide the witness instructions and ask if they are understood.
    - d. Record in the witness' own words the level of certainty expressed by the witness and any comment made by the witness during the lineup process.
    - e. Obtain from the witness a written statement of confidence.
  3. Principles for conducting lineups generally apply to photo identifications. In particular, officers shall:
    - a. Use at least six photographs of individuals who are reasonably similar in age and general appearance and of the same sex and race;
    - b. Select a photo that resembles the suspect's description or appearance at the time of the incident if multiple photos of the subject are available.
    - c. Use photos of the same size and basic composition.
    - d. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator.
    - e. A filler photo will be used as the lead photo position.
    - f. Whenever possible, avoid mixing color and black and white photos.
    - g. Do not include more than one photo of the same suspect;
    - h. Cover any portion of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array;
    - i. Show the photo array to only one witness at a time;
    - j. Never make suggestive statements or make any nonverbal feedback that may influence the judgment or perception of the witness; and
    - k. Preserve the photo array by submitting it to records for placement in the original case file.
- C. Lineups:
  1. The primary investigating officer shall be responsible for:
    - a. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses;
    - b. Fulfill necessary legal requirements for transfer of the subject to the lineup location should the suspect be incarcerated at a detention center. Make timely notice to the detention center concerning the pickup and arrangements for picking up the prisoner; and
    - c. Make arrangements to have four to six other persons act as fill ins at the lineup who are of the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.
  2. The officer in charge of conducting the lineup shall:

- a. Ensure that the prisoner has been informed of his right to counsel if formal charges have been made against him, and also ensure that he has the opportunity to retain counsel or request that one be provided.
- b. Obtain a written waiver on the prescribed departmental form should the prisoner waive his right to counsel.
- c. Allow counsel representing the accused sufficient time to confer with his client prior to the lineup and observe the manner in which the lineup is conducted.
- d. Advise the accused that he may take any position in the lineup, which he prefers and may change positions prior to summoning a new witness.
- e. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number.
- f. Ensure that a complete written record and videotape recording of the lineup proceedings is made and retained.
- g. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup.
- h. Ensure that no more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
- i. Scrupulously avoid using statements, clues, casual comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

**RULES:**

**I. Every precaution shall be taken to insure compliance with constitutional requirements during all criminal investigations.**

**II. Officers shall not:**

- A. Use coercion or any other method to obtain involuntary confessions and admissions;**
- B. Cause any unnecessary delay in arraignment;**
- C. Fail to inform defendants of their rights when appropriate;**
- D. Take any action that would deprive the defendant of counsel; or**
- E. Release any pretrial publicity that would tend to prejudice a fair trial.**

**III. Crime Scene Van Utilization:**

- A. The appropriate Investigations Commander calls the crime scene van out.**
- B. Generally only Investigations Division personnel will operate and utilize the crime scene van.**
- C. In the event that the Commander is unable to locate an Investigations Commander but feels the use of the van is still necessary:**
  - 1. Will make reasonable attempts to acquire Investigations Division personnel to operate the van.**
  - 2. The Investigations Division will furnish to the Operations Division a list of personnel authorized to operate the crime scene van in order of priority to be called.**
  - 3. If a detective cannot be located to operate the van and it is still deemed necessary to have it brought to a scene:**

- a. The Commander will assign an officer to operate the van;
- b. Will notify the Investigations Division of the use as soon as possible; and
- c. Be responsible for the care and use of the van and replacement of supplies. (Equipment and supplies list will be kept in the van).

**IV. Crime Scene Van Storage:**

- A. The crime scene van is stored at an appropriate location at the direction of the Investigations Commander.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 6-2 (Core Policy)**



**JUVENILE OPERATIONS**

Effective: January 12, 2015  
Review: by Investigation Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for officers dealing with juveniles in enforcement and custody situations.

**POLICY:**

The policy of the Department is to the development and promulgation of programs designed to prevent and control juvenile delinquency. In keeping with the doctrine that the state plays the role of parent to the child rather than adversary, the Department seeks the least forceful alternative when disposing of cases involving juveniles.

**PROCEDURE:**

**I. Activities of Detectives specializing in crimes against children:**

- A. Coordination and preparing cases as necessary when a juvenile victim is involved; and
- B. Document and investigate missing juveniles.

**II. Administration:**

- A. Other agencies will be given the opportunity to provide input into the juvenile policies and procedures of this Department as appropriate.

**III. Operations:**

- A. Officers, when dealing with juvenile offenders, will use the least coercive reasonable alternative, consistent with preserving public safety, order, individual liberty, and officer safety.
- B. Upon detention or arrest of a juvenile:
  1. If the juvenile is 16 years of age or older, a Miranda waiver must be signed by them before any questioning. If the juvenile is 15 years old or younger, a parent must be present to sign the Miranda waiver.
  2. The juvenile's parent, guardian or legal custodian must be notified that the juvenile has been taken into custody, reason for the custody, and where the youth will be as soon as practical; and
  3. The juvenile will be brought without delay to the appropriate facility.
    - a. The officer will make appropriate arrangements for the juvenile.
- C. If Intake is the indicated action; the parent, guardian or legal custodian must sign an Appearance Bond form:
  1. The original and one copy will be retained by the Department:
    - a. The original will go with the original of the report.

- b. The copy will be placed with the case file; and
- 2. One copy will be given to the parent.
- D. Officers will contact a juvenile probation officer for placement in the Youth Services Center whenever:
  - 1. A juvenile has committed or attempted to commit an offense meeting the criteria for placement of youth in secure detention facilities or shelter care facilities, and
- E. If the juvenile is taken into custody for a status offense or for his own safety because he was alleged to have been harmed or is in danger of harm:
  - 1. For status offenses the juvenile is normally released to the parents, guardians, or legal custodians.
  - 2. If the parents, guardians, or legal custodians cannot be located:
    - a. The officer must make arrangements for the juvenile's safety;
    - b. An adult family or other responsible adult must be notified to take custody of the juvenile; and
    - c. The youth must not be released on his own recognizance under 16 years unless directed to do so by parent, guardian, Social Rehabilitative Services, or other appropriate authority.
  - 3. The officer must:
    - a. Contact the appropriate agency to make disposition or referral if necessary; and
    - b. Not release the juvenile into hazardous conditions.
- F. The alternatives available to the officers when dealing with juvenile offenders are:
  - 1. Referral to Youth Court Services (Juvenile Probations);
    - a. This will be done on an Appearance Bond form; and
    - b. The appearance time will be set according to the Juvenile Probations calendar; and
    - c. This must occur for;
      - (1) All delinquent acts that if committed by an adult would be felonies and misdemeanors;
      - (2) All delinquent acts involving weapons;
        - (i) NOTE: Regarding firearms charges alone, Juvenile Probation has no authority on federal matters (refer to procedure III, F, 4).
      - (3) All serious gang related delinquent acts;
      - (4) All delinquent acts involving aggravated assaults;
      - (5) All delinquent acts committed by juveniles on probation or parole or by those with a case pending;
      - (6) All repeated delinquent acts within the preceding 12 month period;
      - (7) When it is determined that parental supervision is not effective.
      - (8) When the juvenile resides outside Yellowstone County. (Juvenile probation will forward the case to the proper jurisdiction).
  - 2. Referral to Municipal Court (ages 12 through 17):
    - a. Traffic offenses (including DUI)
      - (1) Referral should be on a citation form; and
      - (2) The appearance time should be set as directed by Municipal Court.
    - b. Possession of Alcohol and Tobacco Law Violations;
      - (1) Obtain a C & O #
      - (2) Referral is made on a citation form and
      - (3) A supplemental report completed (no initial or investigative needed)

3. Referral to a social service agency (refer to Policy #9-8):
    - a. The referral will be noted on the disposition of the incident report; and
    - b. The social service agency will contact the juvenile and parent to set up an appointment.
  4. Referral to Bureau of Alcohol, Tobacco, and Firearms for federal violations:
    - a. An Investigations Division commander will provide copies of any reports involving federal violations of minors and handguns to ATF who will in turn forward the reports to the U.S. Attorney's office for review and prosecution.
- G. The factors to be considered in placement (diversions) decisions relating to juvenile offenders include:
1. The nature of the alleged offense.
  2. The age and circumstances of the alleged offenders;
  3. The alleged offender's record, if any; and
  4. The availability of community-based rehabilitation programs.
- H. Officers shall use their discretion when deciding on diversion based on the guidelines in this policy.
- I. Interrogation of juveniles:
1. The juvenile must be advised of their rights before questioning utilizing the Billings Police Department Juvenile Waiver of Rights, Parental Notification and Waiver Form.
    - a. Advise the juvenile that he is being questioned about a crime in which he is a suspect; and
    - b. Waiver of Miranda Rights:
      - (1) If the juvenile is 16 or over he may make a waiver of his rights;
      - (2) If the juvenile is 15 years old or younger, the juvenile and parents or guardians may make a waiver of his rights; or
      - (3) When the youth is under the age of 16 years and the youth and his parents do not agree, the youth may make an effective waiver only with the advice of counsel;
  2. Before questions are asked, make sure the juvenile, and the parent or guardian if the juvenile is under 16 years, reads and signs the Juvenile Waiver of Rights form.
  3. Provide the juvenile, or their parent or guardian, with a copy of the signed Juvenile Waiver of Rights form.
  4. There must be no more than two officers in the room when the interrogation takes place.

#### **IV. Runaways/Missing Juveniles:**

- A. Officers must accurately complete the runaway report form and immediately upon completion relay the information to Support Services for entering into NCIC/CJIN.
- B. The officer needs to evaluate each incident and take the appropriate response.
  1. Contact an Investigations Commander for the following:
    - a. Abductions:
      - (1) Family; and
      - (2) Non-family.
    - b. Endangered (anyone under 13 years of age)
  2. At Risk Children (Runaway).
    - a. Refer to the National Center for Missing and Exploited Children Manual

**V. Records:**

- A. Photographs, fingerprints, and any other forms of identification of juveniles:
  - 1. Fingerprints & photographs will be obtained from the juvenile, pursuant to MCA 41-5-1206, if:
    - a. The youth is arrested for conduct that would be considered a felony if committed by an adult;
    - b. Pursuant to a search warrant; or
    - c. Upon the order of the Youth Court Judge, after a petition alleging delinquency has been filed in which the unlawful act would constitute a felony if the act had been committed by an adult.
  - 2. Fingerprints and photographs of juveniles obtained after October 1, 1987, are retained and used by the Department for comparison and identification purposes in other investigations.
  - 3. Other forms of identification (voice, handwriting, blood, urine, etc.) Obtain search warrant or Youth Court order.
- B. Police Records:
  - 1. Juvenile records are separated from the adult records by the letter J being inserted at the end of the juvenile jacket in Global Name.
  - 2. When a court ordered expunges of a record is received, the Records Supervisor will purge the affected record.
  - 3. All police records (including juvenile) are accessed on a need to know basis as controlled by the rules and laws governing criminal justice information.
  - 4. The Records Supervisor will maintain control over and be accountable for the juvenile records including but not limited to:
    - a. Collection;
    - b. Dissemination;
    - c. Retention; and
    - d. Disposition.

**VI. Youth Programs:**

- A. Recreational Programs:
  - 1. The Department will recognize and encourage the Billings Police Protective Association in assisting youth recreational programs;
  - 2. Community Relations may start youth recreational programs if the need is recognized, however the program should be turned over to community service clubs as soon as possible after formation; and
  - 3. The participation of individual officers on a voluntary basis on their own time in youth recreation programs is highly encouraged.
- B. School Liaison:
  - 1. Community Relations, and School Resource Officers are responsible for:
    - a. Acting as a resource with respect to delinquency prevention.
    - b. Providing guidance on ethical issues in a classroom setting.
    - c. Providing individual counseling on law enforcement subjects to students; and
    - d. Explaining the law enforcement role in society.
  - 2. Individual officers must work through the appropriate school administrative personnel when working cases at a school.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

*Policy Number: 6-3*



**FIELD INTERROGATION REPORT &  
GANG AFFILIATION DESIGNATION**

Effective: January, 12, 2015  
Review: by Crime Analyst

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish a means of documenting suspicious activity and guidelines for classifying and recording gang activity.

**POLICY:**

The policy of the Department is to use the Field Interrogation Report (FIR) on any subject who is a known or suspected criminal, gang member, or any person found under suspicious circumstances any time of day. Special emphasis is placed on the use of the FIR during nighttime hours and in the areas of business, commercial or parking areas; and for individuals hanging around schools. It is used only in the pursuit of the legitimate goals of the Department and not to harass any segment of the community. When used properly it can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals and assist in the confirmation of gang members in our community

The Department recognizes that criminal gangs, by their very nature, pose a grave threat to the safety of citizens and police who encounter them. Therefore, we will attempt to identify those individuals in the community who fit the listed criteria for gang membership so that the information/intelligence enhances the Department's law enforcement efforts. The Department also recognizes that it is not a crime to be affiliated with a criminal gang and a person who is identified as a gang member must be treated the same as any other citizen.

**CONFIRMED GANG MEMBER** (A subject is considered a confirmed gang affiliate when he or she meets who meets three or more of the criteria listed below and one of those criteria must be #1, #4, #7, or #9):

1. Admits gang membership to a criminal justice person
2. Possesses gang tattoos and/or wears clothing which bears gang identification
3. Is in possession of gang paraphernalia (colored bandanas, jackets with gang emblems, etc)
4. Is involved in gang-related crimes and/or activities
5. Is identified by one or more gang members as being affiliated with gangs
6. Is repeatedly in the company of identified gang members
7. Is identified as a gang member by two or more reliable sources
8. Is included in gang photos, gang lists and/or other gang documents which indicate gang membership
9. Has been identified as a gang member by other law enforcement agencies

**PROCEDURE:**

**I. Field Interrogation Reports (FIR) (also see Policy #6-1, V, A):**

- A. Completely fill out the front and backsides with all applicable information.

## 6-3 Field Interrogations Report & Gang Affiliation Designation

- B. Officers having contact with a person who meets the established criteria of a gang member as defined above shall note the appropriate information on the FIR card to include gang affiliation, gang paraphernalia and what criteria the subject met to be designated as a gang member.
- C. Completed FIRs will be turned in to the Police Clerk who will make appropriate computer entries from the FIR. Once the information has been entered into the computer, the Police Clerk will:
  1. Forward gang related FIR's to the Crime Analyst for entry into an intelligence data base.
    - a. Crime Analyst will then forward copies of the gang related FIR's to the CCSIU commander.
  2. Forward FIR's relating to Complaint and Offense reports to the Investigations Division.
- D. All FIR's will be maintained in a designated storage area.
- E. FIR's can be completed on individuals as a result of a dispatched call.
- F. When suspicious behavior should be more fully described than would be possible on the FIR:
  1. Initiate an incident report number and complete an Initial Offense Report form; or
  2. Put the information on a supplement if the information:
    - a. Does not need to be retrievable; and
    - b. Is just for the information of another officer; or
    - c. Just needs to be put on the bulletin.

### **II. Initial Reports Involving "Gang Activity":**

- A. If an Initial Report is generated involving the subject, check the box titled "GANG ACTIVITY" and describe the specific activity that meets the criteria, and completely identify the individuals involved.
  1. If an individual meets the listed criteria for gang member designation, the yellow Gang Affiliation Form should also be filled out and submitted with the report.
  2. Officers should also make every effort to document any street names, gang signs, gang insignia, or gang names used by any individuals present.
    - a. If written consent can be obtained, officers should try to photograph any gang members present taking care to capture as many elements as noted above.
- B. Upon receipt of information pertaining to criminal activity, which indicates gang involvement, the officer must:
  1. Initiate an incident report to be properly entered into the records management system by a police clerk.
    - a. The report will be titled according to the crime. The officer will indicate in the narrative of the report the possibility of "GANG ACTIVITY".
  2. Photograph all graffiti when investigating incidents of criminal mischief.
- C. The Crime Analyst will forward copies to the CCSIU Commander of any gang reports of significant interest

### **III. Commanders Review:**

## 6-3 Field Interrogations Report & Gang Affiliation Designation

- A. The CCSIU Commander responsible for monitoring gang activity must determine that the described conduct is indeed gang related and meets the definitions/criteria listed in this policy; and
  1. If the individual(s) named meets the definition/criteria of gang member, he will arrange for the CCSIU clerk to make the appropriate entries in the Records Management System;
  2. Conduct the Gang Membership notification as described in section V of this policy; and
  3. Will send a copy of the notification letter to the Crime Analyst.

### **IV. Clerical Responsibility:**

- A. The CCSIU clerk is responsible, upon notification from the Commander to make a global name incident entry.
- B. Upon completion of the global name entries, the CCSIU clerk shall return the paperwork to the Commander.

### **V. Notification of Gang Membership Designation:**

- A. Any individual confirmed as a gang member by the Billings Police Department shall be sent a registered letter informing the individual:
  1. Of the classification,
  2. That he/she has ten working days to challenge the classification (in writing) to the Investigations Captain, and
  3. That if not satisfied, he or she has the right to appeal (in writing) to the Chief of Police.
- B. Protested gang affiliation designation:
  1. The Investigations Captain, upon receipt of a letter protesting classification as a gang member, will review the circumstances surrounding that classification and may in his discretion:
    - a. Affirm the classification; or
    - b. Cause the classification to be changed or removed.
  2. The Investigations Captain will send a form letter to the challenging party, explaining results of the final classification.

### **VI. Purging of Records:**

- A. The CCSIU Commander responsible for monitoring gang activity is also responsible to review Global Name entries with the gang designation each year during January; and
- B. Entries of subjects who have NOT been confirmed as a gang member will be purged 5 years after the last entry documenting his or her continued involvement in gang activity.
- C. Gang members incarcerated at the time of the five-year expiration will not be purged until five years after being released.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 6-4**



**INTELLIGENCE**

Effective: January 12, 2015  
Review: by Crime Analyst

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for obtaining, utilizing and disseminating intelligence information.

**POLICY:**

The policy of the Department is to recognize the importance of intelligence information and also recognizes the need to protect individual's rights by the proper collection, storage, and dissemination of intelligence information.

**PROCEDURE:**

**I. Gathering Intelligence Information:**

- A. Intelligence information will be gathered on organized or individual criminal activity on the local, state, regional, and national levels.
- B. The Investigations Captain will assign the Crime Analyst to coordinate with the Investigations Sergeant to:
  1. Gather, Maintain, Analyze; and
  2. Disseminate intelligence information on criminal activity.
  3. Investigations Sergeant will also maintain liaison with federal, regional (RIMIN), state, and local agencies for the exchange of intelligence information.
- C. Intelligence information may be gathered through any lawful means including:
  1. Informants;
  2. Record searches; and/or
  3. Court ordered:
    - a. Wire tap; or
    - b. Electronic surveillance.
- D. Primary sources of intelligence information will be gathered from:
  1. Offense reports;
  2. Arrest reports;
  3. FIRs;
  4. Pawn slips;
  5. Supplements;
  6. Information from officers;
  7. Information from other law enforcement agencies;
  8. Information from other agencies for example:
    - a. Welfare;
    - b. Workers compensation;

9. Crime stoppers; and/or
  10. Citizens.
- E. Prohibited activities:
1. Random surveillance or random intelligence gathering on individuals or groups is prohibited.
  2. Intelligence gathering on political, religious, racial or special interest groups not suspected of criminal activity is prohibited.
  3. The Investigations Captain will review all active intelligence operations to ensure that the individual or group being investigated is suspected of being involved or associated in criminal activities.
- F. Information sources are critical to effective intelligence gathering and are not to be divulged without prior approval of the Assistant Chief.
- G. Informants are to be documented and verified pursuant to Policy #7-2.

**II. Maintaining Intelligence Information:**

- A. The employee assigned to intelligence will maintain a records and filing system, and the computer search system, which is kept separate from other departmental records and to provide security for intelligence information.
- B. Intelligence information (names) will be entered into the computer search system.
- C. Intelligence files will be maintained in the Investigations Division.
- D. Intelligence information that is found to be inaccurate will be destroyed by the employee assigned to intelligence.
- E. Intelligence information will be evaluated yearly by the employee assigned to intelligence to determine information to be purged or retained, and may be purged after five years if the information is inactive.

**III. Analyzing Intelligence Information:**

- A. The employee assigned to intelligence will be responsible for developing programs, which collect, collate, analyze, and disseminate the following type of data as it relates to criminal activity:
  1. Frequency; such as times, dates, day of week, etc
  2. Geographic factors;
  3. Victims;
  4. Targets;
  5. Suspect physical descriptions, and name if applicable
  6. Suspect vehicle descriptions;
  7. Suspect residence descriptions;
  8. Suspect's known associates;
  9. Chronological information;
  10. Physical evidence information; and
  11. Modus operandi factors.

**IV. Reception and Dissemination of Intelligence Information:**

- A. Intelligence information is considered Confidential Criminal Justice Information and may be released in accordance with the Department's Records Section under the Support Services Division.

- B. All intelligence information is confidential and the release of any information is on a need to know basis and will be released only by the employee assigned to intelligence or the Assistant Chief.
- C. The employee assigned to intelligence is responsible to see that intelligence information that has been collected and analyzed is disseminated:
  - 1. On a timely basis to the appropriate divisions within the Department; and
  - 2. As appropriate, and as directed by the Investigations Captain, to those criminal justice agencies outside the department when they are affected.
- D. The employee assigned to intelligence is responsible for answering all inquiries and requests from other agencies regarding intelligence information.
- E. Documentation will be kept by the employee assigned to intelligence concerning the reception and dissemination of intelligence information to include:
  - 1. Date;
  - 2. Requesting or furnishing agency;
  - 3. Requesting or furnishing individual; and
  - 4. A brief summary of the information received or disseminated.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 6-5 (Core Policy)**

**SEARCH INCIDENT TO ARREST**

Effective: April 9<sup>th</sup>, 2020  
Review: Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set forth guidelines to officers for search incident to arrest to protect the officer from attack, prevent escape, discover / seize fruits of the crime, and establish procedures for searches of subjects transported to secure facilities.

**POLICY:**

The policy of the Department is that all persons placed under arrest shall be searched incident to arrest pursuant to *Montana Code Annotated (MCA) 46-5-102*. Officers will seize and preserve any criminal evidence discovered in accordance with established laws and evidence handling procedures. Officers should inventory all property taken from an arrested person and place non-evidentiary items in bags or containers prior to transport to a secure facility.

**PROCEDURE:**

**I. In General:**

- A. Officers shall conduct a thorough search of any person who is arrested. The search may include the arrestee's immediate surroundings.
- B. A search incident to arrest is not a frisk based on reasonable cause, but instead a search following a lawful, custodial arrest based on probable cause or warrant.
- C. An arrest may not be used as an excuse to conduct a general search for evidence.
- D. Officer shall be able to articulate seizure of any evidence taken during the search.
- E. Officer shall be able to articulate seizure of any instruments or articles which may have been used in the commission of or which may constitute evidence of the offense if exigent circumstances exist.

**II. Circumstance**

- A. A search made incident to arrest should be conducted, as part of a continuous uninterrupted transaction, as soon as reasonably practical after arrest, at or near the place of arrest, and prior to being placed in police vehicle or transported to a secure facility.
- B. Any criminal evidence discovered during the search shall be seized and preserved in accordance with established evidence handling procedures.
- C. All personal property determined to not be evidence should be placed in bags prior to transportation.
- D. When reasonable, searches should be conducted in front of a patrol car with in-car video and audio activated.

**III. Scope of Search**

- A. An officer performing a search incident to arrest may search the entirety of the person being arrested to include clothing and pockets.
- B. Closed containers located on the arrested person are not allowed to be searched as part of a search incident to arrest.
  1. Exigency ceases to exist when a container is removed from the person.
- C. Officers may search the area within the person's immediate presence.
  1. Officers may not search the immediate area after the arrested person is removed.
  2. Closed containers located within immediate reach may not be searched as part of search incident to arrest.
- D. A strip search or a body cavity search must be based on reasonable suspicion and conducted in accordance with Montana Code Annotated (MCA) 46-5-105.
- E. A search warrant is required in any circumstance that is outside the scope of Montana Code Annotated (MCA) 46-5-102.

**IV. Use of Force**

- A. An officer conducting a search incident to arrest may use only the degree of force reasonable and necessary to protect himself / others, prevent escape, and prevent destruction of evidence, in accordance with Billings Police Department Policy 3-1.

**References:**

- **Missoula Police Department; Policy 6.30 Search Incident to Arrest**
- **Lewis and Clark County SO: Policy 312 Search and Seizure**
- **Montana Law Enforcement Academy: Risk Management Model Policy; P8 Search and Seizure**
- **Maryland State Police: Policy OPS 16.05 Search Incident to Arrest**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 6-6**



**DEATH INVESTIGATIONS**

Effective: June 18<sup>th</sup>, 2021  
Review: Investigations LT

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide initial responding officers with guidelines for conducting preliminary investigations of deceased persons.

**POLICY:**

The Billings Police Department will respond to all reported deaths of a person; other than those under immediate care of a physician at a hospital, health care facility, or hospice care unless requested. It is the responsibility of responding officers in cooperation with detectives, emergency medical responders, physicians, coroner, and medical examiner to attempt to establish a preliminary manner of death whether it is natural, accidental, suicide, homicide, or unknown causes. The coroner determines final cause and manner of death. In so doing, officers shall approach the investigation of any death that is not attended by a physician in a health care setting as a potential homicide, regardless of how it is reported.

**PROCEDURE:**

**I. Initial Response:**

- A. Deceased person or persons near death may be encountered in response to a wide variety of calls for service. Officers who encounter such situations, based on the circumstances shall:
  1. Identify and arrest any suspects if present;
  2. Summon emergency medical personnel if necessary;
  3. Detain and interview witnesses if present;
  4. Ensure officer safety by protecting the scene;
  5. Attempt to identify the victim;
  6. Notify supervisor on-duty;
  7. Notify coroner;
  8. Complete a thorough investigation (written report, statements, photographs, etc.) in accordance with BPD policy 6-1 Investigative Procedures.
  9. If detectives are not called out, collect evidence and secure it at the BPD evidence facility. All evidence in death investigations shall be tagged as evidence.

**II. Supervisor Responsibility:**

- A. A supervisor shall respond to any reported death that is not attended by a physician in a health care setting, or when requested to. Responsibilities include but are not limited to the following:
  1. Receive a verbal report from initial responding officers regarding pertinent conditions at the scene, circumstances surrounding the death, presence of witnesses and/or suspects, and related details.
  2. Ensure completion of preliminary investigation and information is collected.

3. Ensure crime scene or incident scene is protected.
4. Request additional resources if necessary.
5. Make appropriate notifications to Detective Commander:
  - a. If death appears to be natural, Detectives do not need to be notified.
  - b. Detectives will respond to all homicides and violent suicides (i.e. firearm, cutting instruments, hanging, etc.)
  - c. Apparent non-violent suicides (i.e. overdose, carbon monoxide, etc.), Detectives shall be notified and consulted.
  - d. If the death appears to be accidental, Detectives shall be notified and consulted.
  - e. If the death appears suspicious, Detectives shall be notified and consulted.
  - f. Deaths resulting from a motor vehicle accident are investigated by a Crash Investigator in accordance with BPD Policy 5-4 Accident Investigations

**References:**

- **International Association of Chiefs of Police (IACP)**
- **Craig Colorado Police Department**
- **Sharonville Ohio Police Department**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 7-1 (Core Policy)**



**INVESTIGATIONS DIVISION**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the administering, assigning, designating, and the managing of investigations.

**POLICY:**

The policy of the Department is to have a division specialized in criminal investigations because of the importance of gathering evidence, identifying suspects, and apprehending violators,

**PROCEDURE:**

**I. Administration:**

- A. The Investigation Divisions is headed by the Operations Commander, and may consist of the following sections:
  1. Adult;
  2. Crimes Against Children
  3. Identification;
  4. Evidence; and
  5. City County Street Investigations Unit (CCSIU)
  6. Intermountain West Regional Computer Forensics Laboratory
  7. Internet Crimes Against Children Task Force
  8. Safe Streets Marshal's Task Force, and other task force assignments at ATF and DEA.
- B. The Investigations Division ensures that the required follow-up investigations are done on:
  1. Felony crimes;
  2. Crimes Against Children;
  3. Sexual crimes;
  4. Drug cases;
  5. Common Scheme crimes, such as forgery, identity theft, and embezzlement;
  6. Other investigations as assigned.
- C. The Operations Division conducts the required follow-up investigations on:
  1. Hit & run accidents;
  2. Accident investigations including serious bodily injury or fatalities; and
  3. Other cases as assigned.

**II. Preliminary Investigation:**

- A. Patrol officers normally are the first to respond on all reports of crime unless an investigation division response is the preferred alternative.

- B. Patrol officers will obtain statements in all felony investigations with the exception of child victims and witnesses. Detectives with forensic interviewing training will interview child victims and witnesses 12 years and younger.
- C. Patrol officers handle the preliminary investigation, unless:
  - 1. Relieved by a Commander; or
  - 2. The complexity or severity of the incident requires the Investigations Division to take control of the Investigation.

**III. Case Assignment:**

- A. Follow-up investigation are assigned by the Investigation Commanders based in part on the following criteria:
  - 1. The seriousness of the offense;
  - 2. The potential for solving based on the presence or absence of solvability factors, including but not limited to:
    - a. Is there a witness?
    - b. Is a suspect named?
    - c. Is a suspect known?
    - d. Is there a description of the suspect?
    - e. Is there a distinguishable Modus Operandi?
    - f. Is there a pattern present?
    - g. Is stolen property traceable?
    - h. Is physical evidence present?
    - i. Was there a minimum delay in reporting?
    - j. Is suspect vehicle information provided?
    - k. Is victim or complainant willing to cooperate with prosecution?
- B. Investigations Commanders are responsible for case management:
  - 1. Cases that have the best potential for closure;
  - 2. Making every effort to assign cases to those detectives with experience in the field,
  - 3. Detectives assigned to conduct each investigation should have the knowledge, skills, and abilities required for the assignment; and
  - 4. Detectives assigned to cases are expected to conduct timely investigations.

**IV. Case Status:**

- A. An administrative designation is assigned to each case:
  - 1. Assigned: Indicates that the case is assigned to a detective and investigative efforts are active.
  - 2. Inactive or closed: Indicates that all available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed.
  - 3. Cleared: Indicates that the case has been satisfactorily concluded:
    - a. By arrest;
    - b. Unfounded;
    - c. The incident was civil in nature;
    - d. Exceptionally cleared: the perpetrator has been identified but there will be no prosecution.

4. Referred: Indicates that the case has been forwarded to another agency for investigation.
  - B. Criteria to suspend investigative efforts:
    1. Absence of further leads or solvability factors;
    2. Lack of investigative resources requiring the prioritization of investigations , such as the degree of seriousness, time of offenses or;
    3. Victim does not wish to proceed further and prosecutor agrees to conclude case.  
Note: This requires a victim's statement;
    4. No criminal violation exists; or
    5. The case is cleared by arrest or exceptionally cleared;
    6. Detectives will close an investigation within 45 calendar days of assignment by clearing, closing, or inactivating a case.
      - a. Once assigned a case, the Detective is required to notify the Investigations Commander every 14 days if additional time is required to complete the case.
  - C. Crime victims shall receive initial notification of case status within 1 week or receipt of the report:
    1. Cases involving felony offenses or crimes against person require victim notification:
      - a. In person or
      - b. By phone or
      - c. By letter and require a supplemental in the original case and a copy in the case file.
    2. Initial notification of all crimes involving theft of goods or services will be made as indicated on the Initial Report form.
    3. Initial status of all other reported crimes, which do not meet the follow-up investigation criteria, will be considered inactive upon completion of the initial investigation.
    4. Any change in the initial status of a reported crime, the victim will be notified within one week:
      - a. In person or
      - b. By phone or
      - c. By letter and require a supplement in the original case and a copy in the case file.
  - D. If another contact is required with a witness or another involved person, the contact will be made within 2 weeks if possible.
  - E. The Investigative Division maintains a file of all active cases including the following information at a minimum:
    1. Incident number;
    2. Complainant;
    3. Victim;
    4. Location;
    5. Investigator;
    6. Date Assigned;
    7. Case status; and
    8. Date closed.
- V. Mishandled Cases:**
- A. Refer to Policy #2-5 for procedures regarding mishandled cases.

**VI. Case File Management:**

A. Case Files:

1. The case file will contain copies of the original report.
2. The original report is maintained in the Records Division.
3. Once the case file has been cleared or closed, the case file is sent to the Records Division for merging and scanning.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 7-2 (Core Policy)**



**USE OF INFORMANTS**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for documenting and implementing the use of controlled informants.

**POLICY:**

The policy of the Department is to have established procedures for dealing with confidential informants to minimize any adverse impact.

**PROCEDURE:**

**I. Applicability:**

- A. This policy is applicable to all officers of the Department whether he or she are assigned to Operations or to Investigations.

**II. Use of Controlled Informants:**

- A. Any officer wanting to develop information through the use of confidential informant must comply with the following procedure.
  1. The informant must:
    - a. Complete a Confidential Contributor Questionnaire;
    - b. Sign a Waiver of Liability form.
  2. The officer will:
    - a. Conduct a records check of the individual through local, state, and federal files;
    - b. Complete a Confidential Contributor Information Sheet;
    - c. Photograph and fingerprint the informant use the Department fingerprint card, if available.
  3. Approval to use a confidential informant must be obtained from the officer's immediate Commander:
    - a. The officer's immediate Commander will be informed of all transactions dealing with an informant.
    - b. Officer's will submit a written report after each transaction to his or her immediate Commander regarding the use and results of using of an informant.
  4. A minimum of two officers are required in all transactions and meetings with controlled informants unless prior approval is obtained from the officer's immediate Commander.
  5. At no time will less than two officers meet with controlled informants of the opposite sex and these meetings will be arranged at locations where the officers are not susceptible to compromise.

6. Juvenile controlled informants are not to be used without:
  - a. Specific authorization of the Investigations Commander; and
  - b. Permission of the parents or guardians.
7. Juvenile controlled informants will not be utilized in any way that would place the informant in jeopardy.
8. All references to the informant will be by his or her assigned code number including payments if applicable.

**III. Controlled Informants Master File:**

- A. Will be maintained confidentially by the Investigations Commander with access given to the Assistant Chief.
- B. Files procured by City County Street Investigations Unit (CCSIU) will be maintained by the CCSIU Commander as part of the Master File and retained at the CCSIU Office.
- C. This file contains a separate file folder for each controlled informant and includes:
  1. Controlled Informants name;
  2. The code number assigned by the Investigations Commander;
  3. All the required forms to include:
    - a. Criminal history record;
    - b. Background information;
    - c. The confidential contributor information sheet
    - d. Photo and Fingerprint card;
    - e. The reports related to each transaction and the involvement of the informant; and
    - f. The results of each transaction;
    - g. Any other information related to the credibility of the informant; and
    - h. Records of any payments made to the informant.

**IV. Paying Controlled Informants:** see Policy #8-3.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 7-3**



**INVESTIGATIVE TASK FORCES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for implementing a task force.

**POLICY:**

The policy of the Department is to have written agreements consistent with procedures in this policy in the formulation of any investigative task forces.

**PROCEDURE:**

**I. Written Agreement Required:**

- A. A written agreement is required for any task force formed for the purpose of conducting investigations using officers from the Department for another law enforcement agency. The agreement contains at a minimum the following:
  1. A statement identifying the purpose of the agreement;
  2. The criteria for use of the task force;
  3. The kinds of offenses for which the task force should be used; and
  4. Procedures for the control and evaluation of the task force;
  5. Define the authority and responsibility of the persons involved;
  6. Establish accountability;
  7. Identify resources available; and
  8. Establish a timetable for evaluating results and the continued necessity of the task force.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

Effective: January 12, 2015  
Review: by Administrative Lt



**Policy Number: 7-4**

**INTELLIGENCE BACKGROUND  
INVESTIGATIONS**

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set guidelines for conducting intelligence background investigations.

**POLICY:**

The policy of the Department is to conduct background investigations discretely and with special precautions when necessary in the process of a criminal investigation or when otherwise required (for other than pre-employment purposes), in conformance with the procedures of this policy.

**PROCEDURE:**

**I. Authorization:**

- A. Intelligence background investigations are conducted only upon authorization from a Assistant Chief or designee.

**II. Purpose:**

- A. The purpose of the background investigation is:
  - 1. To determine a person's involvement in criminal activity

**III. Sources of Information:**

- A. Any information that can be obtained by lawful means.

**IV. Use of Information Collected:**

- A. The information may be used in conjunction with a criminal investigation.
- B. For intelligence purposes; and or

**V. Controlling Information:**

- A. Information related to an ongoing criminal investigation is maintained with the original case file and only distributed to those individuals authorized and have a need to know.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 7-5**



**FIRE INVESTIGATIONS**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for fire investigations.

**POLICY:**

The policy of the Department is to investigate all suspicious fires or fires that were caused by a criminal act.

**PROCEDURE:**

**I. Responsibility:**

- A. The Billings Fire Department (BFD) conducts initial fire investigations.
- B. The Department assists with fire investigation when requested.
- C. The Department responds to fire investigations when and if:
  1. Any fire or explosion that results in serious bodily injury or death.
  2. Any fire of suspected criminal origin.
  3. A major loss or significant incident occurs and it is determined a team investigation is warranted.
  4. For investigation of all fatality, and/or fires causing serious burn injury requiring hospitalization.
  5. Any fire where a need to protect the scene or process the scene exists.
  6. Any time that the BFD Fire Inspector calls for police assistance.
  7. Traffic control of the area if requested by the BFD.
- D. Suspected criminal origin fire investigations are the responsibility of members of the Fire Investigation Team.
  1. Fire Investigation Team members are the Billings Fire Marshals, assigned personnel from the Investigation Division, and assigned personnel from the Yellowstone County Sheriff's Investigation Division.

**II. Activation of the Fire Investigation Team:**

- A. Requires the request from the BFD Battalion Chief, Fire Chief, a Chief Officer of the BFD to the Chief of Police or designee, and to the Sheriff or designee, or
- B. The BFD on-duty investigator and the Battalion Commander, or the Sheriff's Fire investigator determines if the Police Fire Investigators team is needed.
- C. The Police Fire Investigative team members respond when requested and as availability allows:
  1. If the Police Fire Investigators are on duty the team members will be contacted directly and advised of the fire and to respond if possible.

2. If the Police Fire Investigators are off duty, then the Commander will contact the designated team members if needed.

**III. Responding Officer Responsibilities:**

- A. Make proper notification to the Communications Center.
- B. Initiate a police report with an assigned number in the records management system.
- C. Protect and secure the scene if needed.
- D. Assist the BFD with any follow-up investigation.
- E. Any evidence recovered by the BFD will be turned over to the primary officer to preserve and log into evidence.
  1. If an investigator from the Police Fire Investigations team responds to the scene, the investigator will preserve and log any evidence recovered.

**IV. Fire Scene Responsibility:**

- A. Will remain with the BFD, unless the fire scene is turned over to the Department by the Battalion Commander or activation of the Fire Investigation Team.

**V. Media Responsibility:**

- A. If the fire occurred within the city limits, media responsibility remains with the BFD until activation of the Police Fire Investigations team. Upon activation of the team:
  1. Responsibility for media release transfers to the Police Assistant Chief, or Investigations Captain, or designee.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 7-6**

**DRUG FORFEITURES**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for controlling and utilizing drug forfeited property.

**POLICY:**

The policy of the Department is to use drug forfeiture proceeds, in accordance with State and Federal law, in the area of drug enforcement that best suits the needs of the Department.

**PROCEDURE:**

**I. Property Forfeitures:**

- A. The drug forfeiture fund receives funds from the following sources:
  1. Court fines and forfeitures;
  2. Cash and property forfeited by a court order; and
  3. Cash and property received from federal forfeitures.
- B. The Chief of Police, with the recommendation of the Assistant Chief, is responsible for the distribution and use of all drug forfeiture proceeds.
- C. The Assistant Chief is the liaison between the Department and the City Finance Department on all forfeiture proceedings.
- D. When money is forfeited by a court order, the court notifies evidence in writing.
  1. Upon the receipt of the forfeiture order, evidence personnel will then notify the shift Commander to respond during normal business hours to the evidence building to verify and to sign the back of the pink evidence slip for the forfeited money by breaking the evidence seal.
  2. The responding shift Commander will then take the money to the Senior Administrative Coordinator (SAC) and verify the money with the SAC for a cash receipt (CR) to be filled out. The SAC will then sign the released by portion of the pink evidence slip. Once the pink evidence slip is returned to evidence the forfeited money will be cleared out of the computer.
  3. The responding shift Commander will then escort the SAC to finance with the money and CR.
  4. Finance will immediately count and verify the amount of money to be deposited. Either the CR slip or some other form of receipt will be given to the SAC with the Finance employee's initials, the date, and the amount of money received by finance.
  5. The SAC will make a copy of the pink CR or other receipt received at the time taken to finance for the original report, and ensure the copy of the CR is filed with the original report file.
- E. Vehicle forfeitures:

1. Upon a signed court order forfeiting the vehicle to the City, the Investigations Captain is responsible to have the vehicle title transferred to the City of Billings. The Captain of Investigations will make a recommendation to the Assistant Chief and the final determination is made by the City Administrator or the City Administrator's designee if the vehicle should be:
    - a. Sold at the next City auction;
    - b. Sold at a separate public auction;
    - c. Maintained in the City's fleet; or
    - d. Return the vehicle to the holder of the security interest.
  2. The recommendation will include make, year, model, serial number, color, odometer reading, and a report from the Department of Finance and Administrative Services Motor Pool Division regarding the general safety and physical condition of the vehicle.
  3. The proceeds for the sale of any vehicle forfeited shall be placed in the City's drug forfeiture fund.
- F. Forfeitures other than money or vehicles: upon a signed court order the Captain of Investigations shall examine the property and make a recommendation to the Assistant Chief that the property be:
1. Sold at the next City auction and the proceeds placed in the City's drug forfeiture fund;
  2. Sold at a separate public auction and the proceeds placed in the City's drug forfeiture fund;
  3. Maintained in the Department for Department use in a designated manner; or
  4. Destroyed.
- G. Any time that funds or property is forfeited, the forfeiture must be recorded in the original file documenting the forfeiture, authorizing court order, and the disposition of money or property.
- H. All forfeiture property and money shall be secured as evidence as specified in Policy #9-3 and until final determination is made by the courts, will be maintained in accordance with Policy #9-3.
- I. Property and motor vehicles sold at City auction or public auction must be sold in the manner provided by law for the sale of property under execution MCA 25-13-701 through 25-13-714.

**II. Drug Forfeiture Funds Expenditures and Use.**

- A. Drug forfeiture funds may be used for:
  1. Paying informants in drug matters;
  2. Flash money for drug cases;
  3. Purchasing equipment for drug enforcement;
  4. Match money for a grant for drug enforcement purposes;
  5. Buy money for drugs; and or
  6. Any other drug related enforcement or education approved by the Chief of Police
  7. As provided in Section X. Uses of Equitably Shared Property in the USDOJ publication, "A Guide to Equitable Sharing of Federally Forfeited Property for State, Local Law Enforcement Agencies."
- B. A fund not to exceed \$12,000 from the City Drug Forfeiture Fund is maintained in the City County Street Investigations Unit (CCSIU) for the use of narcotics investigation:
  1. Access to the fund is limited to the CCSIU Commander, or designee.
  2. These funds may be used as flash money or expended for the following purposes with the approval of the CCSIU Commander.

- a. Drug buys;
- b. Informant payments; and or expenses incurred in drug investigations as defined in MCA 44-12-206.
- 3. A ledger of expenses shall be kept by the CCSIU Commander, showing the case number, date, type of expenditure, and the amount and a running balance in the fund.
- 4. An internal audit of the fund is made quarterly by the Yellowstone County Auditor's Office and the files are maintained at CCSIU and available upon request.
- 5. The fund shall be replenished as needed from the City Drug Forfeiture Fund, with approval of the Assistant Chief, by the SAC.
- C. Expenditures of drug forfeiture funds must comply with applicable sections of the City of Billings Purchasing Manual, Administrative Order #38, and or Policy #8-3. The purpose of the expenditure must be documented and provided by the SAC for the Assistant Chief for accounting purposes and any subsequent review required.

**III. Federal Forfeitures:**

- A. When any drug fines or property and money forfeited under federal law is provided to the City of Billings by the federal government, the property or money will be handled and used in accordance with Federal and State law.

**IV. Joint Forfeitures:** (As agreed upon by the Mayor of the City of Billings and Yellowstone County Commissioners (revised 4/23/93)).

- A. Property seized through joint efforts of the CCSIU will be:
  - 1. Retained by the Department and later sold at the City auction.
  - 2. Proceeds from the sale will be equally divided between Yellowstone County and the City of Billings; and
  - 3. Will be placed into the Drug Forfeiture Fund.
- B. The CCSIU Commander provides a monthly financial report with the reimbursement requests to the SAC.
- C. The CCSIU Commander provides the SAC a quarterly financial report outlining expenditures and monies received.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 7-7**



**INVESTIGATIONS DIVISION**  
**PERSONNEL CALL-OUT**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines to ensure that incidents requiring complex investigation are properly managed.

**POLICY:**

The policy of the Department is to maintain call out list for the Investigations Division personnel.

**PROCEDURE:**

**I. Homicide Investigations:**

- A. In the event of a homicide, the Patrol Commander will:
  1. Notify one of the Investigations Commanders, who will make the necessary call outs.
  2. Notify the Assistant Chief.
- B. The Investigations Commander will make the following determinations:
  1. Call out of the County Coroner if not already notified.
  2. If additional investigative detectives are notified.
  3. If the County Attorney is notified.
  4. Whether or not the forensic pathologist is notified.

**II. Suspicious Deaths and Other Investigations:**

- A. If a Patrol Commander determines a need for detectives at the scene of a suspicious death or other investigation, he or she will:
  1. Notify the Investigations Commander, who will make the necessary call outs and
  2. Notify the Assistant Chief.

**III. Call Outs:**

- A. While Detectives are not paid for on call status, there is an expectation that detectives will keep his or her Department phones with him or her and answer when called by Commanders.
- B. Commanders will make note of Detectives who repeatedly do not answer his or her phone and are not available for call out situations. Such notes may be used as a factor in future assignments and evaluations.

**BILLINGS POLICE DEPARTMENT****POLICY MANUAL****Policy Number: 8-1****SPECIAL OPERATIONS**

Effective: April 9<sup>th</sup>, 2020  
Review: by Assistant Chief

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish a means of managing crisis situations, unusual occurrences, and high risk enforcement operations.

**POLICY:**

The policy of the Department is to maintain a Special Operations component herein referred to as Special Weapons and Tactics (SWAT) team under the direction of the Assistant Chief. The Department recognizes the need to manage crises, unusual occurrences, provide VIP protection, to provide special details for special events, and mitigate risks during high risk enforcement operations..

**PROCEDURE:****I. In General:**

- A. The following operations are considered special operations:
  1. Hostage situations;
  2. Barricaded persons;
  3. High risk search / arrest warrants;
  4. High risk enforcement operations;
  5. Special purpose vehicle operations;
  6. Decoy operations;
  7. Undercover surveillance or stakeouts;
  8. Bomb or explosives disposal;
  9. Coverage of special events;
  10. VIP protection;
  11. Coverage of disasters;
  12. Coverage during suspected terrorist activities;
  13. Coverage of civil disturbances; and
  14. Coverage of civil defense emergencies.

**B. Coordination:**

1. The Assistant Chief directs the coordination of SWAT with normal uniform units.
2. The Captain of Investigations is responsible to coordinate the activities of any special operations that he or she conducts with the normal units of the Department.
3. If possible, Commanders are apprised of SWAT operations within the area of his or her responsibility.

**C. Mobilization:**

1. The Chief of Police or designee may authorize the use of SWAT or a SWAT Commander assigned to SWAT may act in the absence.
2. Call out list:

- a. A current list of hostage negotiation and SWAT team members is updated annually by the appropriate Team Commander. The list is maintained in the command room and with each team member.
3. Procedure:
  - a. (Immediate Response)
    - (1) The officer at the scene notifies the Commander of the incident, and of the possible need for a negotiator or the SWAT team.
  - b. (Planned Operations)
    - (1) The detective in charge of the investigation notifies the Commander of the possibility of a high risk search / arrest warrant or other high risk investigative operation.
    - (2) A SWAT matrix will be completed any time a search warrant for a residence is obtained and forced entry into the structure is likely
    - (3) The investigative Commander will complete a SWAT matrix and consult with a SWAT commander per matrix guidelines.
    - (4) All SWAT matrix's regardless of actual SWAT activations will be forwarded to the SWAT commander for tracking.
  - c. The Commander determines if a negotiator or the SWAT team is needed and if so notifies:
    - (1) The SWAT team Commander, if appropriate the SWAT commander notify the Chief of Police or designee. If the team Commander is not available, the next available team member is be notified.
    - (2) If the SWAT team commanders are not available, the scene Commander will rely on SWAT officers for advice on utilization of the SWAT team.
  - d. The Chief of Police, or designee, will make the final determination as to whether a negotiation team, or the SWAT team will be activated and:
    - (1) Advise the Commander; and call and advise the Team Commander.
  - e. Upon receiving the decision to activate, the Commander will:
    - (1) When calling the SWAT team, calls all team members: off and on duty.
    - (2) When calling the Hostage Negotiators, calls two negotiators.
      - (i) Negotiators work in teams of two and will respond on a rotational basis.
      - (ii) As the situation dictates, the Team Commander may elect to call out the other Hostage Negotiation team.

**II. SWAT:**

- A. Is comprised of specially trained officers who assume SWAT duties upon activation in lieu of normal duties.
- B. Strength:
  1. The SWAT team is composed of no more than 10% of the sworn population.
- C. Selection Process:
  1. Refer to Policy #8-2 Specialized Assignments for the SWAT selection process.
- D. SWAT Team Qualifications:
  1. Each officer assigned to the SWAT team:
    - a. Is encouraged to maintain a physical fitness program of his or her own and on his or her own time.

- b. Will participate in aerobic and anaerobic fitness training, such as endurance, strength, and agility training, as directed by the team leader at scheduled bi-monthly team meetings.
  - c. Must pass the following physical fitness test each year:
    - (1) Montana Physical Assessment Test (MPAT) and
    - (2) 5 Body weight pull ups
    - (3) 15 Body weight dips.
  - d. Must participate in scheduled firearms training as directed by the team leader or designee.
  - e. Must qualify twice a year with:
    - (1) M-16 or M4
    - (2) MP5 submachine gun if assigned;
    - (3) Shotgun; and,
    - (4) Handgun
  - f. Once every 3 months Sniper and Observers must qualify with the .308 Rifle.
  - g. All scores are kept on file by the SWAT Team Firearms Instructor and copies of firearms records are maintained by the SWAT Team Firearms Commander.
- E. SWAT Equipment:
- 1. The SWAT team members are issued specialized equipment to accomplish assignments.
  - 2. Members of the SWAT team are responsible to have issued equipment available and in a state of readiness at all times.
  - 3. SWAT Van:
    - a. Supplies;
    - b. Specialized equipment;
    - c. Backup equipment;
    - d. Radio equipment; and
    - e. Weapons.
  - 4. The SWAT team maintains a secure arms room for the storage of additional equipment for SWAT team use.
    - a. The SWAT Commander must conduct a yearly inspection and inventory of all SWAT equipment. A copy of the inventory and inspection report is given to the Quartermaster annually.
- F. Training:
- 1. SWAT team members receive bi-monthly training as directed by the team Commander.
  - 2. The SWAT Team Commander is responsible for recording and maintaining the SWAT training for each member.
- G. Mobilization:
- 1. Upon activation, all available SWAT personnel assemble at an assigned location for further instruction.
  - 2. [REDACTED]
  - 3. At the conclusion of the operation, the SWAT Team Commander composes a written critique of the SWAT operation and provides the critique to the Chief of Police or Designee.
  - 4. Use of the SWAT team outside city limits:

- a. The appropriate head of agency requests SWAT assistance from the Chief of Police or designee
- b. The requesting agency furnishes the following for the SWAT team:
  - (1) Overtime wages;
  - (2) Meals;
  - (3) Lodging; and
  - (4) Mileage @ current rate set by the IRS.
- c. The Department will not refuse assistance to any agency because of financial reasons. Assistance will be provided and arrangements for reimbursement will be worked out later.
- d. Operation RED FLAG:
  - (1) The Department SWAT team is a member of Operation Red Flag and may provide tactical assistance through mutual aid.
    - (i) Requests for assistance are made by contacting the Montana Disaster and Emergency Services 24/7 phone (406) 324-4777.
    - (ii) The DES duty officer will facilitate the contact of the requesting agency head to the closest tactical team and their agency head.
    - (iii) The requesting agency will be responsible for expenses (II, G, 4, b), indemnification and liabilities associated with these requests.
    - (iv) Assistance provided as outlined in MCA 44-11-101 through 44-11-202 under Mutual Aid.

**III. Hostage Negotiation Team:**

- A. Is comprised of specially trained officers who will assume negotiation duties upon activation from their normal duties.
- B. Negotiator selection:
  1. Refer to Policy #8-2 Specialized Assignments for Hostage Negotiation selection process.
- C. Training:
  1. Hostage negotiators must attend a formal school on hostage negotiation before assuming negotiation duties.
  2. The hostage negotiation team meets at least quarterly for training and coordination.
    - a. Training shall include familiarization with the hostage rescue throw phone, its operation, set up, and deployment.
  3. The hostage negotiators cross train with SWAT for coordination purposes.
    - a. Hostage negotiators shall give demonstrations to SWAT members in the proper deployment of the throw phone to prevent unnecessary damage to the phone and its components.
- D. Mobilization:
  1. Members of the hostage negotiation team, when negotiating, will wear:
    - a. Civilian clothes;
    - b. Bullet proof vests;
    - c. Load-bearing vests, shirts, or jackets that clearly identify members as police negotiators;
    - d. Tactical Helmets if negotiating from a non-secure area.
- E. Negotiation Procedures:
  1. [REDACTED]

- a. [REDACTED]
  - b. [REDACTED]
  - c. [REDACTED]
2. [REDACTED]
3. [REDACTED]
- a. [REDACTED]
  - b. [REDACTED]
  - c. [REDACTED]
- (1) [REDACTED]
  - (2) [REDACTED]
  - (3) [REDACTED]
  - (4) [REDACTED]

F. Barricaded Suspect/Hostage Situation:

- 1. In any hostage or barricade situation human life is the primary concern. Officers must make every effort to ensure the safety of all parties, victim(s), bystanders, or hostage(s), officers, and hostage taker(s).
- 2. [REDACTED]
- 3. Demands for weapons or the exchange of officers for hostages are not negotiable. Such demands or suggestions will be rejected without further consideration to avoid aggravating an already serious situation.
- 4. [REDACTED]
- 5. [REDACTED]

6. Operational Objectives:

- a. Establishing and maintaining operational control at the scene.
  - (1) Initial response: The first officer on the scene must determine the scope of the incident and provide the dispatcher with the following information, if possible:
    - (i) Exact location of suspects;

- (ii) Number of suspects;
  - (iii) Type of weapons used by the suspects;
  - (iv) Number of hostages;
  - (v) Nature and extent of injuries; and
  - (vi) Location of possible escape routes, and the number of additional units needed to secure the scene.
  - (vii) The first officer on the scene shall advise the shift Commander of the above information as soon as is practical.
  - (2) The shift Commander will take over the radio for the incident and at his or her discretion shift to a tactical channel.
- b. Obtaining the tactical advantage in the situation:
- (1) [REDACTED]
  - (2) The Incident Commander (IC) shall assign positions to responding units.
  - (3) The IC must ensure that injured persons and bystanders are evacuated as soon as possible.
  - (4) The normal procedures for notification of hostage negotiators, and the SWAT team.
  - (5) [REDACTED]
  - (6) [REDACTED]
  - (7) Once the perimeter is secure the IC shall establish a field Command Post, which shall be the sole source of instructions and orders concerning the incident. The following guidelines are offered to aid the IC in setting up the Command Post (CP):
    - (i) If it is safe to do so, the CP should have a view of the incident.
    - (ii) The CP should permit access to communications other than radio if possible.
    - (iii) The CP must be in a safe position to which other units can respond.
    - (iv) The CP should be organized, ideally, so that there is a room available for the negotiation team, a room to be used by Incident Command, and a separate room to be used for meeting members of the press.
  - (8) All units not specifically assigned to containment must respond to the CP for assignment.
  - (9) When containment is established, the CP shall assign units to a perimeter, which must control all traffic into and out of the immediate vicinity of the incident. Once the perimeter is fully secure, only those officers or other individuals specifically requested and authorized by the IC should be permitted inside this perimeter.
  - (10) [REDACTED]
  - (11) [REDACTED]
- c. Exploring every source of available intelligence concerning the circumstances surrounding the event, the location, and the identity of the perpetrators.

- (1) Officers in plain clothes should not be used on the perimeter to assure total police control and prevent confusion concerning identity.
  - (2) Detectives and others in plain clothes should be assigned to intelligence duties:
    - (i) Identifying suspects;
    - (ii) Assisting hostage negotiation team in gathering background information on the suspects;
    - (iii) Obtaining sketches or plans of the scene of the incident;
    - (iv) Interrogating persons detained entering or leaving the area; and
    - (v) Detaining and interrogating released hostages the same as suspects.
  - d. Negotiating for the release of the hostages and the surrender of the perpetrators.
    - (1) [REDACTED]
    - (2) Every effort shall be made to deploy the hostage rescue throw phone to securely and exclusively communicate with the hostage taker or barricaded subject.
    - (3) The throw phone control console shall be set up in a secure, private area of the CP if at all possible.
    - (4) The throw phone shall be deployed by SWAT personnel who have been properly trained on its deployment.
    - (5) [REDACTED]
    - (6) [REDACTED]
    - (7) The Chief of Police or designee retains the ultimate authority in deciding what is negotiable or what demands are met.
    - (8) [REDACTED]
    - (9) Hostage negotiators shall keep the IC continuously apprised of the progress of the negotiation process.
  - e. If necessary, undertaking an assault on the suspect's position, and apprehending them.
    - (1) [REDACTED]
    - (i) [REDACTED]
    - (ii) [REDACTED]
    - (2) The SWAT Team Commander will coordinate the assault and arrest operation.
7. Other Services:
- a. The IC shall evaluate the need for:
    - (1) Ambulance:
      - (i) Injured should be evacuated as soon as possible.
      - (ii) Stand-by if needed.

- (2) Fire Department:
    - (i) Call if needed.
    - (ii) Stand-by if needed.
  - (3) Other emergency services as needed.
- b. Media:
- (1) Media must be excluded from any area for safety and where media will not interfere with the operations.
  - (2) Media should be kept apprised of the situation as well as possible in a timely manner.

**IV. Bomb threats and the Bomb Squad:** Bomb threats should never be considered as false until all applicable action has been taken to establish the validity of the threat. Every action shall be taken to facilitate public safety by the proper handling of suspected and real explosive devices.

A. Receiving the threat:

1. The person who received the threat is very important and should be questioned closely. Questions may include:
  - a. Where did the individual say the bomb was located?
  - b. What time did the individual say the device would explode?
  - c. What reason or motive did the individual give for placing the bomb?
  - d. What does the device look like?
  - e. Did the individual leave a name?
  - f. Were there any of the following that the recipient could remember:
    - (1) Background noise;
    - (2) Speech impediment;
    - (3) Accent; and/or
    - (4) Manner of speaking?
  - g. Was the individual calm or excited?
  - h. What were the exact words used by the individual?

B. Responsibilities of the primary officer at the scene:

1. The primary officer is in charge of the incident unless relieved by a Commander or an investigator.
2. Communication:
  - a. All communications should be by telephone if possible.
  - b. If the radio must be used, try to limit communications to emergency traffic as much as possible.
  - c. Radios should not be used within 850 feet of a suspected explosive device.
3. The officers should be aware that a fire engine will be dispatched and will stage approximately two blocks away.
4. Evacuation:
  - a. If there is no suspected device known, the decision to evacuate rests entirely with the person responsible for the control of the threatened building.
  - b. If a device has been located, the police will in all cases order immediate evacuation.
  - c. If the order to evacuate is given:
    - (1) Do not use a fire drill, where the doors and windows are closed, as the reason for the evacuation as the doors and windows need to be opened.

- (2) It should be remembered that the activation of any electrical device could set off the bomb, therefore any order to evacuate should be given verbally and not by using a PA system or a fire alarm.
  - (3) Officers should be stationed in such a manner to establish a perimeter to prevent anyone from entering the area.
  - (4) When an evacuation order is given, the Commander must be notified and respond to take charge of the scene.
5. Building Search:
- a. If at all possible, persons who work in the threatened area, such as maintenance personnel, should participate in the search of the areas where he or she is familiar.
    - (1) The decision to utilize civilians in the search rests with the person responsible for the control of those persons.
    - (2) If the person in charge of the civilians declines the use of his or her employees in the search, officers will initiate the search without further discussion.
  - b. If police personnel conduct the search:
    - (1) The search should be organized so that it is done in a logical systematic manner.
    - (2) If there is more than one search team, teams should trade off areas for cross searching.
  - c. If the suspected explosive device is located:
    - (1) Notify the dispatcher who will notify:
      - (i) Commander;
      - (ii) Bomb technician; and
      - (iii) Fire Department;
    - (2) Do not touch or go near the device once it has been located.
    - (3) Do not turn on or off any lights or allow any flash bulb or lights to affect the object.
    - (4) Do not use any type of radio communications including mobile data terminals within two blocks of the target area.
    - (5) Evacuate all persons except for sufficient police personnel to do the tasks listed immediately below:
      - (i) Station enough police personnel to protect the object from disturbance, but at as great a distance as possible while making sure that the object is secure;
      - (ii) Open any doors and windows in the area;
      - (iii) Request that the Fire Department have equipment respond to stand by near the target area; and
      - (iv) Contact the bomb technicians.
    - (6) An FBI Incident Report form will be completed by the bomb technician, which he or she will then forward to the FBI Bomb Data Center.
- C. If the device explodes:
1. Area Protection:
    - a. Seal off the area.
    - b. Allow entry only to personnel authorized by the IC
    - c. Assume that there may be a secondary device which could be detonated, and if appropriate, follow the basic procedures outlined above.
  2. Notification:
    - a. Communications Center personnel shall notify the Fire Department for standby.

- b. After confirmation of an explosion by an officer at the scene, the Communications Center personnel will notify:
    - (1) Billings Fire Marshal; and
    - (2) The Commander.
  - c. The Commander will notify:
    - (1) Bomb technician;
    - (2) Investigations Division;
    - (3) Chief of Police; and
    - (4) Bureau of Alcohol, Tobacco, Firearms and Explosives.
- D. Media:
- 1. Will be allowed access to the perimeter of the scene only with expressed permission of the IC, as prescribed in Policy #10-9.
- E. The bomb squad is established as a volunteer part-time service under the Assistant Chief.
- F. Call Out:
- 1. The Commander shall notify one of the Bomb Squad technicians of any suspected explosive device that would require their services.
  - 2. An on duty Bomb Technician should be used if possible.
  - 3. The Assistant Chief will maintain a call out list of available bomb squad technicians in the command room.
  - 4. If Department Bomb Squad technician(s) are not available, contact other local agencies for assistance.
- G. Evaluation, transportation, destruction:
- 1. PROCESSING: If time and conditions permit, any device or explosive that is found should be photographed and processed for fingerprints before destruction or movement.
  - 2. SAFE DEVICE: If the device is of a binary nature that had not been mixed or a device that is in a reasonably safe condition, the device could be transported in a police vehicle to the bunkers where the device may be stored.
  - 3. UNSAFE DEVICE:
    - a. Remote area: If the device is of a hazardous nature or apparently unstable, the bomb technician should attempt to detonate the device in place by counter charging the device with reliable explosives.
    - b. Populate area:
      - (1) If the device is to be transported, the device should be placed into the bomb transport trailer.
      - (2) If the transport trailer is unavailable, use a dump truck filled with sand.
      - (3) If there would be a delay in getting a dump truck sandbags should be placed around the device.
4. EQUIPMENT:
  - a. Tool kits are kept:
    - (1) In the Bomb truck and trailer
  - b. Sandbags are available:
    - (1) In the Bomb truck; and
    - (2) From the County DES.
  - c. If the device is a pipe bomb:
    - (1) There is a disrupter in the van that can be used with either a metal plug or water.

- (2) If the disrupter defeats the pipe bomb and there is no sympathetic detonation, the remaining parts are placed into evidence at the bunkers.

H. Reports:

1. An incident report is created for any explosive call;
2. If a device is found that meets the criteria of the National Bomb Data Center, a National Bomb Data form is filled out and forwarded to the Center; and
3. If explosives are found, an ATF form will be submitted.

**V. VIP Protection / Special Events:** will be handled in an appropriate manner through the Assistant Chief or designee.

A. In General:

1. The Assistant Chief determines:
  - a. Who will be in charge of the detail;
  - b. The manpower and resources to be allocated to the event;
  - c. Coordination with other agencies; and
  - d. Communications.
2. The Commander of the Operations is responsible for requesting, evaluating, and coordinating any intelligence information that is available.

B. V.I.P. Protection:

1. A Commander will be chosen to be in charge of the detail.
2. Travel Routes:
  - a. If a specific travel route is requested, the route will be utilized unless safety is an overriding factor.
  - b. The Commander of the detail makes the final determination of the route to be used.
  - c. The Commander also selects an alternate route if possible.
3. Site Inspection:
  - a. The Commander is responsible for the inspection of any sites and facilities that the VIP will visit.
  - b. The site inspection may be concurrent responsibility if the VIP has his own security detail.
  - c. The site inspections may be delegated.
4. Weapons: are the normal issued weapons of the Department.
5. Body Armor:
  - a. Would normally be the issued bulletproof vests of the Department.
  - b. The VIP may utilize BPD body armor if he or she chooses.
6. Vehicles:
  - a. The Department has no special vehicles for VIP use.
  - b. Any vehicles utilized would be:
    - (1) City vehicles;
    - (2) The VIP's vehicles;
    - (3) Rental vehicles; and/or
    - (4) Loaned vehicles.
7. Medical Facilities:
  - a. The Commander coordinates with a representative as to what medical facility would be used in case of need.

- b. The ambulance service utilized in case of need would depend on the geographic location of the event.
- 8. Identification: Identification devices, such as badge, or lapel pins, etc., will be provided by the VIP party if required.
- C. Special Events:
  - 1. Special Operations Personnel: Normally only uniform personnel are utilized for special events.
  - 2. The Commander assigned to the detail provides a written estimate of logistics including traffic, crowd-control, and crime problems expected for the event to the Assistant Chief.
  - 3. The Commander of the detail coordinates with the Shift Commander of the affected shift.

**VI. Courtesy, Honors, and Ceremonies:** The Department provides those courtesies, honors, and ceremonies appropriate for a law enforcement organization.

- A. U. S. Army Manual FM 22-5, Drills and Ceremonies, is hereby adopted by reference for the use of this Department as the Chief of Police deems appropriate.
- B. Death of an Officer:
  - 1. Chief's coordinator:
    - a. A representative of the Chief of Police shall offer the police funeral to the family of the deceased and shall explain the services as outlined in this policy to be used by the family if requested.
    - b. If the family wishes a police funeral, the Chief of Police or designee shall coordinate the service with the funeral home, the church, and with any branch of the United States Armed Forces, if appropriate.
    - c. The Chief of Police or designee shall also coordinate any security provisions he or she deems appropriate.
  - 2. Honor Guard:
    - a. The honor guard is comprised of eight or more officers as approved by the Chief of Police.
    - b. The honor guard wears full uniform including:
      - (1) Dress coats with ribbons, name tag, badge, and U. S. insignia
      - (2) White shirt;
      - (3) Black tie;
      - (4) White gloves for summer or black gloves in winter;
      - (5) Saucer hats and
      - (6) Leather gun belt with shoulder straps.
  - 3. Services and Internment:
    - a. On the day of the funeral, the honor guard shall present itself at the church or funeral home 30 minutes prior to the commencement of the services to await the arrival of the casket.
    - b. The honor guard shall follow the casket inside the building and shall remain at attention at the rear of the building near the door.
    - c. The honor guard shall follow the casket out of the building at the end of the services and shall then ride in the first police car following the hearse and family limousines.
    - d. At the grave site, two honor guard members shall stand near the casket and shall fold the flag covering the casket for presentation to the next of kin.

- e. The Department shall ensure that an American flag is obtained for the draping of the casket and subsequent presentation to the next of kin.
4. Attending Officers:
  - a. Officers attending in uniform:
    - (1) Will wear Class A uniform to include the saucer hat.
    - (2) When inside, the saucer hat is carried under the left arm, held with the left hand and hat badge to the front.
  - b. Saluting:
    - (1) All officers in uniform shall stand at attention and render a hand salute as required and/or directed for the passing of the coffin;
    - (2) All officers not in uniform shall stand at attention and place the right hands over the heart as required and/or directed for the passing of the coffin.
    - (3) These same procedures shall apply when saluting a hearse in a funeral procession or when saluting the American flag under any circumstances.
5. The Department shall provide 6 pallbearers at the family's request for the death of an active duty officer. The Department shall provide 2 officers to perform a flag ceremony for retired officers.
6. Funeral Procession:
  - a. The funeral procession shall be led by a marked patrol vehicle. The procession shall be the responsibility of the honor guard unit to advise traffic control points when the procession is approaching controlled intersections.
  - b. The last vehicle in the procession shall be a marked unit to advise the traffic control units when the procession has cleared the intersection.
  - c. All marked police vehicles in the funeral procession shall proceed with overhead emergency lights activated.
  - d. All units shall monitor a prearranged radio channel for the duration of the procession.
  - e. If the funeral procession enters another jurisdiction, the Communications Center will keep that jurisdiction advised of the progress of the procession.
7. Masking of the Badge:
  - a. On the day of the funeral, all uniform officers shall mask his or her badges with a black band. The badge shall remain masked for the duration of the officer's shift.
  - b. The band shall cross the badge horizontally covering the City seal.
8. Services and Internment outside the Billings Area:
  - a. If the services and interment are to be held outside the Billings area, but within the State of Montana, the Honor Guard shall be provided for the services.
  - b. If the services and interment are to be held out of state, the Honor Guard shall escort the casket to the airport and shall stand by until the casket has been loaded for transportation.
9. Funeral services for Officers of other jurisdictions:
  - a. If the funeral of an officer of another jurisdiction is held within the City of Billings, the Chief of Police shall designate a representative to offer assistance to the law enforcement agency of the deceased officer.
  - b. If the funeral is to be in another jurisdiction within the state, the Chief of Police may, at his discretion:
    - (1) Designate representatives or the honor guard to attend the funeral of the deceased officer to present the respects of this Department; and

- (2) Designate Department vehicles to go to be in the procession.
- C. Any or all portions of this procedure may be deleted at the discretion of the Chief of Police or the family of the deceased. Final approval of all funeral arrangements remains with the family of the deceased and the Chief of Police. Every effort shall be made to comply with the wishes of the family of the deceased.
- D. The services of a police funeral may be offered to the family of a retired or recently resigned officer at the Chief of Police's discretion.

**VII. Unusual Occurrences:** The Department recognizes the need for all emergency services to function in a cooperative effort in times of disaster.

- A. Administration, the Assistant Chief will:
  - 1. Be responsible for planning agency response to unusual occurrences;
  - 2. Is in command and has control of all civil law enforcement resources committed to unusual occurrences within the City limits;
  - 3. Maintain liaison with the Disaster and emergency Services Coordinator.
- B. Manuals; the following manuals are adopted by reference:
  - 1. Billings and Yellowstone County Emergency Operating Center Standard Operating Procedure manual.
  - 2. Billings and Yellowstone County Emergency Resources Information manual.
  - 3. Billings and Yellowstone County Hazardous Materials Response and Evacuation Plan manual.
  - 4. Billings and Yellowstone County Emergency Warning Plan manual.
  - 5. Billings Logan International Airport, Airport Security Plan.
  - 6. Yellowstone County Terrorism Response Plan
  - 7. Yellowstone County Detention Facility (YCDF) Policy and Procedures Manual:
    - a. The Commander, upon notification of a riot or disorder at the detention facility will:
      - (1) Ascertain what help is needed by the YCDF;
      - (2) Notify the Chief of Police;
      - (3) Ensure that a Commander responds with the assistance;
      - (4) Provide the assistance requested, instructing all officers responding to report to the assigned Commander who will in turn coordinate with the County Commander.
      - (5) If the SWAT team is needed, follow the specified guidelines;
      - (6) Complete a critique of the incident at the completion of it; and
      - (7) See that all necessary reports are prepared.
    - b. The Department will only assist the County if requested. The County is in charge of operations at the YCDF.
  - 8. The manuals and policies are reviewed and updated as necessary by the responsible agencies.
- C. Response Plan:
  - 1. Natural and manmade disasters; civil disturbances; and emergency mobilization plan see:
    - a. Emergency warning plan for Billings and Yellowstone County;
    - b. Hazardous material response and evacuation plan for Billings and Yellowstone County;
    - c. Emergency resources information for Billings and Yellowstone County; and

- d. Billings and Yellowstone County Emergency Operating Center Standard Operating Procedures.
  - e. Yellowstone County Terrorism Response Plan
2. For Police Operations:
    - a. Primary and alternate assembly areas:
      - (1) Primary: the police barn;
      - (2) Secondary: headquarters fire station; and
      - (3) Other assembly areas may be utilized as designated, depending on needs.
    - b. Equipment distribution responsibility:
      - (1) Range Officer(s):
        - (i) Weapons; and
        - (ii) Ammunition.
      - (2) SWAT Commander:
        - (i) Chemical agents; and
        - (ii) Special weapons.
      - (3) Commanders:
        - (i) Vehicles; and
        - (ii) Radios.
      - (4) Assistant Chief: any other needed operations or investigation supplies.
    3. At the end of any operation:
      - a. Outside resources will be decommissioned first;
      - b. The Assistant Chief is responsible for critiquing the operation and will furnish a report to the Chief of Police within 7 days of the operation. The critique will include:
        - (1) Evaluation of command practices;
        - (2) Evaluation of communications;
        - (3) Evaluation of procedures used;
        - (4) Summary of expenditures;
        - (5) Casualty report; and
        - (6) The need for any changes to policies.

**VIII. Civil Disturbance Response Plan:**

- A. Upon recognizing a potential civil disturbance, which may require more than the customary police response, the Commander notifies the Chief of Police and the Assistant Chief who will then call out the necessary officers needed to assist with the occurrence.
- B. [REDACTED]
- C. Officer Assignment:
  1. Officers will be assigned by the Assistant Chief for security purposes at those public facilities that have been identified as being possibly affected by the civil disturbance.
  2. Officers will be utilized for traffic control as deemed necessary.
- D. An incident command post (CP) will be established for the purpose of control and supervision of the situation.
  1. The Assistant Chief or designee becomes the Incident Commander (IC).
  2. The Assistant Chief coordinates the need of equipment, manpower, and any other resources required for a civil disturbance.
- 3. Information Release:

- a. The Chief of Police or designee gives all news releases concerning the civil disturbance including mass arrests to all police personnel involved. Giving the facts as that are known on a timely basis to stop any rumors that might originate concerning the civil disturbance.
  - b. Casualty information will be coordinated with the County Coroner. The Yellowstone County Coroner's office is in charge of all deceased persons. Injury to other persons is handled as in any other circumstances.
  - 4. The City Attorney's Office or a representative from the Yellowstone County Attorney's Office will be consulted for any legal advice.
  - 5. Mutual Aid is requested if necessary.
  - 6. If martial law or military support is needed, the Mayor and the City Administrator will go through the Governor's Office in Helena.
- E. Communications: The communications center is the primary location for police communications.
- F. Arrest Procedures:
- 1. Person(s) arrested are referred for court under normal procedures.
  - 2. All juvenile offenders will be handled under normal situations through juvenile procedures.
  - 3. Provisions for carrying out mass arrests:
    - a. Processing, including booking, will take place at the YCDF along with notification as early as possible if a mass arrest.
    - b. The Assistant Chief may elect to utilize a publicly-owned building to process mass arrests after first coordinating that effort with the administrator of that facility.
    - c. Violent prisoners should be processed and booked first.
    - d. Transportation of large numbers of prisoners can be made in the YCDF's 9 passenger inmate van or through special arrangements with YCDF.
    - e. Detention is at the YCDF.
    - f. Any evidence collected by officers will be handled under normal procedures.
    - g. Security of both prisoners and law enforcement officers will be necessary for everyone's protection.
    - h. All arrested individuals are to be fingerprinted and photographed.
    - i. Court and prosecution of all prisoners are handled under normal practices.
    - j. All food, water, and sanitation matters is handled by the YCDF
    - k. Ambulances will be on call and on the site of a civil disturbance where mass arrests are possible for prisoners and law enforcement. Upon transportation of prisoners to YCDF; prisoners are under their control and policies regards to medical treatment.
  - 4. Reference the Yellowstone County Detention Facility Policy and Procedure Manual. Arrests are handled under normal situations. Confinement is at the YCDF, under the same procedures and policies as normal circumstances. With a high number of arrests; contacting the YCDF should be done as soon as possible.
- G. Termination procedures:
- 1. Upon the termination of a civil disturbance the Commander or designee will de-escalate any support groups, mutual aid, first, with emphasis to volunteers first, and outside law-enforcement agencies, then local police.
  - 2. Upon completion of all duties; the Assistant Chief will complete the necessary reports, with input from all parties involved.

3. The Assistant Chief provides a critique of the civil disturbance to the Chief of Police for evaluation.

**RULES:**

- I. Officers will not exchange themselves for hostages, or intentionally allow him or herself to become hostages for any reason.**
- II. Weapons or additional hostages must not be included in any exchange with hostage takers or barricaded suspects for any reason.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 8-2**



**SPECIALIZED ASSIGNMENTS**

Effective: June 18<sup>th</sup>, 2021  
Review: by Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for specialized assignments.

**POLICY:**

The Department will make selections for Specialized Assignments fairly and equitably based on criteria to ensure that the most qualified candidate is selected. The following policy will be utilized when administering a selection process.

The Chief of Police may modify the selection process and/or requirements as needed based on the needs of the Department. Should modifications to the requirements or selection process be deemed necessary, said changes will be included in the assignment/selection announcement.

**PROCEDURE:**

**I. General:**

- A. All specialized assignment openings will be advertised by written announcement (in the briefing bulletin) for 14 consecutive days prior to the selection process.
- B. Officers will be responsible for checking briefing notices for any announcement regarding specialized assignments.
- C. All requirements must be met at the time of the application deadline, verified by the commander coordinating the selection process.
- D. Any selection process requiring an interview board will consist of five members that may include internal, external law enforcement or professional persons.
- E. Military police or reserve time will not count towards sworn law enforcement experience for assignments requiring specified previous law enforcement experience.
- F. Officers must have completed the probationary period to apply for any specialty assignment.
- G. After completion of selection process the ranked candidate list will be presented to the Chief of Police or his/her designee. The Chief of Police or his/her designee will make final determination on which candidate is to fill the specialized assignment.
- H. Due to the coordinated specialty responses often required of critical incidents (Special Operations Policy 8-1), Officers will only be allowed collateral assignment to one (1) of the four (4) following specialties: SWAT, Bomb Technician, Hostage Negotiator, and sUAS Pilot.

**II. Specialty Assignment Groups:**

**A. Group 1:**

1. These assignments are routinely open to interested officers which meet minimum requirements. Officers submit letters of interest and assignments are routinely filled by seniority when minimum requirements are met.
2. Assignments include, but are not limited to:
  - a. Honor Guard
  - b. Senior Intoxilyzer Operator

**B. Group 2:**

1. These assignments require a minimum of three (3) years of consecutive law enforcement experience with the Billings Police Department and additional proficiency levels. CCSIU and Detective full-time assignments require six (6) years law enforcement experience with the most recent four (4) years being with the Billings Police Department.
2. These specialties may be collateral or full-time assignments, which routinely involve on-going training, and/or some overtime or callout.
3. Formal letters of intent and resumes are required for both collateral and full-time assignments.
4. Written, physical and interview testing shall be job specific. The following scoring system will be used with the exception of the SWAT process; written or practical scored test will count as 40%, interview 40% and the most recent annual performance evaluation 20% of the total score. In the event no written/practical test is required then the interview will count as 80% and the annual performance evaluation 20% of the total score. SWAT will be evaluated in the following manner. Annual performance evaluation 20%, interview 25%, weapons assessment/stress evaluation 25%, and scenario evaluations 30%.
5. The following written testing process will be used for all Permanent Detective, Rotational Detective, CCSIU Detective (Patrol), US Marshal Violent Offender Task Force, and Domestic Violence Investigator (DVI) positions:
  - a. Written test will be administered by the Administrative Lieutenant.
  - b. The date of the written test will be at the discretion of the Administrative Lieutenant.
  - c. Written test will be administered annually. Test scores are valid for 2 years. Candidates may choose to retake the written test annually but the most recent test score will be recorded.
  - d. Any candidate who has met the six (6) years of law enforcement experience with the most recent four (4) years being with the Billings Police Department at the closing date of the advertised briefing announcement may utilize their test score and apply for the position.
  - e. Incumbents are exempt from the annual testing timeline and will be allowed a forty-five (45) day study period for testing if the position is challenged.
6. Candidates are required to have a minimum score of 70% on oral interview to advance in the process. Physical agility testing will be pass/fail based on specific requirements for the specialized assignment.
7. All full-time assignments must be willing to make a minimum commitment of three (3)

years to the assignment, foregoing applications to other full-time specialized assignments, within time frame commitment. Dual purpose K9 and single purpose STEP K9 must be willing to make a minimum commitment of three (3) years and/or the working life of the dog, whichever is greater.

8. Street Crimes Unit assignment from Patrol must be willing to make a minimum commitment of two (2) years to the assignment, foregoing applications to other full-time specialized assignments, within time frame commitment. Assignments from patrol are two (2) year rotation only assignments. Incumbents are ineligible to re-apply for a period of one (1) year after their completed assignment. In the event there are no applicants for an open position, an incumbent may re-apply when the position is re-posted. No incumbent points will be provided for SCU assignments from patrol. Street Crimes Unit assignment from Permanent Detectives must be willing to make a minimum commitment of three (3) years to the assignment, foregoing applications to other full-time specialized assignments, within time frame commitment. This restriction does not prevent applications for promotion and command.
9. New applicants, incumbents for full-time assignments, and rotational detectives must undergo the selection process at the end of three (3) years. This includes written/practical testing, interviews and annual performance evaluation, if applicable for assignment. The incumbent if reapplying will receive up to three (3) percentage points for experience, applied to the total scoring process. The incumbent will receive one (1) percentage point for each year a satisfactory or higher rating was received on their annual performance evaluation while consecutively assigned to the full-time assignment. If an incumbent is reapplying for a position and there are no other applicants no written/practical testing, interview will be required as long as incumbent has satisfactory or higher annual performance evaluations.
  - a. Collateral Assignment (include, but are not limited to):
    - (1) Background Investigator
    - (2) Bike Patrol Officer
    - (3) Bomb Technician
    - (4) Crash Investigator
    - (5) Crisis Intervention Team Instructor (CIT)
    - (6) Critical Incident Stress Management Team (CISMT)
    - (7) Field Training Officer
    - (8) Firearms Instructor
    - (9) Hostage Negotiator
    - (10) SWAT
    - (11) Taser Instructor
    - (12) Police Vehicle Operations Course Instructor (PVOC)
    - (13) Naloxone / Narcan Instructor
    - (14) Bike Patrol Instructor
    - (15) sUAS Pilot
    - (16) Defensive Tactics Instructor
    - (17) MPAT Instructor
    - (18) OpMed Instructor
  - b. Full-time Assignment (include, but are not limited to):
    - (1) City County Special Investigations Unit - CCSIU (Detective and Patrol)

- (2) US Marshal Violent Offender Task Force
  - (3) Street Crimes Unit – SCU (Detective and Patrol)
  - (4) Computer Forensic Examiner
  - (5) Court Officer
  - (6) Crime Prevention Officer
  - (7) Detectives
  - (8) Downtown Patrol Officer
  - (9) Internet Crimes Against Children (ICAC)
  - (10) Dual Purpose K9
  - (11) Domestic Violence Investigator (DVI)
  - (12) Selective Traffic Enforcement Program Officer (STEP)
  - (13) Selective Traffic Enforcement Program K9 Officer (STEP K9)
  - (14) Policy, Research, and Training Officer
  - (15) School Resource Officer
  - (16) Park Police Officer
- c. Full-time Sergeant Assignments (include, but are not limited to):
- (1) CCSIU Sergeant
  - (2) Detective Sergeant
  - (3) SCU Detective Sergeant
8. If an officer fails to take part in their assigned specialty assignment during the course of a calendar year they will be removed from that specialty assignment and lose their specialty pay, if that is the only specialty assignment they are assigned. If an officer chooses to rejoin the specialty assignment they will take part in a refresher qualification course designed by the Commander of the specialty assignment.
- Example: An officer who is assigned to the bike patrol program fails to participate in any bike patrols, extra duty bike patrol assignments, or the summer bike patrol details during the calendar year would be removed from the program. If this is the officer's only specialty assignment they would lose their yearly specialty assignment pay. If the officer chooses to re-enter the bike patrol program they could do so only after having attended a refresher course designed by the Commander of the bike patrol program.

**III. Specialized Assignments Requirements:**

- A. In addition to the general requirements some specialized assignments require additional and/or enhanced qualifications / training. Please see specific specialized assignment job description for additional requirements, available through the Office of Professional Standards. Officers must successfully complete all requirements for the assignment to remain in the assignment.

**IV. Removal from Specialized Assignment:**

- A. Any officer may be removed from a Collateral Duty Specialized Assignment by the respective Commander.
- B. The Commander must provide written documentation as to the problem, attempts to correct said problem and notification of removal from the Specialized Assignment.
- C. Any officer may be removed from a Full-time Specialized Assignment by the respective Commander.
  - 1. Upon receiving an unsatisfactory annual performance evaluation, the respective

Commander may recommend an employee be removed from a Full-time Specialized Assignment.

2. Employees may be removed from Full-time Specialized Assignments at other times given written documentation as to the problem, attempts to correct said problem, and notification of removal from the Specialized Assignment.
3. Removal from a Full-time Specialized Assignment must be approved by the Chief of Police and will result in the employee being reassigned to the Patrol Division.
4. Any officer who voluntarily leaves from an assignment that they committed to previously is not eligible to apply for another specialty Group 2 assignment for the duration of the prior commitment.

**V. Specialized Assignment Review:**

- A. Each specialized assignment must be reviewed yearly by the Chief of Police prior to budget preparation to determine if it should be continued:
- B. The review should evaluate the initial problem or condition that required the implementation of the specialized assignment.
- C. The review will insure compliance with contractual agreements through union/management negotiations.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 8-3**



**ORGANIZED CRIME & VICE CONTROL**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for organized crime and vice control operations.

**POLICY:**

The policy of the Department is to suppress organized crimes and as such has a special joint city and county investigation unit to investigate these types of violations in the City and Yellowstone County.

**PROCEDURE:**

**I. The City County Special Investigations Unit (CCSIU):**

- A. Is established under the direction of the Assistant Chief.
- B. The CCSIU
  1. Was established by virtue of a written agreement signed by the Chief of Police, Yellowstone County Sheriff, Mayor of the City of Billings, and the Yellowstone County Commissioners.
  2. Under the supervision of a Commander agreed upon by the above agencies.
- C. The responsibility of CCSIU is to investigate organized illegal areas of concern to the community such as:
  1. Illegal drugs;
  2. Misuse of prescription drugs;
  3. Prostitution;
  4. Organized crime, such as extortion, theft, fencing, loan-sharking, labor racketeering, fraud, bribery, corruption and common scheme thefts;
  5. Weapons violations;
  6. Subversive groups and organizations, and
  7. Terrorist groups and organizations.
  - 8.

**II. Receiving and Processing Organized Crime and Vice Complaints:**

- A. The officer receiving the complaint of any specialized area of concern as described in C1-8 above must complete the initial offense report as usual, but request follow-up from CCSIU.
- B. The Commander approving reports places the working copies of the report in the Investigations Division box for CCSIU.
- C. The Captain of Investigations or designee refers the case to CCSIU:
  1. By assigning the case through the case management system to CCSIU.

**III. Case Assignment:**

- A. The Captain of Investigations or designee determines which cases will be actively worked taking into account the following variables at a minimum:
  - 1. The validity of the information;
  - 2. The scope of the investigation;
  - 3. The likelihood of successful disposition; and
  - 4. The availability of Department resources.
- B. CCSIU evaluates all information that comes into CCSIU regarding the referred cases.
- C. CCSIU then determines if:
  - 1. The information is valid;
  - 2. If a crime has been committed;
  - 3. The crime warrants investigation;
  - 4. What jurisdictions or agencies are involved; and
  - 5. If the complaint is feasible to investigate based on available resources; or
  - 6. If an investigation is warranted under the available information.
- D. Payments to informants:
  - 1. Are made from the Drug Forfeiture Funds for drug information only.
  - 2. Authorization to pay an informant must be obtained prior to any transaction with that informant
    - a. The officer's immediate Commander must be aware of the request and agree to the request; and
  - 3. The Commander must establish the baseline for information and specify the amount of payment prior to the transaction with the informant.
  - 4. The criteria for payment requires substantial information that:
    - a. Leads to an arrest;
    - b. Leads to recovery of stolen property; or
    - c. Is recognized as being of such importance to an investigation that the information assists in case solvability.
  - 5. Any controlled informants receiving payments are required to sign a completed Confidential Informant Receipt. The receipt is then kept in the controlled informant's master file.
- E. The CCSIU Commander maintains records of all expenditures; and funds expended for drug enforcement may be disbursed from the Drug Forfeiture Fund. All funds are audited by the County Auditor

**IV. Equipment Control:**

- A. The CCSIU Commander assigned is responsible for all equipment, including surveillance and undercover equipment, assigned to or used by CCSIU. The CCSIU Commander shall maintain:
  - 1. An inventory list;
  - 2. A maintenance list; and
  - 3. A sign out list of all equipment assigned to CCSIU officers.

**V. Coordination:**

- A. CCSIU will cooperate with all other divisions within the Department and all outside law enforcement agencies when necessary.
- B. Any exchange of personnel will be in compliance with State Law and Policy #14-1.

**VI. Surveillance, Undercover, Decoy, and Raid Operations:**

- A. The CCSIU Commander is responsible for:
  - 1. Gathering all pertinent information related to the operation;
  - 2. Analyzing the crimes, crime locations, victims, and suspects related to the operation; and,
  - 3. Identifying any probable offender's associates, habits, vehicles, means or operations and any other pertinent information;
  - 4. With respect to any operation the CCSIU Commander must:
    - a. Identify the area(s);
    - b. Analyze the area(s) where officers will be assigned;
    - c. Familiarize the officers assigned with the area(s); and
    - d. Notify all Commanders in Patrol or Investigations that may be affected by the operation;
  - 5. Select and provide all necessary equipment and or vehicles;
  - 6. Provide direct supervision of the operation;
  - 7. Provide manpower relief and backup when necessary;
  - 8. Provide for both emergency and standard means of communication; and,
  - 9. Select and coordinate with specialized support units if needed.
- B. The CCSIU Commander shall submit a monthly report to the Captain of Investigations or designee.
- C. Undercover operations:
  - 1. In making contact with suspects; the officer, or designated agent, will not suggest any criminal act, such as entrapment, or commit any criminal act.
  - 2. False identity:
    - a. The CCSIU Commander coordinates the use of any false identity or credentials when needed in an undercover operation.
    - b. All reasonable efforts will be made to maintain the confidentiality of officers, or designated agents, using false identity or credentials.
- D. Decoy Operations:
  - 1. Whenever possible, officers will be used to represent victims and if necessary will be disguised to resemble a victim.
  - 2. The CCSIU Commander will select personnel from the units to participate in decoy operations.
- E. Raids:
  - 1. The CCSIU Commander
    - a. Is in charge of and coordinator of any raid unless otherwise designated; and
    - b. Will develop strategies and tactics for:
      - (1) Approaching;
      - (2) Entering; and
      - (3) Securing the target.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 8-4**

**CRITICAL INCIDENT STRESS  
MANAGEMENT TEAM (CISM)**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide Department officers involved in a critical incident with a support mechanism to provide stress education, promote resiliency, and lessen the impact of a major event.

**POLICY:**

The policy of the Department is to provide Critical Incident Stress Management (CISM) support to officers involved in critical incidents.

**PROCEDURE:**

Critical Incident Stress Management (CISM) is a confidential, non-evaluative one-on-one and or group discussion of individual involvement, thoughts, reactions, and feelings resulting from a critical incident. CISM does not serve as a tactical or operational review; rather, CISM serves to mitigate the stress impacts resulting from exposure to the critical incident through ventilation of thoughts and feelings, along with educational, informational, and appropriate referral components. CISM produces a therapeutic effect by assisting participants to understand the stress response and CISM generally accelerates the standard recovery process in average persons suffering normal affects after an encounter with an abnormal situation.

**I. General Information:**

- A. CISM team members may be activated or consulted with anytime Department officers are involved in incidents involving abnormal stresses. Incidents may include, but are not limited to, involving:
  1. The death of or serious injury to children;
  2. The death of or serious injury to Department officers;
  3. Mass or multi-casualty incidents with serious injury or death;
  4. A civilian death during emergency service or police operations
  5. Any incident from which officers display obvious signals of distress and or request CISM
- B. Depending on the form of intervention deemed appropriate by the CISM team member, CISM activities may occur immediately, may occur 24-72 hours following the incident, and or may take place several days after the incident based on the CISM team member's assessment of the circumstances. Activities may range from one-on-one support up to formal debriefing and referral. Examples are:
  1. Pre-incident stress management education
  2. On scene support
  3. Demobilization – process for transitioning officers from the scene of a large scale and or drawn out incident
  4. One-on-one post incident peer support

5. Defusing Briefing – post-incident group informational meeting
6. Incident Debriefing Session(s) – post-incident CISM closed door discussion with officers directly involved in the event
7. Family education sessions
8. When appropriate, referrals will be made to Employee Assistance Program, private counselors, or other resources

**II. Team Makeup:**

- A. Officers selected to serve on the CISM Team shall be provided with initial and ongoing training in this field.
- B. Participation as a CISM team member is on a voluntary basis.
- C. All team members shall serve at the discretion of the Chief of Police.
- D. The Department provides the resources necessary to the CISM team and completion of interventions.

**III. Utilization of CISM:**

- A. In the event of a critical incident, a CISM team member should be notified as soon as practicable. For instance, when the scene is secure or the incident is contained.
- B. The CISM team member is responsible for assessing the level of support response and to assemble the appropriate CISM personnel.
- C. Commanders may consider calling a CISM team member to the scene and or to the sergeants room of an extended critical incident. On scene support may consist of the following types of services:
  1. One-on-one support to those officers showing obvious signals of distress including crying, shock like state, unusual behavior, change in cognitive skills, and acting out behaviors, such as punching, screaming, kicking, etc.
  2. Advice and counsel to the incident commander or liaison on topics of stress management, specifically issues related to the critical incident.
  3. Assistance with demobilizing officers from the incident scene.
- D. The Chief of Police or designee may authorize Department CISM team members to assist in CISM functions within other emergency service organizations outside of the Department

**IV. CISM Debriefing Session Rules:**

- A. Discussions during a debriefing are confidential and will not be repeated by participants outside the debriefing. Debriefing are neither recorded nor documented.
- B. Only personnel directly involved in the operation of the incident shall take part in the debriefing session. Those not involved including Commanders are required to excuse him or herself from the room and area.
  1. For incidents involving serious injury to or death of a Department officer, a separate, additional debriefing may be conducted with affected coworkers that were not directly involved in the incident.
- C. During the debriefing, all participants will be treated equally regardless of rank by both the participants and the CISM team members.
- D. The CISM team members are in charge during the debriefing regardless of rank.

**V. Press Releases:**

#### **8-4 Critical Incident Stress Management Team (CISM)**

- A. Only the Chief of Police or designee is authorized to issue press releases related to the CISM Team.

#### **References:**

**International Critical Incident Stress Foundation, Inc.**  
**3290 Pine Orchard Lane, Suite 106 Ellicott City, MD 21042**

**DeKalb County Georgia Critical Incident Stress Management Program**  
**1950 W. Exchange Place, Tucker, GA 30084**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 8-5**

**CANINE UNIT**

Effective: January 12, 2015  
Review: by K-9 Commander

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish procedures governing the organization, responsibilities, and deployment of the Canine Unit of the Department.

**POLICY:**

The policy of the Department is to use the Canine Unit to assist in the accomplishment of the goals and objectives of the Department and City of Billings.

**PROCEDURES:**

Canine teams (defined as one handler and one police service dog), will be used by officers as tools to enhance service delivery to the citizens of the Billings community through the process of correct application and deployment. The safety of officers and community members and the overall well-being of the community is the primary focus of the Unit.

**I. Duties and Responsibilities:**

- A. All canine handlers will abide by the same policies, rules, and orders that govern all members of the Department, and will act in the best interests of the Department. Violation of any of the aforementioned can form the basis of removal from the Unit.
- B. The canine handlers will generally be considered the best source in determining whether or not a dog should be deployed, taking into account the abilities and training of the officer and dog, civil liability, and officer safety factors. Any conflict between a handler and Commander from outside the Unit, will be resolved by the Canine Supervisor or Unit Commander.
- C. Each canine handler will immediately report any dog performance problems to the Unit Supervisor, who will make the appropriate recommendation(s) on how to proceed.
- D. Canine handlers will always maintain control of their canines, both on and off-lead, and off-duty.
- E. Canine handlers will strive to avoid allowing canines to relieve themselves in areas where such conduct would be deemed to be offensive to the public or other employees.
- F. The Chief of Police will provide the sole authorization allowing for Department dogs to be utilized for breeding purposes.
- G. Canine teams will be subject to call-outs twenty-four (24) hours per day, seven (7) days per week.
- H. It is the responsibility of the dog handler to monitor the radio for in-progress situations which may require the use of the canine and self-initiate the response accordingly to alarms, fights, burglaries, prowlers, suspicious persons, and conduct routine drive by's of traffic stops.
- I. Canines can and will be utilized to cover a beat when manpower is low and they are needed to staff the shift. When manpower allows it, the canine officer will be assigned as canine patrol and held to those responsibilities.

- J. Canine teams are to be considered secondary or support/backup as they will respond as backup, but will not replace responding backup officers (when responding in the role of a K-9 team).
- K. Canine teams when available, will respond on all in-progress calls as a matter of routine.
- L. It is the responsibility of the Canine handler to maintain an aggressive role in traffic law enforcement.
- M. The Canine Supervisor is responsible for:
  - 1. Scheduling off-duty appearances that are outside the scope of normal patrol and duty call-outs, (ie. school searches and public relations presentations). Scheduling will take into consideration the need for adequate rest of the teams.
  - 2. Generating a monthly recap of Unit activity to include deployments, deficiencies, a training drug inventory report, and other issues deemed important.

**II. Use of Force by Canines:**

- A. *Graham v. Conner*, 109 S. CT 1865 (1989)

In all instances where there is a significant risk of an injury as a result of a canine deployment, the handler must first determine whether the application of force against any suspect is reasonable. The responsibility for determining the reasonable deployment of a canine rests with the handler ("from the perspective of a reasonable officer on the scene"). It is recognized that handlers are expected to make split-second decisions. The amount of time available to evaluate and respond rapidly changing circumstances during a confrontation may impact this decision. Prior to deploying a canine, the handler shall consider the totality of the circumstances and information available at the time of deployment. At a minimum the handler must consider the following issues prior to the deployment of a canine.

- 1. The severity of the crime and the suspect:
  - a. Poses an immediate threat to the safety of officers or community; or
  - b. Is actively resisting arrest; or
  - c. Is evading arrest.
- 2. The deployment of a canine is a reasonable use of force.
  - a. Factors which determine the reasonable use of force include, but are not limited to the:
    - (1) Nature of the offense
    - (2) Need for an application of force
    - (3) Conduct of the individual being confronted
    - (4) Number of suspects/actions of third parties present during the confrontation
    - (5) Location, terrain, and lighting conditions
    - (6) Physical odds against the officers
    - (7) Influence of alcohol by the suspect (may affect the mental capacity or sensation of pain)
    - (8) Feasibility or availability of alternative actions
    - (9) Risk of escape
    - (10) Response of the suspect during the canine apprehension
    - (11) Age and or physical stature of the suspect
    - (12) Subject being mentally disabled, mentally ill, or displays a lack of mental capacity
  - b. In each application of force by a canine, the handler shall balance the

relationship between the amount of force used and the need for using force. The force applied shall be in a good faith effort to maintain and restore discipline and control. At no time shall force be used maliciously or for the purpose of causing harm.

**B. Actions to Be Taken Upon Physical Apprehension:**

1. The canine handler shall secure the suspect as soon as possible in order to prevent escape and further deployment of the canine.
2. The handler shall ascertain, as much as possible, the extent of any injuries incurred to a suspect during an apprehension, and shall provide first aid and/or seek the appropriate medical care.
3. If a suspect is injured during apprehension, a Commander and/or the Canine Supervisor shall be notified as soon as possible.
4. The canine handler will forward copies of the incident report to the Canine Supervisor. The Canine Supervisor will review the situation and make any necessary reports to the Canine Commander and the Captain of Operations as soon as possible. The on-duty supervisor will follow all use of force reporting protocols as outlined in Policy #3-1.
  - a. The report shall contain all information pertinent to the deployment of the canine, to include nature of offense, actions of the suspect, warnings issued, extent of injuries, and first aid/medical treatment provided.
  - b. Photographs of the injuries whenever possible.
  - c. Whenever practical, a statement shall be taken from the suspect.

**C. Actions Upon Accidental / Unintentional Bites:**

1. The canine handler, upon first securing the canine, will determine the extent of injury and provide appropriate medical care.
2. The handler will notify a Commander or Unit Supervisor as soon as possible.
3. An incident report will be filled out, and copies forwarded to the Canine Supervisor, Commander, and the Office of Professional Standards as soon as possible.
  - a. The report shall contain all information pertinent to the incident, including actions of the handler, canine, and victim, as well as names of witnesses and the extent of injuries and medical treatment provided.
  - b. Whenever practical, a statement shall be taken from the victim.
  - c. Photographs of the injuries will be taken.

**III. Use of Canines:**

**A. Handler and Canine Protection:**

1. Police dogs will be trained to intervene, without command, at any time in which the handler is attacked by another person.
2. Canines will be expected to aggressively resist attack on themselves..
3. Each dog will release hold on a suspect upon command of the handler, and will be trained in the use of reasonable force.
4. Handlers will maintain control of their assigned dogs, and will not allow police canines to engage one another physically.
5. If a police canine is attacked by another animal, including dogs belonging to private persons, the handler will make every effort to dispel the attack. In those circumstances where the handler or canine is at significant risk of injury or death, and the handler is unable to dispel the attack, the handler is authorized to use whatever

force is necessary to terminate the attack, taking into consideration the dangers posed by such action to other innocent parties.

B. Building Searches:

1. The canine handler will evaluate the following (as well as any other pertinent information) in making a determination on proper course of action:
  - a. Time of day;
  - b. Evidence of forced entry;
  - c. Dangers to handler, backup officers, and canine;
  - d. Presence of innocent parties;
  - e. Confirmation that the suspect is armed.
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. The dog shall remain in a down position during the time the warnings are given.
6. [REDACTED]
7. The handler shall determine the number of backup officers to be present during the search to provide adequate cover to the handler, as well as to take and maintain control over any suspects apprehended.
  - a. Backup officers will make every effort to avoid placing themselves between the handler and dog, and will follow the direction provided by the handler.
8. The handler will determine the best course of action to be taken in conducting the search, and will make assignments to other personnel based on that determination

C. Open Area Searches:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

D. Drug Detection:

1. Handlers of drug detection canines will remain informed of current case law

pertaining to the use of their dogs for those purposes.

2. Dogs trained to give an aggressive indication of the presence of drugs will not be used to search the person of a suspect.

E. Crowd Control:

1. [REDACTED]
2. [REDACTED]

F. Off-Lead Pursuit Physical Apprehension:

1. All canines will be trained to terminate pursuit of a suspect upon command of their handler.
2. [REDACTED]
3. Release of a canine should be made only after the handler has ascertained the dangers to others in doing so, and can make the release safely.

**IV. Training:**

A. Handlers:

1. Personnel selected to be canine handlers will undergo formal training and certification testing, the type and amount of which is determined by police administration.
  - a. If a canine team (handler and dog) fails to pass certification testing, the Unit Supervisor and Commander will meet to establish a remedial training program.
  - b. Repeated failures to pass certification testing may be grounds for dismissal from the Canine Program.
    - (1) If a canine team is having continued problems in training or passing certification testing, the Unit Supervisor and Commander will evaluate the situation and attempt to ascertain if the problem is with the dog or the handler. A decision may then be made to either retire the dog or remove the handler from the program.
2. Officers who have been appropriately trained will function as trainers within the Unit.

B. General Guidelines:

1. Canine teams will actively train while on duty, but will remain readily available via radio or telephone to respond as necessary.
2. Canines should not be knowingly agitated by other officers without the approval of that canine's handler.
3. Training will not be undertaken by anyone from outside the Unit without the direct knowledge and approval of the Unit Commander.
4. Only approved training techniques will be utilized, based upon the training of officers within the Unit.
5. All canine training (on or off-duty) will be documented, and a monthly re-cap maintained by the Unit Supervisor.
6. Canine handlers will be responsible for the maintenance training of assigned dogs, and each team must maintain a high level of performance.
7. Deficiencies in a canine's ability or performance that could jeopardize the safety of an officer, handler, or public must be immediately reported to the Unit Supervisor.
8. Canine handlers may join police canine organizations, and compete in their

competition, provided that such involvement does not impact their obligation to the Department. Training for such competition may be accomplished on-duty, provided that it is of a type that is job related.

**V. Care of Canine and Equipment:**

**A. General Care of Canine:**

1. Canine handlers will inspect the general health of their dogs daily, and will perform additional inspections after each deployment to ascertain the presence or existence of any injuries or threatening conditions.
2. Canines will be well-groomed and present a professional image.
3. Canines will be fed a diet that is compatible to each dog, and which is conducive to providing peak performance and well-being.
4. Canine quarters will be kept clean and sanitary at all times.
5. All costs associated with canines will be borne by the Department.
6. Canines will not accompany handlers on vacations without the approval of the Chief of Police.
7. If a handler takes vacation time, and is outside the area, arrangements will be made through the Unit Commander for the care of the assigned canine.
  - a. Appropriate care will include kenneling at an approved site, preferably with another handler or Unit member.

**B. Medical Care:**

1. It shall be the responsibility of each handler to maintain and monitor the health of assigned canines, and to report any injuries or illnesses to the Unit Supervisor as soon as possible.
2. Only those veterinarians approved by the Department may be utilized for medical treatment, unless exigent circumstances require other arrangements.
3. Handlers are responsible for keeping all canine vaccinations current.
4. Copies of proof of vaccination must be given to the Unit Supervisor, who will place the records in the individual canine's file.

**C. Vehicles:**

1. Vehicles assigned to canine handlers will be provided on a "take home" basis.
2. Each handler is responsible for scheduling routine maintenance of their assigned vehicle.
3. Assigned vehicles will be kept clean and sanitary, as part of the handler's daily duties.
4. Canine vehicles will be clearly identified as such, and will display warning signs to the public.

**D. Training Aids:**

1. Each handler will be responsible for maintaining in proper working order all of the equipment necessary to conduct the proper training of assigned canines. The officer will return such assigned equipment at the termination of assignment to the Unit.
  - a. Such equipment shall include, but not be limited to, bite sleeves, bite suits, leashes, collars, and rewards.
  - b. Each handler will maintain a canine first aid kit that includes antidotes for drug ingestion.
2. Drugs used in the training of police canines will be secured in such a manner as to disallow the canines to gain actual, physical access to them.

3. Drugs utilized for training purposes will be maintained and logged by the Unit Supervisor in a secured setting.
  - a. Any lost or damaged drug training aids will be reported to the Unit Supervisor immediately.
  - b. The Unit Supervisor will conduct monthly inspections of drugs checked out to the Canine Unit(s). These inspections will be logged in the Control Substances Log book and will include date, time, and observations made.
    - (1) At least once annually, this inspection must include weighing of the drugs.
  - c. The monthly inspection, including any observations or discrepancies, will be forwarded to the Unit Commander with the Supervisor's monthly report on Unit activity.
  - d. The Captain of Operations will inspect the Canine drug inventory bi-annually.

**VI. Public Relations and Demonstrations:**

- A. Scheduling:
  1. All Unit public relations demonstrations will be arranged through the Unit Supervisor, who will ensure that the scheduling of the demonstration does not conflict with Department needs.
  2. When scheduling, consideration will be given to the issue of providing adequate rest for the team(s).
- B. Conduct:
  1. All demonstrations will be conducted in a professional manner.
  2. Handlers conducting demonstrations will be responsible for keeping the activity safe for all spectators, and for using good judgment in the types of activity shown.

**VII. Requests for Use by Other Agencies:**

- A. Adjoining Agencies and Other Jurisdictions:
  1. Requests from outside agencies will be reviewed, taking into consideration the distance to be traveled, circumstances of potential deployment, availability of other teams, and impact on service delivery to the City of Billings.
    - a. All requests for assistance will require a Mutual Aid Request Form to be faxed to this agency
    - b. Requests are directed to the Unit Supervisor.
    - c. If the Unit Supervisor is unavailable, an on-duty Commander shall consider the request.
    - d. All requests for assistance outside of adjoining counties must be approved by the Captain of Operations or his designee.
- B. Local Agencies:
  1. Requests for assistance for local deployment from agencies, such as DEA, MCIB, FBI, ATF, MHP, YCSO, and FWP will be honored, given that a team is available.
    - a. Such requests shall be approved by the Unit Supervisor, Unit Commander, or Shift Commander.

**VIII. Handler Incapacitation:**

- A. [REDACTED]
1. [REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- 2. [REDACTED]
- 3. [REDACTED]

## **IX. Canine Assignment / Retirement:**

- A. Assignment:**
  - 1. Each officer designated as a handler is assigned one specific canine with which to work as a team.
  - 2. In the event a handler is re-assigned outside the Unit, the canine will be assigned to a new handler or is retired.
    - a. The suitability for canine reassignment will be determined by the Unit Supervisor with approval by the Unit Commander and Chief of Police. Factors such as the dog's health, age, and ability to perform will be considered when making this decision.
- B. Handler Retention:**
  - 1. An officer may reapply for the position of Canine Handler after their dog has retired. The process will be the same as a Group 2 assignment, outlined in BPD Policy 8-2.
- C. Retirement:**
  - 1. When a Department service dog reaches the end of its working career or becomes injured beyond the point of reasonable rehabilitation, the then current handler may be given sole ownership of the canine, and shall assume total responsibility for all future costs relating to such ownership.
    - a. Such retirement shall be based on the consensus of the veterinarian assigned to the dog, the Unit Supervisor, the Unit Commander, the current handler, and the Chief of Police.

## **References:**

- **U.S. Supreme Court: Graham v. Connor, 490 U.S. 386 (1989)**
- **Phoenix Police Department**  
**Policy G-07 "Responsibilities of Canine Unit Personnel" (June 2004)**  
**Policy G-02 "Canine Selection, Acquisition, Care and Retirement (June 2004)**  
**Policy G-09 "Narcotic Dog Guidelines" (June 2004)**
- **Denver Police Department**  
**Canine Unit Policy Manual (undated)**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 8-6**

**COURT SECURITY / PHYSICAL SECURITY AT CITY HALL**

Effective: January 12, 2015  
Review: by Court Officer

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish a means of providing court security.

**POLICY:**

The policy of the Department is to have a consistent plan for dealing with courtroom security.

**PROCEDURE:**

**I. Security Officer:**

- A. The Court Officer (CO) is designated as the court security officer.
- B. In the event that the regular CO is absent, the Day Shift Commander assigns another officer in that position, after instructing him or her of the duties.
- C. The CO or assigned replacement, will have immediately available a copy of this policy.
- D. The CO must carry handcuffs while on duty.
- E. Court Officer Duties:
  1. Prisoner transport;
  2. Providing court security;
  3. Calling or arresting persons who fail to appear for court;
  4. Serving subpoenas; and
  5. Performing other duties as required.

**II. The Physical Security Plan:**

A. Perimeter Doors:

1. The rear door into City Hall:
  - a. Must be kept locked 24 hours a day;
  - b. Only authorized employees have keys; and
2. The North door is secured 24 hours a day.
3. The front door into the lobby area on first floor:
  - a. All doors exiting into the first floor lobby will be kept locked to the outside from 1730 hours to 0530 hours unless there is a meeting in the council chambers.
  - b. There is no access to the Department on third floor between the hours of 1730 and 0530 because the elevator is turned off.
  - c. The elevator door on second floor is kept locked from 1730 until 0530 hours.

B. Windows:

1. The court offices are on second floor, and the windows are kept locked at night.

C. Doors (Interior):

1. All interior doors to the courtroom and the court offices are kept locked between the hours of 1730 and 0730 except on Council nights when the court room doors are open.
- D. Alarms:
  1. Duress Alarm: The duress alarm can be actuated from either the court room or the court office.
  2. Intrusion alarm: Rings directly into the Command Center when the main door into the court hallway is open between the hours of 1730 and 0730 hours.
  3. Fire Alarm: Rings in the hallway upon fire sensed or alarm actuated.
- E. Evacuation Plan:
  1. Persons in the courtroom will normally exit to the east of the courtroom and descend either the north or south stairway to first floor.
  2. Persons in the offices either exit toward the east or west and descend either one of the front stairways north or south or the rear stairway.
  3. Elevators are not to be used in emergency circumstances as a power outage could stop the elevator between floors.
- F. Parking: Public parking is provided on the south side of the building in the Park III parking garage.
- G. Auxiliary Power: Is provided by a generator in secure parking for City Hall which auto-starts on power loss.
- H. Weapons: The CO and officers testifying may carry service weapons while in court.

**III. Security Operations:**

- A. Duress Alarm; the CO must test the duress alarm to ensure that it is in working order before court convenes in the morning.
- B. Courtroom searches:
  1. The CO conducts a visual examination of the courtroom for contraband:
    - a. Before court convenes;
    - b. At noon recess; and
    - c. After adjournment.
  2. The CO governs the taking of hand carried items into the courtroom by:
    - a. Inspection, search, refuse, or allow hand carried items into the courtroom as safety requirements and best judgment dictates.
    - b. If a person refuses to allow the search of a hand carried item, the person is refused admittance to the courtroom.
  3. The CO has access to a metal detector (aka magnetometer) through the airport security detail as required by the Judge.
- C. Prisoners:
  1. Prior to leaving the Yellowstone County Detention Facility (YCDF), all prisoners will be handcuffed with hands in front for initial arraignment.
  2. All persons taken into custody by the orders of the Judge will be immediately handcuffed.
  3. The CO keeps prisoners within sight and action distance at all times within the court.
  4. Prisoners will never be left alone.

**IV. High-Risk Trial Plan:**

- A. Implemented at the request of the Judge upon approval of the Chief of Police or designee:
  - 1. Normally high-risk trials will be held in the courtroom at the YCDF.
  - 2. When practical, the courtroom and surrounding areas adjacent to the courtroom and accessible to the public are searched for contraband.
  - 3. Additional officers may be assigned to assist the CO.
  - 4. A metal detector is used to screen persons entering the courtroom.
  - 5. No hand carried articles are allowed in the courtroom.

**V. Emergency Procedures:**

- A. Fire or Disaster:
  - 1. The personnel will be evacuated (see evacuation plan II,E above).
  - 2. The Fire Department will be notified.
- B. Bomb: see Policy #8-1.
- C. Hostage situation: see Policy #8-1.
- D. Medical Emergencies: CO calls 911 for dispatch of appropriate medical help.

**VI. Security:**

- A. The Judge is ultimately in charge of and responsible for court room security.
- B. The Chief of Police confers with the Judge in matters of security, and provides manpower to provide security when necessary.

**VII. Circulation Patterns for People.**

- A. Prisoners:
  - 1. [REDACTED]
  - 2. [REDACTED]
  - a. [REDACTED]
  - 3. No one, especially the public, is allowed to talk or have contact with a prisoner between the jail and the courtroom.
  - 4. Access to prisoners in the courtroom is limited to legal counsel and court employees.
  - 5. Movement of prisoners will be coordinated with the Judge so that the prisoners have no contact with the Judge or jury.
  - 6. Male and female prisoners will be transported separately. When using the prisoner transport van males and females will be seated separately in each of the transport compartments.
  - 7. Prisoners arrested in the courtroom will be transported separately from the prisoners from the Yellowstone County Detention Facility. Prisoners can be transported in separate compartments when using the prisoner transport van.
  - 8. Because of the location of the Court Officer designated parking, movement of prisoners from the transport van to the courtroom will not be performed alone. The assistance of the Bailiffs or another officer is required for the safety of the prisoners and the public.
- B. Judge, Jury, and Court Employees:

## **8-6 Court Security & Physical Security at City Hall**

1. Movement of jurors is coordinated so that the jury does not come in contact with prisoner movement.
  2. Movement of the Judge is coordinated so that there is no contact with prisoners while prisoners are being moved.
  3. Court employees will normally be in the court office, the secure hallway or the courtroom, and movement of prisoners is coordinated as not to interfere with court employees.
- C. Others:
1. Are not allowed in the secure hallway during the movement of prisoners;
  2. Are not allowed in the area of the secure door at the rear of City Hall during the movement of prisoners; and
  3. Will enter and leave the courtroom through the public access doors at the front of the Courtroom on the east side unless otherwise directed by the Bailiff or CO.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 8-7**

**CRIME PREVENTION AND PUBLIC  
RELATIONS**

Effective: January 12, 2015  
Review: by Crime Prevention Officer

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the Crime Prevention and Public Relations Officer Position.

**POLICY:**

The policy of the Department is to provide a crime prevention program that is proactive, flexible, multifaceted, and coordinated. All divisional elements of the Department will be used in the anticipation, recognition, and appraisal of crime risks. The Department is committed to establishing close ties with and responding to the needs of the community; and correcting actions, practices, and attitudes that may contribute to community tensions and grievances.

**PROCEDURE:**

**I. Administration:**

- A. The Crime Prevention and Public Relations Officer (CPO) is managed by the Office of Professional Standards.
- B. The position is staffed by an officer (refer to Policy #8-2 for selection criteria):
  1. Who will report to the Administrative Lieutenant.
  2. Who will coordinate with the Crime Prevention Center Corrdinator
- C. Other officers may be assigned to the unit at the discretion of the Chief of Police.
- D. All officers of this Department should be acquainted with and involved in crime prevention activities.

**II. Duties of the Crime Prevention and Public Relations Officer (CPO):**

- A. Plan and coordinate the Department's crime prevention and safety activities, to include but not limited to:
  1. Operation identification;
  2. Neighborhood Watch;
  3. Crime Stoppers;
  4. Safety of the public; and
  5. Adopt a Cop
  6. Other programs as implemented
  7. Provide public presentations on any of the above or other programs as requested
- B. Develop programs to deter crime risks identified within the City.
- C. Manage the Department's Extra-Duty Employment program (see Policy #12-2)
- D. Manage the Department's Minimum Staffing program (see Policy #12-3)
- E. Assist with the Abandoned Vehicle Tow Project:
  1. The Crime Prevention Center (CPC) is responsible for the development and implementation of the abandoned vehicle and is the primary reporting center for

- all such complaints.
2. An officer will be present during all towing and is responsible to confirm the vehicle meets the tow requirements, all paperwork is filled out correctly, and to provide a police presence for security during towing.
  3. Under normal circumstances, the CPO is responsible to coordinate with the Volunteer Patrol Unit (VPU) for towing of vehicles refer to Policy #5-5 for further on the towing project
- F. Manage the Department's Crime Stoppers Program:
1. The liaison for all Crime Stoppers© matters of procedure is referred through the CPO. This position is responsible for the review and oversight of tips, as well as rewards paid out through the Crime Stoppers program.
  2. The Crime Stoppers information goes to the Communication Center and is entered into the TIPSOFT computer system.
  3. Immediate action information about a crime that needs to be handled immediately, requires the operator to:
    - a. Assign a code number and have the informant call back in 30 minutes; and
    - b. Notify a Commander, give information and receive a phone number that the informant can contact the Commander directly on.
  4. The Crime Stoppers operator will not take additional information from the informants or questions from the investigators, but rather will only pass onto the informant's number where he or she can contact the investigator assigned.
- G. Create, modify, or eliminate programs and related materials to maximize effectiveness of delivery.

**III. Reports/Reviews:**

- A. On an annual basis or at other times as requested, the CPO will provide the following reports:
  1. Conduct an annual review and evaluation of existing programs to ascertain if the needs of the community and the Department are being met.
  2. Provide an annual report to the Assistant Chief on the Crime Prevention and Public Relations programs, activities and program effectiveness.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 9-1 (Core Policy)**

**HANDLING PERSONS WITH MENTAL  
ILLNESS**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for handling persons with mental illness.

**POLICY:**

The policy of the Department is to handle mentally ill persons consistent with state law, sound judgment, and with dignity.

**PROCEDURE:**

**I. On-View Actions:**

- A. If an officer observes or is called to a situation where he or she believes that a person is seriously mentally ill, and as a result presents an imminent danger of death or bodily harm to others or themselves:
  1. The officer must take the person into custody and transport him or her to the Community Crisis Center (CCC), Billings Clinic Emergency Department, or St. Vincent Healthcare Emergency Department, where appropriate.
    - a. If the person is an adult, is cooperative, will to voluntarily remain at (CCC), and not in need of any sort of medical aid, the officer may transport the person to the CCC for emergency evaluation. NOTE- Community Crisis Center will NOT accept anyone under 18 years. (Policy #9-8: IX)
    - b. If the person is actively suicidal, has a plan and the means to carry out suicide, is in need of medical aid, or is showing any sign of potentially violent behavior, such as homicidal or severely psychotic, and or is a juvenile, the person should be transported to Billings Clinic Emergency Department or St. Vincent Health Care Emergency Department.
    - c. If the person is able to request his or her hospital preference the officer shall transport the person in need of care to the facility requested.
  2. In any case, the officer shall fill out the Crisis Intervention Report and Evaluation Request form. This form shall also serve as the officer's incident report for the Department.  
Note- St. Vincent's requires that St. V's Form "A" also be completed by the officer.
    - a. The officer shall leave a copy of the Crisis Intervention Report and Evaluation Request form with hospital or CCC personnel and shall retain the original. The officer shall photocopy the original and turn in the original and photocopy to the support staff for appropriate data entry. The photocopy shall serve as the working copy of the report. The Crisis Intervention Report and Evaluation Request form serves as an Initial Offense Report in this case.
  3. The officer shall release the person to emergency department or CCC personnel unless requested to stay for security and safety reasons.

4. If the officer is unsure as to the need to detain a person, the officer shall contact a Commander on duty, who may, in turn, contact a mental health care worker for clarification.
5. The officer may request that a Crisis Intervention Team (CIT) officer respond to handle the situation or assist him or her with the matter, provided that the CIT officer is on duty at the time. CIT officers will not be called out if not on shift at the time.

**II. Crisis Intervention Report and Evaluation Request Forms:**

- A. The forms must be clearly printed.
- B. Include the facts of the case in the narrative section that would lead a reasonable person to believe that the patient is seriously mentally ill and is a danger to him or herself or to others.
- C. In any incident that involves a mental health concern the officer must complete a written report of the incident.

**III. Requests for Assistance to pick up or detain a person from a Mental Health Professional:**

- A. The dispatcher sends at least two officers to the scene.
- B. The dispatcher notifies the Commander of the details, including who the mental health professional is and how to contact him or her, as soon as possible.
- C. The Commander then calls the mental health professional and establishes the extent of the emergency to determine what action shall be taken by the officers at the scene; and
- D. The mental health professional shall provide a written and signed statement.
- E. The officer must complete a Crisis Intervention Report and Evaluation Request Form with as much pertinent information as possible.

**IV. Crisis Intervention Team (CIT):**

- A. The Department shall implement and maintain a CIT, who function as follows:
  1. The team shall consist of a group of officers who are willing and able to handle and assist with calls that involve persons with mental illness and or who are in crisis.
  2. Officers must be willing to interact with persons with mental illness and to treat the person(s) with dignity.
  3. Officers are usually from the patrol division.
  4. Officers selected for CIT positions shall attend at least a 32 hour CIT training course.
  5. Officers are NOT subject to call out as CIT duties are limited to the assigned shift schedules.
  6. CIT officers will complete a Crisis Intervention Report and Evaluation Request form following each contact whether or not the consumer, the person in crisis, is taken to the hospital or the Crisis Center.

**Rules:**

- I. Reports Required:**
  - A. Any incident that involves a mental health concern requires a written report to be generated.**
  - B. A Disposition Code of Service Assist is not allowed even if the person is being transported by family or ambulance service.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-2 (Core Policy)**



**VICTIM / WITNESS ASSISTANCE**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for assisting victims and witnesses.

**POLICY:**

The policy of the Department is to treat victims and witnesses with fairness, compassion, and dignity. The Department is committed to the development, implementation, and continuation of appropriate victim witness assistance programs and activities. The Department is also committed to cooperate with the State of Montana Crime Victims Compensation Program.

**PROCEDURE:**

**I. Administration:**

- A. The Investigations Captain is responsible to administer and coordinate the Victim Witness Assistance program for the Department.
- B. Commanders are responsible to ensure that all officers treat individuals who are victims of or witnesses of a crime:
  1. Fairly;
  2. Impartially;
  3. In a caring manner; and
  4. Within the guidelines established by this Department.

**II. Operations:**

- A. Information on victim witness assistance including referral information is available 24 hours a day from the Communications Center.
- B. At the time of the initial investigation, the officer must:
  1. Ensure that a victim of crime receives emergency social and medical services as soon as possible;
  2. Provide victim witness with a Department- Victim Witness Notice of Rights packet which contains information on:
    - a. Crime victim compensation;
    - b. Access by the victim and the defendant to information about the case;
    - c. The role of the victim in the criminal justice process, including what the victim can expect from the system and what the system can expect from the victim;
    - d. The stages in the criminal justice process of significance to a crime victim and the manner in which information about the stages may be obtained.
    - e. Community-based victim treatment programs, including medical, housing, counseling, and emergency services available in the community.

- f. Provide the victim with an incident number.
  - g. The availability of services to protect the victim or witness from intimidation, including the process of obtaining a protective order from the court.
3. If the victim witness lives outside of this jurisdiction, the Billings City Attorney's Office Domestic Violence Unit notifies the victim witness services program in the respective jurisdiction and also provides the victim/witness with the local contact information.
- C. Victim witness assistance to be given during the follow-up investigation:
1. If feasible, the investigator should schedule line-ups, interviews, and other required appearances at the convenience of the victim witness, and if necessary, with the consent of the Investigations Captain or Lieutenant, provide transportation.
  2. The investigator should take every step to see that the victim/witness has his property returned promptly where it was taken as evidence, unless there is a compelling law enforcement reason for retaining such property.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 9-3 (Core Policy)**

**COLLECTION AND PRESERVATION OF  
EVIDENCE**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for managing evidence.

**POLICY:**

The policy of the Department is to process crime scenes in such a manner as to maximize recoverable evidence by collecting, processing, and handling evidence to preserve its evidentiary value for court.

**PROCEDURE:**

**I. General:**

- A. Officers shall not convert property to his or her use, or have any claim on:
  1. Recovered property;
  2. Evidence; and or
  3. Found property.
  4. Officers shall promptly deliver all items of property to the Property and Evidence Clerk and follow the proper tagging procedure as outlined in BPD Policy 2-2.

**II. Processing Evidence at the Scene:**

- A. The following steps must be followed in the order shown below, unless exigent circumstances exist, to preserve crime scenes and evidentiary objects:
  1. Protected in place;
  2. Witness(es) located and identified;
  3. Photographed in place;
  4. Searched;
  5. Sketched;
  6. Measured and recorded;
  7. Dusted for fingerprints;
  8. Evidence collected:
    - a. Blood Alcohol:
      - (1) When investigating a felony, a breath test is required for any suspect, witness, or victim, if there is any reason to believe that he or she may have ingested intoxicants.
        - (i) Use the Intoxilyzer to test for alcohol if possible.
        - (ii) When available and circumstances permit, use the Portable Breath Test (PBT).

- (iii) Use a blood test if it is not reasonable to use the Intoxilyzer, or if the person is at the hospital.
  - (2) If there is suspicion that the person is under the influence of drugs, a blood sample is preferred; however, also secure a urine sample if possible.
  - 9. Evidence preserved and logged into evidence; and
  - 10. Specimens sent to the crime lab.
- B. The primary officer or investigator shall have the responsibility to see that the above are accomplished, unless a Commander or designee and assumes the responsibility.

**III. Technical Evidence:**

- A. Procedures in Collection:
  - 1. Methods that are used in the collection of evidence are to:
    - a. Ensure that proper container(s) are used.
      - (1) Blood or other body fluids for serological testing in red top.
      - (2) Blood or other body fluids for alcohol or drug screening in gray top.
      - (3) Blood or other body fluid for DNA typing to be in purple top.
      - (4) Urine in gray top or larger sterile container containing sodium fluoride preservative.
      - (5) Clothing separated in paper sacks.
    - b. Ensure that care is taken to prevent the introduction of foreign material into the evidence sample.
    - c. Ensure that as complete a sample as possible is secured.
    - d. Paper Items:
      - (1) Do not mark the item itself for identification; use a small piece of paper for your date and initials.
      - (2) Ensure that the item is dry.
      - (3) Two photocopies will be made of each and every paper item of evidence.
        - (i) One copy for the original report.
        - (ii) One copy for the investigator's copy.
      - (4) Place paper item along with small piece of paper for identification into a paper bag or paper envelope and attach evidence tag.
    - e. Liquor Containers:
      - (1) When bringing in any containers containing residue, make sure that the container is re-sealable.
      - (2) If the container is not re-sealable, such as with a beer can:
        - (i) Dump the remainder of the liquid; and
        - (ii) Log the original container into evidence.
    - f. Ensure that bloody clothing is completely dried before packaging and follow the blood room procedures in packaging manual.
      - (1) Package clothing only in paper bags to reduce the possibility of mildew.
      - (2) Clothing items should be packaged separately to reduce the chance of cross contamination.

- (i) EXAMPLE: When a burglary suspect is booked in at the jail, each item of clothing will be taken separately from the suspect and placed into a separate paper sack.
  2. Ensure that items that might have latent prints are handled properly.
    - a. Even though other persons may have touched the evidence since the crime, there may still be latent prints belonging to the suspect, and the evidence will be handled and or processed by the officer to preserve the prints.
      - (1) When lifting fingerprints the hinge lifters should have the following information written on them:
        - (i) The incident number;
        - (ii) The location from which the fingerprint was removed or a sequence number with the location described in a supplement;
        - (iii) The date; and
        - (iv) The initials of the officer.
      - (2) Hinge lifters should then be placed into a latent print envelope and the information should then be completed on the envelope:
      - (3) Hinge Lifters:
        - (i) Are never logged into evidence
        - (ii) Are to be placed into the latent print drop box located in the evidence book-in office at the evidence building (PD2).
    - b. When bringing in evidence to be processed for latent fingerprints the officer must mark the outside of the bag to be processed for prints and complete an Identification Division request for service form which will be submitted along with the evidence.
    - c. Officers will take great care not to leave their fingerprints on items of evidence.
    - d. After being secured, evidentiary items that may have latent prints should be transported so that they do not rub together.
  3. Ensure that all perishable items secured for laboratory examination are immediately refrigerated in the evidence refrigerator at PD2 and promptly shipped to the Montana Forensic Science Lab (aka Crime Lab) within 3 days:
    - a. Blood;
    - b. Tissue;
    - c. Other physiological stains and or biological materials.
  4. Blood tubes will be mailed to the crime lab first class.
- B. Laboratory Examinations:
1. The officer in charge of the investigation is responsible for submitting material for laboratory examinations within a reasonable time after the determination of the need for an examination. This applies to non-perishable items, such as fingerprint lifts, bullets, etc..
  2. Material for laboratory examinations will only be sent when:
    - a. A felony case;
    - b. There is a person under arrest and the evidence relates to that arrest; and or
    - c. The investigator assigned needs the examination in order to complete the investigation.

3. All drugs that are evidence in a drug related arrest, except marijuana (60 grams or less seized) and hashish (1 gram or less seized, see 4 below), submitted to the Crime Lab:
  - a. If the quantity of the suspected substance is more than 3 pills or 1 gram of substance powder, liquid, or leafy material and an official weight is not required then send only 3 pills or 1 gram of the substance for analysis and maintain the balance of the substance in evidence.
  - b. If the quantity of suspected substance is less than 3 pills or 1 gram, then send the entire sample.
  - c. It should be stated on the **Request For Physical Evidence Examination Form** whether the sample sent them is:
    - (1) A representative sample of a larger quantity or evidence; or
    - (2) The total amount of evidence seized.
  - d. Samples prepared for shipment to the lab must have a separate evidence tag.
4. Marijuana (60 grams or less seized) or hashish (1 gram or less seized) will be tested by the arresting officer with the appropriate kit at the Department.
5. If drugs are seized, and no charges are filed as a result, the drugs may be sent to the Crime Lab only if there is a very good reason such as charges pending on lab results, etc.
6. The original officer should ensure that Dispatch knows that a Rape Kit will need to be collected from the Sane Unit when they call that it is ready. The collecting officer will be responsible to send the kit to the State Lab by the same process as any other evidence.
7. Crime Lab Forms:
  - a. Any time a biological specimen of blood, urine, tissue, etc. is sent to be screened for drugs other than ethyl alcohol a **Toxicology Request Form** must be completed.
  - b. Any time an alcohol level in blood and urine is needed, a completed **Alcohol Analysis Request Form** must accompany the sample.
  - c. All other types of evidence (i.e. firearms, clothing, or blood for serology, street drugs, etc.) must be accompanied by a completed **Request for Physical Evidence Examination Form**.
    - (1) Submit both copies of the form with the evidence; make two photo copies for the original report and the working copy.
    - (2) Check whether the submission is:
      - (i) New case;
      - (ii) Additional evidence; or
      - (iii) Resubmission; and
      - (iv) Fill in the appropriate numbers.
    - (3) Complete the form as completely and legibly as possible.
    - (4) Do not submit more than one case per sealed container.
  - d. Conceivably, one case may require submission of evidence with all three forms; for example: While investigating an injury accident you arrest one of the drivers for possession of dangerous drugs. A white powder is seized during the arrest. In

addition to wanting the seized substance analyzed, you want to know if the subject has ingested any of the white powder or ethyl alcohol.

- (1) A **Request for Physical Evidence Examination Form** is completed for submission of the white powder.
- (2) A blood sample is drawn and is sent with:
  - (i) The **Toxicology Form** requesting analysis for presence of the white powder;
  - (ii) The **Alcohol Analysis Request Form** requesting analysis for presence and the level of ethyl alcohol.
- e. When the form asks "date results needed by" the officer should write:
  - (1) Routine; unless
  - (2) The analysis is needed for immediate court purposes, if that is the case write the court date and the area "for: write immediate court use"; and
  - (3) If the case is an emergency the lab should be contacted by phone and advised of the emergency.
  - (4) Officers should not write ASAP or similar terminology.
8. The Crime Lab will accept all samples sent them, however the Crime Lab may not initiate testing for items where there may not be prosecution.
9. The Crime Lab will return a copy of the **Request for Physical Evidence Examination** with the Lab Case Number. All correspondence regarding that case should then reference the lab number.
10. Uniform officers requesting laboratory examination of evidence:
  - a. Evidence will be logged into the evidence building prior to end of shift.
  - b. The officer will follow the directions given within the Department property and evidence packaging manual
  - c. All requests for laboratory examination will include a request for written results from the Crime Lab.

#### IV. Stolen Vehicles

##### A. Processing & Recovery:

1. Officer verifies with dispatch that the vehicle is indeed stolen.
2. The officer remains with the vehicle until it is either:
  - a. Picked up by the owner;
  - b. Impounded; or
  - c. If the vehicle is not illegally parked or a hazard the owner may request the officer to leave the vehicle where it is for recovery at a future time.
3. Fingerprinting.
  - a. The officer will process the vehicle for fingerprints.
    - (1) If the vehicle has been entered by the owner, or others:
      - (i) It will not be accepted as an excuse that the processing is not done as fingerprints of the suspect may still have value even if overlaid.
    - (2) On the exterior of the vehicle:
      - (i) Around the door handle on the driver's door;
      - (ii) On and by the mirror on the driver's door;

- (iii) On the edge of the door and on the glass where it would be likely for the suspect to have touched it getting in or out;
- (3) Inside the Vehicle:
  - (i) On the interior rear view mirror;
  - (ii) On the dash if it is painted;
  - (iii) On the glove box;
  - (iv) On the console, if present;
  - (v) On the inside of the driver's window;
  - (vi) On the body metal below the window both inside and out
  - (vii) On the horn rim or spokes of the steering wheel if the rim is smooth enough to hold a print; and
  - (viii) Any other place that it would be possible for the suspect to have touched.
- b. The officer will secure any other evidence.
- 4. Return:
  - a. The officer and or support staff is responsible for notifying the owner of the vehicle that it has been recovered.
    - (1) If local, by phone.
  - b. If the owner cannot be contacted:
    - (1) A wrecker will be called and the vehicle towed to the wreckers lot.
    - (2) An impound card will be filled out only if the stolen vehicle has been towed to the police impound lot for prints or investigative purposes. Note on the impound card when and how the attempt was made to contact the owner.
    - (3) An impound card is not filled out if the vehicle is towed to a private lot. The officer will complete the impound information on the initial offense report indicating where it was towed, the date the owner was contacted and how the owner was contacted via phone, in person, or by letter.
  - c. It is the responsibility of the owner to pay the tow and storage charges.
  - d. If the owner finds that there is property in the car that does not belong to the owner:
    - (1) The officer will attempt to find the property's owner.
    - (2) If the property is part of a crime, the property is placed into evidence under the report number of the crime.
    - (3) If the officer is unable to tie the property with any crime, the property will be logged in as found property under the stolen vehicle report. The property should be entered as "found" in the property file.
  - e. If the owner discovers that there is property missing from inside the vehicle that was not previously reported stolen:
    - (1) The officer will provide supplementary information pertaining to the stolen property; and
    - (2) Notify the police clerk to insure the stolen items are added to the initial stolen vehicle report.

**V. Evidence Release or Destruction:**

- A. Authorized ways to release evidence.

1. Written court order. **Note:** A court order must be used for evidence seized with a search warrant.
  2. Written release received from the prosecuting attorney.
  3. Written release received from an officer.
- B. When an officer authorizes the release of evidence, he or she will complete an **Evidence Disposition Form**. **Note:** This procedure cannot be utilized with any evidence obtained with a search warrant, only a court order can release evidence so seized.
1. If the evidence is to be "released":
    - a. Fill in the "incident number" on the blank line provided.
    - b. Circle either "destroyed" or "released".
    - c. Fill in the person's name that is to receive the property on the line entitled "To:"
    - d. Fill in the person's complete mailing address on the line entitled "address:"
    - e. Describe the property to be released or destroyed on the blank lines provided.
    - f. Check the appropriate box if the evidence is to be photographed before release.
    - g. Check the appropriate box if the evidence was not seized with a Search Warrant.
    - h. Sign and date the form on the blank lines provided.
  2. If the evidence is to be destroyed complete steps a, b, e, g and h outlined above.
  3. The completed original **Evidence Disposition Form** will be given to the Evidence Technician.
    - a. The Evidence Technician will notify the person in writing that the evidence can be released.
    - b. The Evidence Technician will place the original **Evidence Disposition Form** with the original file.
- C. The **Evidence Disposition Form** may be signed by a person who does not wish to receive his or her property back, thereby directing the Department to either sell or destroy the item(s).
- D. When an attorney request the release of evidence for viewing or examination, the Detective or officer assigned to the case will make the arrangements to show the evidence with the Evidence Technician.

**RULES:**

**I. Preserving the Crime Scene and Evidence:**

- A. Officers shall exercise every precaution to avoid the destroying or lessening of evidence when investigating any alleged crime.
- B. The primary officer will be held strictly accountable for the preservation of the crime scene unless relieved by a Commander or a detective.
- C. Unauthorized personnel, including other officers, are prohibited from entering a crime scene without the express permission of the officer in charge of the crime scene.
- D. No officer shall stop at or enter the scene of any crime or attempted crime under investigation by another officer unless dispatched by radio or specifically assigned by a Commander to assist the investigating officer.
- E. All property and or evidence, contraband, or found property taken or seized from citizens or found by officers must be logged into evidence building (PD2).

**II. When photographs or fingerprints are not taken or physical evidence is not recovered at the scene of a serious crime or felony, the officer will include in his or her report the reasons why this evidence was not gathered.**

**III. Materials for analysis:**

- A. Materials should be collected from a known source, whenever available, for submission to the laboratory for comparison with physical evidence. This is especially important with:
  - 1. Hair;
  - 2. Fibers;
  - 3. Fabrics;
  - 4. Paint;
  - 5. Glass;
  - 6. Wood;
  - 7. Soil;
  - 8. Tool marks; and
  - 9. Weapons.
- B. Gunshot Residue Kit (GSR): Follow the instructions in the kit.

**IV. Securing Evidence:**

- A. All evidence will be brought to the evidence building (PD2)
- B. Explosive or incendiary items:
  - 1. Items that would present a hazard or potential hazard will be left in place and will be transported to the bunker by the Bomb Technicians; or
  - 2. Items that can be safely handled and will not present a potential hazard will be temporarily stored at PD2 until the Bomb Technicians can remove the material to the bunker. These types of items include small quantities of fireworks, flares, etc.
  - 3. Food or other perishable items should be left with the merchant and the price tag and identifying label will be brought in and placed into evidence.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-4 (Core Policy)**



**FOUND PROPERTY**

Effective: April 20, 2017  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for dealing with found property.

**POLICY:**

The policy of the Department is to handle found property in a consistent manner to ensure that the property is returned to the rightful owner if possible. This policy also directs how property will be handled for the safety of Officers and Evidence Personnel.

**PROCEDURE:**

**I. When the ownership of found property cannot be determined:**

- A. An incident number must be initiated.
- B. The item must be properly logged into Evidence On Q with an evidence tag, and placed in a locker.
- C. All items that are logged in must be secured in a locked locker by the end of shift.

**II. When an officer is able to determine ownership of found property:**

- A. An incident number must be initiated.
- B. The officer must attempt to contact the owner and interview the owner about the circumstances of the item in question.
- C. If the item has not been brought to the evidence facility and placed into found property, and is not involved in some other type of crime, the officer may return the property to owner. The item still needs to be entered into Evidence On Q and a request should be made through Evidence On Q on the item indicating that the item has already been returned to owner. If the officer is not able to contact the owner of the property, the officer must:
  1. Secure the property as outlined in I above;
  2. Make a request on the item through Evidence On Q on the item indicating that the item has already been returned to owner.

**III. If it is determined that the found property is actually evidence from another crime:**

- A. The property must be logged into Evidence On Q with the report number of the other crime and identified as evidence rather than found property.
- B. The officer will not prepare an incident report on the found property report:
  1. The incident will be filled out referring to the other crime and referring to the other crimes incident number;
  2. The officer prepares a supplement to the other crime report stating the circumstances under which the property was found.

**IV. Special Conditions:**

- A. Gasoline cans, or other hazardous materials with the exception of explosives, are to be stored at the metal construction boxes in the impound lot between the hazmat shed and metal container.
- B. Explosives and incendiary devices may be temporarily secured in the metal construction boxes in the impound lot between the hazmat shed and metal container but must be referred to the bomb squad for storage in the bunker.
- C. Found Bicycles:
  - 1. An incident number must be initiated.
  - 2. Dispatcher sends an officer to recover the bike.
  - 3. The officer logs the bicycle into Evidence On Q
  - 4. The officer places the bike in the bike evidence storage facility
  - 5. The support staff will:
    - a. Check the serial number for stolen;
- D. Found Personal baggage containers, to include but not limited to, backpacks, purses, suitcases:
  - 1. Secure the property and its contents as outlined in I above, in addition to;
  - 2. An inventory of the contents will be conducted for the safety of Officers and Evidence Personnel that will be handling the container and its contents.
  - 3. Contents that create a health risk, and/or injury, to include but not limited to firearms will be secured separately as outlined in I above.
  - 4. If the identity of a possible owner of the container is found during the inventory and illegal contents are also located the inventory must stop and a search warrant will be obtained as soon as reasonably possible.
    - a. Illegal contents include, but are not limited to, drugs, drug paraphernalia, stolen property, and/or firearms.
    - b. Firearms may still be rendered safe for the safety of Officers and Evidence Personnel who will be handling the container but a continued inventory of the container must stop.
    - c. The container will be secured as outlined in I above. The container will be marked with notification for Evidence Personnel that the inventory of the container was terminated pending a search warrant and the container has yet to be completely rendered safe. Evidence Personnel will safely secure the container pending the search warrant.

**V. Finders claiming found property:**

- A. Officers shall not convert to found property to his or her own use, or have any claim on property (see also Policy #2-2: I, B and Policy #9-3):
- B. The finder may claim found property that is not claimed by the lawful owner after 90 days:
  - 1. Whenever the finder would like to have the property if the property is unclaimed, the officers should indicate that by checking the appropriate box in Evidence On Q
  - 2. Finder must be advised of the MCA 46-5-305 regarding found property whenever officer's release found property to them.

**VI. Unclaimed Property:**

- A. Unclaimed property of value is to be maintained by the Department for at least 90 days.
- B. After 90 days:
  - 1. Unclaimed property of value is to be auctioned; and
  - 2. Unclaimed property of no value is to be destroyed.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-5**



**ACQUIRED PROPERTY MANAGEMENT**

Effective: January 12, 2015  
Review: by Investigations Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for managing acquired property.

**POLICY:**

The policy of the Department is to manage acquired property in a consistent, logical manner that will be acceptable from an evidentiary and fiscal standpoint.

**RULES:**

- I. Responsibility & Procedures:**
  - A. Only personnel specifically authorized by the Chief of Police will have access to areas used for property storage.**
  - B. All property room functions and the responsibilities of the evidence technicians are enumerated within the Evidence Standard Operating Procedures Manual.**
  - C. Evidence packaging and submission requirements, mandatory for Departmental personnel, are detailed in the Department evidence packaging manual.**
- II. Property Inspections:**
  - A. Quarterly the Office of Professional Standards Captain will conduct an inspection of the property storage areas and forms to ensure adherence to the procedures for the control of property established under policies.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 9-6**

**EXPLOSIVE ORDINANCE STORAGE &  
MAINTENANCE**

Effective: January 12, 2015  
Review: by Bomb Commander

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for storing explosive ordinance.

**POLICY:**

The policy of the Department is to use the police bunkers when storing and disposing of explosives.

**PROCEDURE:**

**I. Bunkers:**

- A. [REDACTED]
  1. These bunkers will be used to store explosives that are unsafe to store at other locations.
    - a. Items that are determined to be unsafe to be transported or stored will likely be destroyed in place by members of the Bomb Squad.
  2. Items will be placed there only by the Assistant Chief or members of the bomb squad.
- B. Two bunkers will be maintained for safety reasons:
  1. All explosives will be stored in one bunker.
  2. Detonators, firing devices, and ammunition will be stored in the other.
  3. Key Control:
    - a. The Assistant Chief and designated bomb squad members.
    - b. One key will be maintained in the safe in the Assistant Chief's office.
- C. A report and evidence tag will be made out for items placed in the bunker for:
  1. Evidence,
  2. Safekeeping; or
  3. As a confiscated item.
- D. An inventory sheet will be maintained of all items in the bunker and will include the following:
  1. Incident number (if applicable);
  2. Date received;
  3. Date released or disposed of;
  4. Description and amount of item;
  5. Reason item is in bunker; and
  6. Name of person placing item in bunker.
- E. A copy of the inventory will be provided to the Assistant Chief every three months.
- F. All items that can be destroyed or disposed of will be taken care of within a reasonable time.
- G. Use of the bunkers by other agencies will be approved by the Assistant Chief.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-7**



**COMMUNICATIONS**

Effective: January 12, 2015  
Review: by Patrol Captain

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for effective communication procedures.

**POLICY:**

The policy of the Department is the proper operation of radios in accordance with the Federal Communications Commission's (FCC) procedures and requirements.

**PROCEDURE:**

**I. The Patrol Captain is the Communications Liaison for the Department.**

- A. Ensure that the policies and procedures related to the Department are forwarded to the Communications Center.
- B. Investigate complaints by officers of the Department related to the Communications Center and vice-versa.
- C. Coordinate the development of rules, procedures, and policies related to radio communications within the Department.
- D. Make arrangements for the review of tapes.
- E. In emergency situations, Commanders may make arrangements with the Communications Center Shift Supervisor to review tapes.
- F. Coordinate the seizure and copying of tapes placed into evidence (refer to Policy #9-3).

**II. Radio Communications**

- A. All radio communications for the Department are handled by the City of Billings Communications Center (Comm Center), a division of the Billings Fire Department.
- B. Communication devices" includes the police radio, MDT's, and telephones to the dispatch center.
- C. Officers should contact the dispatcher on the Police primary channel, usually Channel 1 and never use channel 2 with the primary dispatcher unless they are directed to do so by the primary dispatcher.
- D. When the primary dispatcher is handling emergency traffic on Channel 1 officers shall refrain from conducting normal business on Channel 1. All emergency traffic needs to be on Channel 1 even if multiple incidents occurring simultaneously.
- E. While using the communication devices, officers shall not:
- F. Make unnecessary transmissions;
- G. Use profanity or indecent language;
- H. Make reference to criminal history information unless necessary for officer safety.

- I. Officers will remain in contact with, or be available to, the Communications Center at all times.
- J. Officers will give a physical location when checking out via radio, unless checking out at sensitive locations (those that if broadcast may jeopardize an official function) officers may provide that information by other secure means.

**III. Codes:**

- A. Disposition Code ("DC") code must be provided to the dispatcher upon clearing from any call.
- B. The official ten codes adopted by this Department:
 

10-4	Affirmative	10-21	Call_____ by phone
10-6	Busy	10-28	Ownership information
10-7	Out of service	10-29	Records / Warrants Check
10-8	In service	10-31	Driver's License Check
10-9	Say again	10-36	Time
10-10	Out subject to call	10-38	Station report OK
10-12	Others present	10-42	Officer_____ at home (Lunch)
10-15	Prisoner in custody	10-61	D.U.I
10-19	At Station	10-97	Arrived at scene
10-20	Location	10-99	Officer needs help (emergency)
- C. Signal codes are utilized on a limited basis (issued during FTO)
- D. The use of plain English is preferred for all other radio transmissions.
- E. Officers assigned to patrol must monitor:
  - F. The two-way car radios on the appropriate channel, normally police channel 1, anytime they are in their vehicles; and
  - G. The two-way portable radios on the appropriate channel, normally police channel 1, anytime that they are out of their vehicles unless the situation requires deviation because of officer safety.
- H. Officers may turn down the radio when interviewing someone in the police car, however officers are still responsible to respond when they are called.

**IV. Police Facilities:**

- A. Teletype Communications: The Records Supervisor will assign the responsibilities of the Terminal Agency Coordinator (TAC) to a police clerk. The TAC responsibilities are covered in the CJIN Users Guide provided by the State of Montana.
- B. The Records Supervisor will be responsible for maintenance, access and security of law enforcement files, and develop rules for dealing with Automated Data.

**RULES:**

- I. Officers of the Department are authorized access to the Communications Center for official business only.**
- II. Officers are not authorized to have Communications Center officers play back tapes without prior authorization from the Records Supervisor or Commander.**

**III. Required activities:**

- A. Officers are required to check in with the dispatcher as soon as they clear from briefing or go on duty.
- B. Officers involved in self-initiated activities must always check out of the vehicles. The following steps will be followed unless the situation requires deviation because of officer safety:
  1. Give your location;
  2. Indicate the type of activity;
  3. Wait to be acknowledged before exiting your vehicle;
  4. Monitor your portable radio when out of your vehicle; and
  5. Notify the dispatcher when you clear from a call or return to the vehicle.
- C. Officers assigned to calls for service must notify the dispatcher when:
  1. Arriving at an assignment call; and
  2. Clearing from an assignment call.
- D. Officers must acknowledge all radio transmissions directed to him or her.
- E. Proper unit identification is required when addressing a message to another unit or the dispatcher:
  1. Address dispatch as Dispatch.
  2. Other units will be addressed by his or her call number.
  3. Do not use first names or nicknames over the radio.
- F. If there is more than one officer assigned to a vehicle, each must have a portable radio.

**IV. Prohibited activities, the following activities are specifically prohibited:**

- A. False calls.
- B. False or fraudulent distress signals.
- C. Superfluous or unnecessary communications.
- D. Obscene, indecent, or profane language.
- E. The transmission of unassigned call signals.
- F. Transmission of criminal history information over the radio unless the information is needed for officer safety.
- G. Discussion of bond information over the radio.
- H. Personal use, the radio is to be used for official activities only.
- I. Turning off radio while on duty except when necessary for officer safety.

**V. Problems with the dispatcher or dispatching procedures:**

- A. Are not to be discussed over the radio; and
- B. Complaints are to be directed to the Commander at a later time unless officer safety is involved.

**VI. All agency radio operations are to be conducted in accordance with Federal Communications Commission (FCC) rules and requirements.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-8**



**DIVERSION PROGRAMS**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for alternatives in dealing with issues not directly related to the Department.

**POLICY:**

The policy of the Department is to have a consistent means for dealing with persons who need services other than the services the Department is able to provide.

**PROCEDURE:**

- I. **Gateway House** is a non-profit organization that supports abused family members:
  - A. Placement for a battered spouse is requested by the battered spouse
  - B. Lodging is provided for victims for a limited period of time; and
  - C. Battered Spouses will accept children along with the battered parent; however Battered Spouses does not accept male children over 12 years.
  - D. The Gateway House does not accept intoxicated persons.
  - E. Officer must call ahead to ensure that a placement can be made
  - F. The Gateway House is a secure facility that only accepts women and children.
  - G. Small children are sometimes accepted with the female parent.
  
- II. **Youth Services** is an organization that boards children ages 12-17 in the non-secure Emergency Shelter Care:
  - A. Placement is effected by:
    1. Child and Family Services Division;
    2. Court Services; or
    3. Tumbleweed.
  - B. Officers cannot place a child unless one of the above referenced agencies authorizes placement.
  
- III. **Billings Clinic Psychiatric Center** is an organization for adult and children psychiatric services:
  - A. Placement Procedures:
    1. The person shall be taken to the emergency department at Billings Clinic where emergency department staff screens the individual for physical problems and calls the Psychiatric Assessment Clinician if deemed appropriate.

2. The Psychiatric Assessment Clinician assesses the person and consults with both psychiatric and emergency department physicians to determine if he or she should be admitted to the Psychiatric Center.
  3. The officer must accompany and stay with the person until the officer is released by the physician in charge or relieved by security personnel.
- IV. Montana Rescue Mission** (MRM) is a non-profit organization that provides lodging for the needy:
- A. The MRM does not accept intoxicated persons.
  - B. Officers must call ahead to ensure that a placement can be made.
- V. Women and Family Shelter**
- A. The Women and Family Shelter does not accept intoxicated persons
  - B. Officers must call ahead to ensure that a placement can be made.
- VI. Rape Task Force** is a volunteer organization for the support of rape victims:
- A. When officers are investigating a sexual assault, he or she shall inform the victim of the availability of rape task force.
  - B. Officers shall allow the rape task force volunteers to be present with the victim during the investigation at the discretion of the victim.
- VII. Rimrock Foundation** (Detox) is the approved location to take persons who are impaired by alcohol and or drugs and requesting medical rehabilitation assistance:
- A. Officers who are unable to find a responsible person to care for an impaired person in need of assistance shall take the impaired person to Detox.
  - B. Detox does not refuse any intoxicated individual brought in by the Department.
  - C. It is not required, but recommended, that the Department or Communications Center contact Detox to see if there is room before transporting an intoxicated individual to the facility.
    1. If Detox has no available space, Rimrock Foundation makes arrangements for the subject at a hospital emergency room until a bed is available at Detox.
    2. The officer will then transport the individual to whichever hospital had available space.
- VIII. Social and Rehabilitative Services** (SRS) is a unit of county government:
- A. SRS has the ability and the responsibility to deal with:
    1. Child physical abuse;
    2. Child sexual abuse;
    3. Dependent persons;
    4. The aged;
    5. Child placement;
    6. Other welfare related problems; and
    7. Developmentally disabled adults.
  - B. The caseworker must be notified for placement of juveniles that are not charged with a crime but need care.
  - C. Case workers must be notified of abuse cases before releasing the victim.
- IX. Tumbleweed** is a non-profit organization that assists with youths in crisis:

- A. Placement for the youth can be obtained by the officer, the youth, or any other concerned individual if the youth meets the criteria set up by Tumbleweed;
  - B. Provides counsel and shelter for runaways;
  - C. Provides short term counseling for juveniles with family problems; and
  - D. Does not accept juveniles that are charged with a crime other than a status offense.
- X. **Community Crisis Center (CCC)** is a licensed Montana Mental Health Center:
- A. Placement Procedures and Use:
    - 1. Available to adults 18 and over who are in some sort of crisis whether mental health or substance abuse related, or in need of social services.
    - 2. Examples of persons appropriate for referral but not limited to:
      - a. Persons that are depressed, or have anxiety, Schizophrenia, Bi-polar, personality disorders or other disorders;
      - b. Substance abuse issues not in need of immediate Detox or medical treatment;
      - c. Persons needing assistance with social services , such as housing, case management or assistance with applications for housing;
      - d. Persons that are suicidal but only if the person agrees to stay at CCC for an assessment. If the person has attempted to overdose or physically harm him or herself must be taken to a hospital emergency department first;
      - e. Developmentally Disabled persons who are cooperative and can adequately communicate to do an assessment;
      - f. Persons needing assistance with medications;
      - g. Couples in crisis
    - 3. Persons NOT appropriate for referral to the CCC include:
      - a. Juveniles under 18 years;
      - b. Acting out dangerously and are homicidal, violent, or severely psychotic;
      - c. Not medically stable and or in need of hospital care;
      - d. Have untreated, bleeding wounds requiring sutures;
      - e. Refusing CCC's services;
      - f. In need of nursing home care.
    - 4. CCC will not accept a person if the person are unwilling to stay, or are uncooperative with the paperwork and assessment process obtained from CCC pamphlet).
    - 5. The referring officer need not remain with the person transported once the appropriate referring paperwork has been completed.
    - 6. Occasionally, the CCC asks specific clients to "take a break" in services as a result of inappropriate behavior(s) while accessing the CCC services. Therefore, some officers have dispatch call if there is any question that the person may have acted out inappropriately while at the CCC in the past. There are very few clients on the "take a break" list; however, calling ahead saves the officers a trip and a refusal of services to a "take a break" client.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 9-9**



**LINE OF DUTY DEATHS**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

This policy is designed to prepare for the event of an officer's death in the line of duty and to provide direction and support for the deceased officer's family and other personnel.

**POLICY:**

The policy of the Department is to provide liaison assistance to immediate survivors of an active duty officer who dies in the line of duty. Refer to Policy #8-1 for funeral procedure.

**PROCEDURE:**

**I. Death Notification:**

- A. The following procedures should be adhered to in cases of line-of-duty deaths and in cases of critically injured officers with low probability of survival. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desire of the agency. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate the family needs, wishes, and desires, but should not make promises to family members that he or she are not sure can be met.
  1. The name of the deceased officer shall not be released to the media or other parties before survivors are notified.
  2. The Chief of Police or designee informs the immediate family of the officer's condition or death. When possible, a police chaplain will be present.
  3. Notification of the immediate family should be made as soon as possible and, if possible, coincidental with command notifications.
  4. Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with the police chaplain. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
  5. If the opportunity to get the family to the hospital exists prior to the officer's death, notification officers shall inform the hospital liaison officer that the family is on the way. In such cases, immediate transportation should be provided for survivors rather than waiting for any other members of the departmental delegation to arrive. If the officer has died, notification should be made to the survivors in as forthright and empathetic a manner as possible.
  6. Communication of information concerning the officer and the incident shall, whenever possible, be restricted to the telephone to avoid interception by the media or others. Should the media obtain the officer's name prematurely, the ranking officer should request that the information be withheld until proper notification of survivors can be made.

7. The notification officer shall be responsible for identification of additional survivors outside the area and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.
  8. The notification officer shall submit a written report to the Chief of Police specifying the identity, time and place of survivors notified.
  9. On-duty officers shall contact his or her immediate families to advise of his or her well-being so as to limit inquiries to the Department from other concerned family members.
- B. Assisting Survivors at the Hospital: Whenever possible, the Chief of Police or designee shall join the family at the hospital to emphasize the agency's support. The next highest ranking officer to arrive at the hospital shall serve as or designate a hospital liaison officer who shall be responsible for coordinating the arrival of immediate survivors, departmental personnel, the media, and others. The hospital liaison officer assumes the following responsibilities:
1. Arrange for waiting facilities for immediate survivors and a press staging area. The desires of the surviving family members should be followed with regard to family accessibility to other officers and friends.
  2. Ensure that medical personnel provide pertinent medical information on the officer's condition to the family before any other parties.
  3. Assist family members, in accordance with family desires, in gaining access to the injured or deceased officer.
  4. Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority and that the medical bills are not forwarded to the officer's family or other survivors.
  5. Arrange transportation for the family and other survivors upon family departure from the hospital.
  6. Ensure that immediate family members are provided with appropriate assistance at the hospital.
- C. Appointment of Department coordination personnel:
1. The designated Department officer(s) shall begin serving in the following capacities:
    - a. Department liaison
    - b. Funeral liaison
    - c. Benefits coordinator, and
    - d. Family support advocate
  2. These assignments will be made by the Chief of Police. The surviving family members will then be informed of the designated.
  3. In addition, the Chief of Police or designee will:
    - a. Make additional personnel assignments to assist in handling incoming phone calls and inquiries and to direct the public to appropriate personnel.
    - b. Ensure that the employee assistance program is implemented to assist surviving family members and emphasize the family's right to psychological services, and
    - c. Ensure that other officers are provided the opportunity to participate in critical incident stress debriefings (Refer to Policy #8-4).
- D. Department Liaison: The Department liaison officer serves as a facilitator between the family and the law enforcement agency. This officer will normally be a Commander to expedite the tasks of employing Department resources and the delegation of assignments. This officer will

work closely with the funeral liaison officer to ensure that the needs and requests of the family are fulfilled. This includes duties include the following:

1. Providing oversight of travel and lodging arrangements for out-of-town family members.
  2. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.
  3. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies.
  4. Assisting family members in dealing with general media inquiries and informing the family of limitations on what the family can say to the media specifically.
  5. Providing liaison with the media to include coordination of any statements and press conferences. The Department liaison shall also ensure that officers of the agency are aware of restrictions regarding release of any information that may undermine future legal proceedings.
  6. Ensuring that security checks of the survivor's residence are initiated immediately following the incident and for as long as necessary thereafter.
- E. Funeral Liaison: The funeral liaison officer acts as facilitator between the decedent officer's family and the Department during the wake and or funeral. The funeral liaison officer is responsible for:
1. Meeting with family members and explaining his or her responsibilities to the family.
  2. Being available to the family prior to and throughout the wake and or funeral.
  3. Ensuring that the needs and wishes of the family come before the Department needs or wishes.
  4. Assisting the family in working with the funeral director regarding funeral arrangements.
  5. Relaying any information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation.
  6. Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the Department liaison.
  7. Briefing the family members on the procedures involved in the law enforcement funeral.
- F. Benefits Coordinator: The benefits coordinator is responsible for:
1. Filing workers compensation claims and related paperwork.
  2. Presenting information on all benefits available to the family.
  3. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate.
  4. Preparing all documenting of benefits and payments due to survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments, and the name of a contact person or facilitator at each benefit or payment office.
  5. Filing all benefits paperwork and maintaining contact with the family to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of family member, and
  6. Advising the surviving family of the role of police associations and organizations and the nature of support programs that the association sponsors for law enforcement survivors.

7. Note: Officers voluntarily completed an In the Line of Duty Death Information Form. The forms are sealed in the officer's individual personnel file in the Human Resource Office.
- G. Family Support Advocate: The family support advocate serves in a long-term liaison and support capacity for the surviving family. The duties of this officer include:
1. Providing contact with surviving family members to keep the family abreast of criminal proceedings relating to the death of his or her family member.
  2. Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors, and other persons as required.
  3. Identifying all support services available to family members and working on the families' behalf to secure any services necessary.
  4. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the Department and the immediate family, and
  5. Relaying the concerns and needs of the family to individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 9-10**

**PRESCRIPTION DRUG COLLECTION**

Effective: January 12, 2015  
Review: by Crime Prevention Officer

Chief Rich St. John

**PURPOSE:**

To establish guidelines for the proper collection, handling and disposal of unused medications.

**POLICY:**

It is the policy of the Billings Police Department to provide a collection site where citizens can properly dispose of unused medications.

**PROCEDURE:**

**I. Drug Collection/Disposal Program**

- A. The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescription medications.
  1. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems, which may later negatively affect the environment.
  2. This program encourages citizens to remove their unneeded medications from their homes. This reduces access to addictive medications for accidental or intentional misuse of children in the home.
- B. The Department will provide steel mailbox style collection boxes in which citizens may deposit these medications.
  1. Collection boxes shall be clearly marked with cautionary statement.
  2. Collection boxes shall be locked and securely mounted in areas to prohibit removal of the box or retrieval of medications from within the box without a key.
  3. Citizens may place their unused medications/drugs into the collection box anonymously.
  4. Syringes should not be placed in the drop box.

**II. The Crime Prevention Officer will be responsible for collection of the deposited medications.**

- A. The Crime Prevention Officer will oversee the collection boxes.
  1. The Crime Prevention Officer will have access to the contents of the collection boxes.
  2. Commanders may monitor the collection of the drop box contents with Crime Prevention Officer. This allows Administration the ability to survey the kinds of drugs and medications that are being disposed. This information can be used for evaluation and decisions regarding the program.
    - a. The Crime Prevention Officer will assign a case number and document each collection on supplemental report. This allows for tracing of data to monitor the programs benefits.
    - b. The Crime Prevention Officer will collect the deposited drugs on a frequency deemed necessary based on the usage.

- c. The Crime Prevention Officer will bag the deposited drugs, document a general description of the contents, provide a weight of the contents, and place into evidence pending destruction or destroy.
- d. The Crime Prevention Officer will report total weight of collected medications to the Montana Department of Justice, if required.
- e. The Crime Prevention Officer Unit will destroy the collected medications by:
  - i. Arranging disposal at the Billings Animal Control incinerator

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 9-11 (Core Policy)**

**DEAF, HARD OF HEARING & FOREIGN LANGUAGES**

Effective: May 15<sup>th</sup>, 2020  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for communicating with persons who are deaf and hard of hearing or speak with Limited English Proficiency (LEP).

**POLICY:**

The policy of the Department is that persons who are deaf and hard of hearing or speak with LEP will be provided with same level of service provided to all community members. The Department is obligated to provide appropriate aids and services whenever necessary to ensure effective communication.

**PROCEDURE:**

**I. General:**

- A. People who are deaf and hard of hearing or speak with LEP are entitled to the same level of police services as any other person.
- B. Members of the Department shall provide a qualified interpreter, upon request, to any person who is deaf and hard of hearing or has LEP, regardless of whether they are a suspect, victim, witness or complainant.
- C. Members of the department shall offer appropriate auxiliary aids and services wherever necessary to ensure effective communication.

**II. Auxiliary Aids & Services**

- A. Officers should consider the overall circumstances when making decisions on how best to proceed. The length, importance, and complexity of the communication will determine whether an interpreter is necessary for effective communication.
- B. When an auxiliary aid or service is required to ensure effective communication, the expressed choice of the individual should be given primary consideration in determining which communication aid to provide.
- C. The Department should honor the individual's choice unless it can show another equally effective means of communication is available, that use of the means chosen would result in a fundamental alteration in the services or programs provided, or that it would cause undue financial and administrative burdens.
- D. Auxiliary Aids & Services include:
  1. Oral communications supplemented by gestures and visual aids;
  2. Written Materials;
  3. Qualified Interpreters;
  4. Note Pads/Computers;
  5. Relay Services;
  6. Other effective methods of communicating via available means.

- E. In some cases, a deaf individual may utilize pen and paper to communicate, rely on lip reading or rely on friends or family members to interpret for them.

**III. Suspects / Critical Witnesses**

- A. When a deaf and hard of hearing or LEP person is detained or arrested, the detaining/arresting officer/detective will make available, as soon as possible before interrogation, a qualified interpreter to assist the individual throughout the process.
- B. Under no circumstances should a deaf and hard of hearing or LEP person who is a suspect or critical witness, be allowed to use a personal interpreter. Whether or not a deaf and hard of hearing or LEP person is a suspect or critical witness will be determined by the investigating officer/detective.
- C. In an effort to ensure the rights of all deaf and hard of hearing or LEP individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with these individuals.
- D. Miranda warning should be communicated on an approved printed form when a qualified interpreter is not immediately available.

**IV. Resource Access**

- A. Foreign language interpreters are available by contacting the clerks, who can arrange for translation services via phone.
- B. A current list of qualified sign language interpreters will be maintained by the Police Records Division.
- C. A copy of the current list will be provided to the Communications Center.

**REFERENCE POLICY:**

- **Hearing Impaired/Disable Communications – Tustin Police Department 08/23/2018**
- **Translation/Interpreter Services – St. Louis County – 05/21/2018**
- **Hearing Impaired Persons – Mesa Police Department – 05/18/2012**
- **ADA.GOV Model Policy**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-1**



**PERFORMANCE EVALUATIONS**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for evaluating (sworn) employee performance.

**POLICY:**

The Department will have a uniform evaluation process for all police officers.

**PROCEDURE:**

**I. Evaluation Program:**

- A. An evaluation program is the process of communicating the Department's expectations about the quality and quantity of work performance and then judging the value of that performance according to those expectations.
- B. The overriding objective of any evaluation program should be to permit these value judgments to be made so that performance weaknesses/deficiencies can be identified and corrected in order to improve job performance. At the same time, the program should identify individuals whose performance exceeds the expectations. More specifically, the objectives of an evaluation program are:
  1. To improve employee performance and productivity.
  2. To develop employee growth potential.
  3. To build employee morale.
  4. To identify and resolve employee problems.
  5. To develop two way communication with the employee.
  6. To identify to the employee job expectations (job description).
  7. To guide decisions in matters of promotion, transfer, suspension, termination, and other personnel matters.
- C. All steps of the Evaluation Program will be completed prior to November 1<sup>st</sup> of each year.

**II. Responsibility:**

- A. The Chief of Police is responsible for evaluating:
  1. The Assistant Chief; and
  2. The Senior Administrative Coordinator.
- B. The Assistant Chief is responsible for evaluating:
  1. Department Captains
- C. Supervisors (Captains, Lieutenants, and Sergeants) are responsible for:
  1. Evaluating the work performance of all employees under their direct supervision;
  2. Take necessary steps to recognize employees that exceed requirements;

3. Identify employees whose performance is not consistent with Department standards and take the necessary steps through counseling or training to correct the problem on a timely basis;
4. To maintain documentation related to officer's performance as it relates to meeting, exceeding, or failure to meet requirements.
5. Completing the employee's annual performance evaluations by the dates required; and
  - a. Outstanding and inadequate performances need to be substantiated by giving specific reasons through narrative comments attached to the evaluation

**III. Evaluation Process:**

A. Counseling:

1. At the beginning of each year, the supervisor needs to counsel the employee as to the tasks of the position occupied, level of performance expected and evaluation rating criteria.
2. The supervisor should counsel with the employee at anytime during the year when the employee is performing at a level that would not gain him an acceptable performance rating, or any other time when the supervisor or the employee deem it necessary.
3. When a problem is identified to the employee and the unsatisfactory performance continues, written notification of potential inadequate performance rating is to be given to the officer at least ninety (90) days prior to the end of the evaluation period, whenever possible.

B. Sergeants Evaluation:

1. The sergeant's evaluation will be used for purposes of determining certificate pay and pay raise eligibility (required to have satisfactory rating to receive either).
2. All employees are evaluated by their immediate supervisors in a face to face interview.
  - a. Each supervisor will meet with other shift supervisors to discuss the employee's performance. The supervisor will then discuss with the employee his or her performance and make written comments regarding that performance in each of the following areas:
    - (1) Job knowledge;
    - (2) Communication;
    - (3) Interpersonal Skills;
    - (4) Use and Care of Equipment/Work Area;
    - (5) Investigative Skill/Crime Scene;
    - (6) Problem Solving/Decision Making;
    - (7) Officer Safety;
    - (8) Control of Conflict;
    - (9) Initiative;
    - (10) Knowledge of Crime Analysis/Community Events;
    - (11) Goals and Objectives; and
    - (12) Performance and Planning Objectives.
  - b. The supervisor shall discuss any other areas of concern or commendation and make necessary written comments in the area titled COMMENTS.

- c. The supervisor shall then rate the employee's overall performance as:
    - (1) Superior;
    - (2) Exceeds Expectations;
    - (3) Meets Expectations;
    - (4) Needs Improvement; or
    - (5) Unsatisfactory.
  - d. The supervisor doing the evaluation shall sign and date the evaluation.
  - e. The employee shall be given the opportunity to review, discuss with his supervisor, and sign the completed evaluation report.
  - f. The employee shall be provided the opportunity to make written comments regarding the report and his evaluation.
  - g. The completed evaluations will be sent to the Office of Professional Standards.
- C. Evaluation Review:
- 1. After the Evaluation is completed, the forms are sent to the relevant Captain and Assistant Chief for comments.
  - 2. The Evaluations are then returned to the sergeant to review a final time with the employee.
  - 3. The employee shall be given the opportunity to review, discuss with his supervisor, and sign the completed evaluation report.
  - 4. Evaluations are forwarded to Human Resources Department for placement in the employee's permanent record.
- D. Contested Evaluations:
- 1. May be taken to the Assistant Chief within ten (10) working days of the evaluation for resolution;
  - 2. The Assistant Chief has ten (10) working days to respond.
  - 3. If no satisfactory results are obtained the matter may then be taken to the Chief of Police within ten (10) working days of the Assistant Chief's response.
- IV. Evaluating Probationary Police Officers:**
- A. Officers will be on a twelve-month probationary status following their date of certification as a probationary officer.
  - B. While assigned to training, probationary officers will be evaluated according to the F.T.O. (Field Training Officer) program guidelines.
- V. Annual Inspection and Retention:**
- A. The Chief of Police will annually inspect the evaluation system.
  - B. The objective is to identify instances of extreme ratings and reasons for them, and the number of contested reports and reasons for them.
  - C. Performance evaluation reports will be kept on file in the Human Resources Department.

# BILLINGS POLICE DEPARTMENT

## POLICY MANUAL

Policy Number: 10-2



## PROMOTIONS

Effective: May 30, 2017  
Review: by Administrative Lt

Chief Rich St. John

### **PURPOSE:**

The purpose of this policy is to establish guidelines for the promotional process.

### **POLICY:**

The policy of the Department is to make promotions fairly and equitably based on objective criteria to ensure that the most qualified officer is selected.

The following policy will be utilized whenever possible when administering the promotional process. However, the Chief of Police may modify the selection process and or requirements based on the needs of the Department. Should modifications to the requirements or selection process be deemed necessary, changes will be included in the position or selection announcement.

### **PROCEDURE:**

#### **I. In General:**

- A. The Department does not accept lateral entry for promotional ranks.
- B. Unless otherwise noted, all position requirements must be met at the time of the application deadline.
- C. Disciplinary action requiring suspension within the last 24 months will be a consideration in the promotional process.
- D. Persons eligible for promotion must submit a formal letter of interest and a resume to the Captain of the Office of Professional Standards.
- E. The Administrative Lieutenant is responsible for administering the agency's role in the promotional process for Sergeant and Lieutenant.
- F. The Chief of Police is responsible for administrating the agency's role in the appointment of all Captains and Assistant Chiefs.
- G. The City Administrator is responsible for administering the promotional or selection process for the Chief of Police.
- H. The promotional process is reviewed annually by the Chief of Police.
- I. The Assistant Chief serves at the discretion of the Chief.
- J. The Department will post in briefing an announcement of any promotional process for 14 days
- K. All documentation of the promotional process, including notes from interviews and boards will be given to the Office of Professional Standards, who will maintain them for at least 2 years.
- L. Official Notifications:
  1. At the end of any selection process, all officers will be notified in writing of the results of the process; and
  2. The person(s) being promoted will be given a letter notifying of the promotion.

**II. Sergeant:**

- A. Basic requirements (must be met as of application deadline):
  - 1. Officers must have completed 8 years of sworn law enforcement (not including military or law enforcement reserve time) with the most recent 6 years with the Billings Police Department.
  - 2. Must possess Advanced POST Certification.
  - 3. Promotional lists will be established on an annual basis and will remain valid until the completion of the next testing process. No names will be carried over from one year's list to the next.
- B. Process:
  - 1. Written Test:
    - a. Will be administered by the Administrative Lieutenant.
    - b. Written test will be administered annually. Officers scores are valid for 2 years. Officers may choose to retake the written test annually but most recent test score will be recorded.
    - c. Officers who meet the basic requirements will be furnished a recommended reading list of materials covered in the written test at least 45 days prior to the test.
    - d. All officers having a minimum score of 70% on the written test will advance in the process.
    - e. The written test score counts as 40% of the total score.
  - 2. Performance Evaluation:
    - a. The officer's Annual Performance Evaluation score is used (refer to Policy #10-1 for evaluation procedure) as part of the promotional process.
    - b. The Annual Performance Evaluation score counts as 20% of the total score.
  - 3. Sergeants Interview Board
    - a. Each eligible officer will go through the interview process.
    - b. The interview board will consist of five members which may consist of the following, experienced manager from the private sector, two Commanders, sergeant and above of the Department and law enforcement commanders from outside agencies.
    - c. The Sergeants Interview Board shall evaluate each candidate in relation to interview performance, using an established list of dimensions. This evaluation shall be made independent of the written test scores and the Annual Performance Evaluation.
    - d. The Sergeants Interview Board counts as 40% of the total score.
  - 4. Percentage points for college will be applied to the total scoring process. Candidates will receive one (1) percentage point for a Associates Degree and two (2) percentage points for a Bachelor's Degree.
  - 5. The Administrative Lieutenant will:
    - a. Summarize the scores from all three steps in the process;
    - b. Rank the top ten or less if applicable according to the overall scores; and
    - c. Present a written, ranked list of only the top 10 overall scores or less if appropriate to the Chief of Police of the candidates eligible for promotion.
  - 6. The Chief of Police shall review:
    - a. The results of the test scores,
    - b. Then select the candidate(s) for promotion.
      - (1) The Chief may select a candidate for promotion independent of test scores for articulable and documented reasons.

**III. Lieutenant:**

- A. Basic requirements (must be met as of application deadline):
  - 1. Must be a Sergeant with the Billings Police Department
  - 2. Must possess Supervisory POST Certification.
  - 3. Promotional lists will be established on an annual basis and will remain valid until the completion of the next testing process. No names will be carried over from one year's list to the next.
- B. Process:
  - 1. Written test:
    - a. Will be administered by the Administrative Lieutenant.
    - b. Written test will be administered annually. Sergeant's scores are valid for 2 years. Sergeants may choose to retake the written test annually but most recent test score will be recorded.
    - c. Candidates who meet the basic requirements will be furnished a recommended reading list of materials covered in the written test at least 45 days prior to the test.
    - d. All candidates having a minimum score of 70% on the written test will advance in the process.
    - e. The test score counts as 40% of the total score.
  - 2. Performance Evaluation:
    - a. The candidate's Annual Performance Evaluation score is used (refer to Policy #10-1 for evaluation procedure) as part of the promotional process.
    - b. The Annual Performance Evaluation score counts as 20% of the total score.
  - 3. Lieutenants Interview Board:
    - a. Each eligible candidate will go through the interview process.
    - b. The interview board will consist of five members which may consist of the following, experienced manager from the private sector, two Commanders, lieutenant and above of the Department and law enforcement commanders from outside agencies.
    - c. The Lieutenants Interview Board shall evaluate each candidate in relation to interview performance, using an established list of dimensions. This evaluation shall be made independent of written test scores and the Lieutenants Evaluation.
    - d. The Lieutenants Interview Board counts as 40% of the total score.
  - 4. Percentage points for college will be applied to the total scoring process. Candidates will receive one (1) percentage point for a Associates Degree and two (2) percentage points for a Bachelor's Degree.
  - 5. The Administrative Lieutenant will:
    - a. Summarize the scores from all three steps in the process;
    - b. Rank the top ten or less if applicable according to the overall scores; and
    - c. Present a written, ranked list of only the top 10 overall scores or less if appropriate to the Chief of Police of the candidates eligible for promotion.
  - 6. The Chief of Police shall review:
    - a. The results of the test scores, and
    - b. Then select the candidate(s) for promotion.
      - (1) The Chief may select a candidate for promotion independent of test scores for articulable and documented reasons.

**IV. Captain:**

- A. Basic requirements:
  - 1. Must be a Lieutenant with the Billings Police Department
  - 2. Must possess Command POST Certification.
  - 3. A completed bachelor's degree is not required but is preferred.
- B. Process:
  - 1. Promotion to the rank of Captain will be through appointment by the Chief of Police.
  - 2. Promotions will be made on an as needed basis. No promotional lists will be established for the rank of Captain.

**V. Assistant Chief:**

- A. Basic requirements:
  - 1. Must possess Administrative POST Certification.
  - 2. A completed bachelor's degree is not required but is preferred.
- B. Process:
  - 1. Promotion to the rank of Assistant Chief will be through appointment by the Chief of Police.
  - 2. Promotions will be made on an as needed basis. No promotional lists will be established for the rank of Assistant Chief.

**VI. Chief of Police:**

- A. Will be appointed by the City Administrator.

**VII. Review and Appeal Procedures:**

- A. Review:
  - 1. A copy of all written results of the candidate's scores used in the selection process may be made available to the officer upon request at the end of the selection process.
- B. Appeal:
  - 1. Appeals may be made to the Chief of Police or designated representative within 15 days of the completion of the promotional process.
  - 2. If the officer is still not satisfied with the answer provided by the Chief of Police, the officer may take the matter through the Chief to the City Administrator.
  - 3. The City Administrator will be the final authority in any appeal.
  - 4. Any reapplication, retesting, and/or reevaluation will be only by directive of the City Administrator.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 10-3**

**ANNUAL & MONTHLY REPORTS,  
BULLETINS & TRAFFIC DATA**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for reports and bulletins.

**POLICY:**

The policy of the Department is to maintain a management information system referred to as Global including statistical and data summaries of agency activities and an administrative reporting program.

**PROCEDURE:**

**I. Responsibility:**

- A. The Records Supervisor, under the Patrol Division, is responsible for the:
  1. Daily bulletin which is completed by the Support Services;
  2. Monthly reports;
  3. Incident Based Reports (IBR)
  4. The Annual Report.

**II. Daily Bulletin (Briefing):**

- A. Will contain:
  1. Major occurrences in the past 24 hours including but not limited to:
    - a. Felony crimes where there is at least one of the following:
      - (1) Suspects;
      - (2) Modus operandi;
      - (3) Suspect vehicles; or
      - (4) Property description where the property is identifiable;
    - b. Crime analysis bulletins relating to crime patterns;
    - c. Felony warrant cancellations;
    - d. Felony wanted subjects; and or
    - e. Criminal activities information;
  2. Other information including but not limited to:
    - a. Road closures;
    - b. Hazard information;
    - c. Traffic enforcement bulletins relating to traffic patterns where enforcement is needed;
    - d. Special events;
    - e. Requests for information about suspects or crimes;
    - f. Attempt to locate and missing persons; and or
    - g. Cites to be served.

3. Burglaries: The information is to be limited to the location, Modus Operandi (M.O.), and time of day unless there is traceable property listed.
  4. Any information the Commander determines important for all the shifts to be aware of.
  5. Training and
  6. Area checks.
- B. Information not to be included in the bulletin:
1. Wanted persons from other jurisdictions unless there is an indication that the suspect may be in this area;
  2. Crime information from other agencies if the information is unrelated to this area;
  3. Minor local crimes with no suspects;
  4. Accidents with no injuries or suspects; and or
  5. Vandalism unless there is a pattern present.
- C. On each shift, the Support Staff prepares a section of the Bulletin to be completed before:
1. 0500 Hours: night shift Support Staff will start the bulletin for the day;
  2. 1300 Hours: day shift Support Staff will add information as necessary; and
  3. 1900 Hours: afternoon shift Support Staff will complete the bulletin.
- D. The Commander on duty reviews each bulletin after it is prepared and before it is distributed to ensure that the bulletin complies with this policy and that the information is correct.
- E. Distribution:
1. The daily bulletin is electronically sent to the BPD Training Center for the oncoming shift's briefing and to the following:
    - a. Communications Center Supervisors.
    - b. All officers
    - c. Investigations Division
    - d. Identification Division and Crime Analyst
    - e. Yellowstone County Sheriff's Office
    - f. Airport Police
    - g. Crime Prevention Center (CPC)
    - h. Policy, Research, and Training Division
    - i. Evidence Division
    - j. Other law enforcement agencies by request only.

**III. Annual Report:**

- A. The Records Supervisor prepares an annual report of the activities of the Department;
- B. The annual report covers the calendar year

**IV. Traffic Data:**

- A. The Department maintains, as part of the record system, Global, a traffic accident report file that is specific as to location.
- B. The Department also records the number and type of traffic citations issued.
- C. The records system, Global, includes a file called the citation module, which shows violations based by officer and dispositions of those charges.
- D. Data collected and handled by the Traffic Engineer's Office and available through that office include:
  1. Traffic volume data; and
  2. Intersection accident rates and analysis.

**V. Traffic Records:**

- A. Traffic records are maintained and processed in the same way as any written report of this Department.
- B. The reports are reviewed by the Commander receiving the reports; and
  - 1. Will either be approved; or
  - 2. Sent back to the officer for additional work; and
  - 3. The report will again be reviewed by a Commander for corrections and approval or disapproval.
- C. Support Staff who finds a report that needs follow-up will return the report to the original officer's Commander.
- D. Completed reports with arrests, notices to appear, or citations will be sent to court after approval of the Commander.
- E. Release of records:
  - 1. Only copies of the MHP accident form may be released to people who were involved in an accident with proper identification without a court order.
  - 2. Persons with proper identification may request a copy of his or her own traffic record that is in Global or NCIC.
  - 3. A fee schedule is established by the Department to cover the expense of time and reproduction of the reports requested by persons. This schedule is posted at the front counter.

**VI. Analysis and Reports:**

- A. The Support Staff gathers, maintains, analyzes, and publishes yearly data regarding:
  - 1. Total number of accidents with a breakdown by month and with a comparison to the last year's figures;
  - 2. The number of injury accidents and fatal accidents and a comparison to the last year;
  - 3. The number of accidents by day of week and hour of day;
  - 4. The number of non-investigated accidents; and
  - 5. The statistics on DUI arrests.
- B. Analysis:
  - 1. Analysis of any data will be available through the traffic engineer.
  - 2. Implementation of any selective enforcement techniques and procedures and the use of special equipment will be the responsibility of the Captain of Operations and the individual Commander(s) on a manpower available basis.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-4**



**FORMS ACCOUNTABILITY**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for accounting for forms within the Department.

**POLICY:**

The policy of the Department is to account for Department forms that record the exchange of property between the Department and the public, and document the officers' activities in carrying out official duties.

**PROCEDURE:**

**I. Citations:**

- A. Conform to the State standard for printing citations;
- B. Are sequentially numbered with the state identifier for Billings as the first three numbers of the citation (010);
- C. All voided citations including copies and the original must be VOID written on the citation and must be turned in to the Records Supervisor with the reason for voiding the citation written in the space for comments regarding violation; and
- D. Citations are cross-referenced in the Global name file by:
  1. Officer name;
  2. Defendant's name; and
  3. The citation number.

**II. Parking Tickets:**

- A. Parking ticket books are furnished by Parking Division,
- B. Parking tickets are sequentially numbered,
- C. The Parking Division maintains complete tracking of parking tickets; and
- D. All voided parking ticket including copies and the original must have VOID written on the parking ticket and must be turned in to the Records Supervisor with the reason for voiding the parking ticket written in the space for comments regarding the parking violation.

**III. Receipts:**

- A. Bond receipts are provided by Municipal Court;
- B. Parking ticket receipts are provided by Finance Department;
- C. Fee Receipts are provided by the Police Department;
- D. All receipts are sequentially numbered in their type.
- E. Receipt copy distribution:
  1. The original copy will go to the person posting the money;

2. The second copy goes with the money:
    - a. The money and second copy of the receipt are placed into an envelope, and the envelope is sealed;
    - b. The envelope is placed into the locked drawer at the front counter under the appropriate label; and
  3. The third copy of the receipt is left in the book.
  4. In case a need to void a receipt arises, all three copies will be left in the book, and void will be written on them.
- F. The Senior Administrative Coordinator is responsible to account for receipts

**IV. Audits:**

- A. The Finance Department will be responsible to provide auditing of all monetary transactions per Generally Accepted Accounting Principles.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-5**



**FISCAL MANAGEMENT**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for fiscal management and the disbursement of cash.

**POLICY:**

The policy of the Department is to have accounting procedures compatible with finance policies for the City of Billings that prevent budget discrepancies. Accounting procedures ensure that the projected flow of funds proceed through the accounting process as planned. The Department shall follow established procedures that comply with City finance department requirements to ensure that the collecting and disbursing of cash is accomplished in a safe, accountable manner.

**PROCEDURE:**

**I. Authority and Responsibility:**

- A. The Chief of Police has the authority and responsibility for fiscal management of the Department.
- B. The Senior Administrative Coordinator (SAC) is delegated the responsibility for the day to day fiscal management of the Department.

**II. Budget Preparation:**

- A. All timelines are dependent upon Finance Department requirements.
- B. Submittal dates, meeting dates, and guidelines for submission are established by Chief of Police and disseminated via memo to the Division Commanders.
- C. All Division Commanders are required to prepare and to submit yearly budget proposals for his or her respective division to the Chief of Police.
- D. The Assistant Chief and the SAC meet with the Chief of Police to discuss and to prioritize the Department budget.

**III. Position (Personnel) Control:**

- A. The number of available Department positions is controlled by the budget; and
- B. Vacancies must be pre-authorized by the City Administrator.

**IV. Inventory Control:**

- A. The Patrol Captain is responsible for overall inventory control of all physical property of Operations Division. The Patrol Captain is responsible for reviewing and verifying the accuracy of the current inventory list of the property assigned to Operations Division as reported by the Internal Services Specialist.

- B. The Internal Services Specialist is responsible for maintaining a current inventory list of the property assigned to the Operations Division.
1. The current inventory list for the Operations Division includes:
    - a. Marked vehicles;
    - b. Portable radios;
    - c. Uniforms;
    - d. Radar units, in car camera, and mobile data terminals;
    - e. Detective vehicles;
    - f. Surveillance equipment;
    - g. Camera equipment;
    - h. Flashlights, leather, and nylon duty equipment, and
    - i. All other assigned equipment.
  2. The Support Services Supervisor is responsible for all:
    - a. Computers;
    - b. Terminals;
    - c. Filing systems;
    - d. Office furniture; and
    - e. Any other equipment as assigned to the Administrative Section.
  3. The Identifications Supervisor is responsible for the fingerprint files, video, and identification equipment;
  4. The Administrative Secretary is responsible for all:
    - a. Office supplies and forms.
- C. The Internal Services Specialist is responsible and accountable for the distribution and issuance of all agency owned property under his control, as well as the maintenance and care of that property being stored for later issue or use.

**V. Collecting of Cash:**

- A. Officers and Support Staff of the Department, may receive the following cash payments:
  1. Wrecker Fees at Evidence only and must follow the Evidence Policy for turn in.
  2. VCR Tapes/Cassette Tapes/DVD's/Photographs reproduction in Detectives only and is verified and retrieved by the Senior Administrative Coordinator.
  3. Stickers, signs, and fingerprinting, at the Crime Prevention Center and put into the cash drawer slot in the main office.
  4. Background checks at the main offices only and put into the cash drawer in the main office.
- B. These cash payments require a receipt signed by the Officer or Support Staff receiving the payment.
- C. The Senior Administrative Coordinator has keys to the locked cash drawer in the main office.
- D. The Senior Administrative Coordinator shall take all the money and receipts from the locked counter drawer in the main office and;
  1. Balance all other monies received in Detectives, Evidence, the Crime Prevention Center, and the main offices cash drawer, along with the receipts for deposit with the City Finance Department

**VI. Disbursing Cash:**

- A. All cash disbursements are in accordance with the City of Billings Purchasing Manual and Administrative Order #101.
- B. The Petty Cash Fund is the Department's only cash disbursement fund.
- C. The Chief of Police, Assistant Chief, and the SAC are the only authorized personnel to approve expenditures from the Petty Cash Fund.
- D. The SAC shall balance the Petty Cash Fund at least quarterly.
- E. The SAC requests reimbursement of the Petty Cash Fund from the City Finance Department, indicating:
  - 1. How much cash was spent in the previous quarter, and,
  - 2. Designates the amount and funding of the expenditures from the Petty Cash Fund.
- F. The Petty Cash Fund contains:
  - 1. \$50.00 for shipping evidence and related items for the Property and Evidence Technician to draw funding for.
  - 2. \$200.00 for investigative needs for the Investigations Captain to draw funding for. Policy #8-3
- G. At a minimum, the City Finance Department shall conduct audits of the Department's Petty Cash Fund annually

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-6**



**AGENCY OWNED PROPERTY**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for agency owned property.

**POLICY:**

The policy of the Department is to recognize the need to safeguard Department resources for use. Consequently, the Department has a centralized requisitioning of supplies and materials.

**PROCEDURE:**

**I. Purchasing:**

- A. Purchases may not be made without authorization through the Chief of Police or designee.
- B. All purchasing documentation is handled through the Senior Administrative Coordinator or Administrative Secretary depending on the item(s) to be purchased.
- C. Purchasing Procedure:
  1. Capital Items:
    - a. Must be line items in the Department budget.
    - b. Must be submitted through or by the Assistant Chief.
    - c. Will be purchased through the formal bid system by the City Purchasing Agent for items in excess of \$50,000.
    - d. Items less than \$50,000.
      - (1) Require written price quotes of similar merchandise or services from competitors in the same market to obtain the best price for the City.
      - (2) May be handled through the City Purchasing Agent if the Chief of Police requests.
    - e. The Senior Administrative Coordinator or Administrative Secretary ensures that the proper paperwork is completed.
  2. Expendable Items:
    - a. Are purchased within the budgeted line item amounts for the year.
    - b. The Assistant Chief is responsible for expendable item purchases.
    - c. Purchases must be approved by the Chief or designee.
    - d. The Senior Administrative Coordinator or Administrative Secretary ensures that the proper paperwork is completed.

**II. Distribution:**

- A. The authority to distribute and issue property lies with the Internal Services Specialist under the Chief's delegation authority.

**III. Accountability:**

- A. The Chief is responsible for the overall accountability for agency owned property.
- B. This will be inclusive of:
  - 1. Expendable items,
  - 2. Uninstalled Property,
  - 3. Equipment,
  - 4. Vehicles,
  - 5. Munitions; and
  - 6. Personal wear items within the custody of the agency.

**IV. Maintenance:**

- A. Maintaining stored items of agency property in a state of operational readiness is a responsibility of the Chief of Police.
- B. The Assistant Chief, or designee, will be held accountable to the Chief of Police to ensure that this function is accomplished.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-7**



**POLICE AUCTION**

Effective: January 12, 2015  
Review: by Identification Supervisor

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the police auction.

**POLICY:**

The policy of the Department is to auction found property and or evidence held by the Department. The auction will be conducted by a private auction company designated by the City. The purpose of the auctioning is to dispose of items that have been placed in police property that are no longer needed, such as unclaimed evidence and unclaimed property.

**PROCEDURE:**

**I. Identification of Auction Items:**

- A. Found property for auction must have been in property for a minimum of 90 days and the owner is not known or cannot be located (see Policy #9-4).
- B. Evidence from cases that have been inactivated and the owner of the property is not known and the property has been held for a minimum of 90 days.
- C. Evidence from cases that a disposition has been rendered and a release has been signed by the appropriate person and the owner is not known.
- D. Evidence that has been ordered sold at the auction by the courts.

**II. Exceptions**

- A. No cigarettes or alcohol will be sold at the auction.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-8**



**COMMENDATIONS & AWARDS**

Effective: May 15<sup>th</sup>, 2020  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish a method of building officer morale through monitoring job performance.

**POLICY:**

The policy of the Department is to properly honor officers who perform meritorious service or acts of bravery. The Department also recognizes military service, education, certification, physical fitness, firearms proficiency, and specialty assignments.

**PROCEDURE:**

**I. Awards:**

**A. MEDAL OF HONOR:**

1. The Medal of Honor is the Billings Police Department's highest honor and is awarded by the Chief of Police to officers who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service. To be awarded the Medal of Honor, an officer would have performed an act displaying extreme courage and devotion to duty while consciously facing imminent peril and the risk of his/her own life. (Not limited to combat action)
  - a. *A posthumous award may be made to an individual who has lost his/her life under conditions where the officer endangered themselves in circumstances consistent with good police practices.*
2. Medal awarded.
3. Ribbon: 1/3 blue, 1/3 white, 1/3 red.
4. Certificate awarded.

**B. MEDAL OF VALOR:**

1. The Medal of Valor is the Billings Department's second highest honor and is awarded by the Chief of Police for bravery and individual acts of heroism in the line of duty, though not above and beyond the normal demands of police service and in less hazardous conditions as is required for the Medal of Honor.
  - a. *The distinction between Medal of Honor service and Medal of Valor service is made in the beyond the call of duty circumstance and in the degree of risk involved to the officer.*
2. Medal awarded.
3. Ribbon: Blue with red and white stripes in the center and at the edges.
4. Certificate awarded.

**C. MEDAL OF MERIT:**

1. The Medal of Merit is awarded by the Chief of Police for act(s) which results in the saving of a life, but which involves no personal danger to the officer performing the act or may be awarded for an act involving operational risk to an officer which is performed above and beyond the call of duty.
2. Medal awarded.
3. Ribbon: Red with red, white, and blue stripes in the center.
4. Certificate awarded.

**D. LIFE SAVING AWARD**

1. The Life Saving Award is presented by the Chief of Police for act(s) that directly contribute to saving or significantly prolonging human life.
2. Medal awarded.
3. Ribbon: Blue on each side, thin white lines separating a silver center.
4. Certificate awarded.

**E. DISTINGUISHED SERVICE MEDAL:**

1. The Distinguished Service Medal is awarded by the Chief of Police to any employee, commissioned or civilian, for exceptional performance in a duty of great responsibility or of critical importance to law enforcement. Such service shall be clearly above that normally expected, and shall have contributed significantly to the success of a major project or field operation. Long and faithful service alone shall not be sufficient, but may be a consideration.
2. Medal awarded.
3. Ribbon: 1/3 blue, 1/3 white, 1/3 blue.
4. Certificate awarded.

**F. PURPLE HEART MEDAL:**

1. The Purple Heart is awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award is limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor. Medal awarded.
2. Ribbon: 1/8" white edge on each side with purple center.
3. Certificate awarded.

**G. SUPERIOR TACTICS and RESPONSE (STAR) MEDAL:**

1. The STAR Medal is awarded by the Chief of Police to an individual who, through exceptional tactics, acts to successfully resolve a critical incident, thereby promoting a culture of safety and professionalism to which all officers should aspire. The tactics displayed or performed must be conspicuously effective and above the standard expected.
  - a. Exceptional tactics include the utilization of proper tactics and appropriate force which mitigated the level of danger and which were directly responsible for preventing the incident from escalating to a deadly force situation.
2. Medal Awarded
3. Ribbon: Blue ribbon, 1/8<sup>th</sup> white with silver stripe, 1/8<sup>th</sup> from edges.

4. Certificate awarded.

**H. MERITORIOUS SERVICE MEDAL:**

1. The Meritorious Service Medal is awarded by the Chief of Police to any employee, commissioned or civilian, for continuous exemplary service, or for exceptional job performance similar to, but falls short of the criteria of the Distinguished Service Medal.
2. Medal awarded.
3. Ribbon: 1/3 red, 1/3 white, 1/3 red.
4. Certificate awarded.

**I. COMMANDER OF THE YEAR:**

1. Awarded to the Commander of the year by the Department:
  - a. All Commanders nominated for Commander of the year receive a certificate.
  - b. The Commander selected will be awarded a plaque and a City of Billings CARE award.
2. The Commander of the Year award is presented at the Billings City Council Meeting.
3. The following qualities are considered in selecting the Commander of the Year:
  - a. The Commander selected exemplifies the qualities expected in a Commander of the Department.
  - b. The Commander displays a good attitude toward public, fellow Commanders, and officers.
  - c. The Commander presents a good appearance. The Commander respects and supports the Department.
  - d. The Commander has a consistent and positive work ethic and uses his or her time wisely for the Department.
  - e. The Commander selected is someone that represents the Department as the best of the year to the community.
  - f. The Commander demonstrated a commitment to the Department goals, policies, ethics, diversity, values, and philosophy.
4. Ribbon: A red ribbon with 1/8th white stripes, 1/8th from each side
5. Certificate awarded.

**J. OFFICER OF THE YEAR:**

1. Awarded to the officer(s) of the year by the Department:
  - a. All officers nominated for officer of the year receive a certificate.
  - b. The officer(s) is nominated and selected by the Command staff at the December staff meeting.
  - c. The Officer of the Year award is presented at the Exchange Clubs of Billings' annual banquet.
2. Any Commander may make a nomination:
  - a. The nomination is in writing with the justification for the nomination.
  - b. On the first ballot, each Commander votes for two nominees.
  - c. On the second and final ballot, each Commander votes for one of the top three nominees from the first ballot.
  - d. The following qualities are considered in selecting the Officer of the Year:

- e. The officer selected exemplifies the qualities expected in an officer of the Department.
  - f. The officer displays a good attitude toward the public and fellow employees.
  - g. The officer presents good appearance and respect for the uniform.
  - h. The officer has a consistent work ethic and uses time wisely for the Department.
  - i. The officer selected is someone the Department can hold up to the community as the best of the year.
3. Ribbon: red ribbon.
  4. Certificate awarded.
- K. OFFICER OF THE YEAR – RESPECT FOR THE LAW (Optimist Award):**
1. Awarded to the Optimist Officer(s) of the Year by the Optimist Club
    - a. All officers nominated will receive a certificate.
    - b. The Optimist Officer of the Year award is presented at the Optimist Club annual banquet.
  2. Any Commander may make a nomination:
    - a. The officer(s) is nominated in recognition of an outstanding contribution and positive influence to the youth of the community.
    - b. Selection is by the Command staff at the December staff meeting, but final selection is made from the list of nominees submitted to the Optimist Club.
  3. Ribbon: A white ribbon.
  4. Certificate awarded.
- L. CHIEFS UNIT CITATION**
1. The Chief's Unit Citation is awarded by the Chief of Police to an organizational unit of the department for bravery or outstanding service by its members functioning as a team.
  2. Ribbon: Yellow ribbon with 3/8<sup>th</sup> blue stripes, 1/8<sup>th</sup> from edge.
  3. Certificate awarded.
- M. ACHIEVEMENT AWARD:**
1. Awarded to any employee of the Department, commissioned or civilian, who performs an act that exemplifies significant achievement, proposes a new or modified method, procedure or system that improves efficiency, operations, service to the public, working conditions, morale, job safety, public relations, and reductions in costs or eliminates waste. This award is designed to recognize those individuals who have served the Department and have played a prominent role in furthering the goals of the department.
  2. Certificate awarded.
- N. COMMUNITY HERO AWARD:**
1. *Recognition of Assistance to a Police Officer:* Awarded by the Department to a citizen who, without regard to their own safety, assisted a police officer who was in danger of bodily harm.
  2. *Assistance to a Fellow Citizen:* Awarded by the Department as an expression of gratitude to a citizen who, without regard to their own safety, assisted a fellow citizen.

3. *Certificate of Award:* Awarded in recognition of valuable service to the City of Billings and the Department.
    - a. Anyone may make a recommendation to the Chief of Police directly who will then cause the matter to be investigated.
    - b. These awards are presented in an appropriate manner by the Chief of Police or his designee.
- O. DETECTIVES RIBBON:**
1. Awarded to officers assigned permanently to Detectives or for a period greater than one year in Detectives past or present on the Department.
  2. Ribbon: used is a light blue, yellow and dark blue striped.
- P. SPECIALTY ASSIGNMENT RIBBON:**
1. Awarded to officers assigned to Specialty Assignment Group 1 as defined in BPD Policy 8-2 Specialty Assignments
  2. With bronze #1 for two specialty assignments.
  3. With bronze #2 for three specialty assignments.
  4. With bronze #3 for four specialty assignments.
  5. With bronze #4 for five specialty assignments.
  6. Ribbon: Armed Forces Service ribbon.
- Q. ARMED FORCES SERVICES RIBBON:**
1. Awarded for military service per DD 214
  2. Gold star denotes service in a combat zone or hostile peace keeping region per DD 214
  3. Ribbon: modified American Flag
- R. EXPERT FIREARMS RIBBON:**
1. Awarded to officers who have scored a 97 or better on a qualification.
  2. Officers must maintain a 97 or better to wear the ribbon on his or her uniform.
  3. After obtaining the award, if the officer fails to score 97 or better on the next qualification, the officer is forbidden to wear the ribbon until the 97 score or better is met on qualification. Practice shoots do not count.
  4. Ribbon: Gold, three red stripes
- S. PHYSICAL FITNESS AWARD:**
1. Awarded to officers who have an overall average of 80% Cooper Standards or pass the Montana Physical Assessment Test (MPAT).
  2. Officers must meet the physical fitness standards for the award each year to continue wearing the ribbon on his or her uniform.
  3. Ribbon: light blue and white stripes with a large blue stripe center.
- T. EDUCATIONAL AWARD:**
1. Awarded to officers who have completed a degree with an accredited college or university recognized by the United States Department of Education.
  2. Ribbons awarded:
  3. Associate: Blue ribbon.

4. Baccalaureate: Blue ribbon and one gold star.
5. Masters: Blue ribbon and two gold stars.
6. Doctoral: Blue ribbon and three gold stars.

**U. POST STATUS:**

1. Awarded per the applicants POST transcript
2. Ribbon: Army Reserve Components Overseas Training (ARCOT) ribbon.
3. Ribbon will be awarded:
4. Intermediate: ARCOT ribbon only.
5. Advanced: ARCOT ribbon with bronze #1.
6. Supervisory: ARCOT ribbon with bronze #2.
7. Command: ARCOT ribbon with bronze #3.
8. Administrative: ARCOT ribbon with bronze #4.

**V. SPECIALTY ASSIGNMENT BADGES:**

1. *Special Weapons and Tactical Team (Swat)*: awarded to officer(s) who have been or are a member of SWAT on the Department for one year or more.
2. *Canine Team (K9)*: awarded to officer(s) who are past or present members of the K9 Team on the Department.
3. *Hostage Negotiator (HN)*: awarded to officer(s) who are past or present members of the HN team on the Department.
4. *Bomb Technician (EOD)*: awarded to officers who are past or present members of the EOD team on the Department.
5. *Crisis Intervention Team (CIT)*: awarded to officers who are past or present members who completed the CIT training on the Department.
6. *School Resource Officer (SRO)*: awarded to officers who are past or present members of the SRO team on the Department.

**W. OFFICIAL COMMENDATION:**

1. Selection for Awards.
  - a. Initiation of awards:
    - (1) Commanders will be consciously looking for those officers deserving of awards.
    - (2) A Recommendation for Award form is filled out by the Commander who is recommending the award.
    - (3) The completed Recommendation for Award form is turned in to the Commander of the officer being nominated.
    - (4) The request for an award must be initiated within one year of the event to be awarded.
  - b. Procedure:
    - (1) Commanders:
    - (2) Carefully investigate the circumstances surrounding the award recommendation.
    - (3) Prepare a written description of the incident or circumstances for which the award is recommended.
    - (4) Forward the description, request, and his or her recommendation to the appropriate Assistant Chief within 30 days.

- (5) The Assistant Chief forwards all recommendations for awards with his or her recommendation, to the Commendation Committee, within 30 days.
2. Commendations Committee Makeup:
  - a. The Commendations Committee is composed of seven Department members:
    - (1) The Commendations Committee is chaired by the Assistant Chief.
    - (2) The Chairperson selects the other six members:
    - (3) One Captain or Lieutenant;
    - (4) Two Sergeants; and
    - (5) Three officers that are off probation.
  - b. The Chairperson is a non-voting member, except to break a tie vote.
  - c. In the event that a Committee Member has a conflict of interest, the Chairperson shall appoint another officer of equal rank to sit on the committee for the one application that gives rise to the conflict.
  - d. Members of the committee serve for a one year.
  - e. Committee Voting:
    - (1) A majority vote is considered the same as a unanimous vote.
    - (2) Voting records are not maintained.
    - (3) Each recommendation for an award is considered and voted on separately.
    - (4) Meetings are held at the discretion of the Chairperson, but in no event later than 30 days after receipt of a recommendation.
  - f. Final Action:
    - (1) The Chief of Police makes the final determination on the Commendation Committee recommendation within 10 days.
    - (2) Participation in any other awards is at the discretion of the Chief of Police.
3. Individual awards for the following awards are presented at the City Council meeting by the Chief of Police or designee:
  - a. Medal of Honor.
  - b. Medal of Valor.
  - c. Medal of Merit.
  - d. Distinguished Service Medal.
  - e. Purple Heart Medal.
  - f. Meritorious Service Medal.
  - g. Any other award so deemed by the Chief of Police.
4. Officer of the Year to be presented at the annual banquet of the Billings Exchange Clubs.
5. Other awards will be presented by the Chief of Police or designee at the appropriate shift briefing.
6. A copy of the award will be placed in the officer's personnel file.
7. Written confirmation of the award is forwarded to the recommending Commander.
8. Wearing of Awards (refer to Policy #2-4):
  - a. Order of Precedence: Awards given by the Department shall have precedence over other agency awards. Higher ribbons are worn to the left of and above lesser ribbons from the uniform center chest area. Ribbons are worn in a row of three unless an officer has fewer ribbons. However, the Medal of Honor ribbon may be worn above the other ribbons as a solo ribbon.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 10-9**



**PUBLIC INFORMATION**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for access to and/or the release of public information.

**POLICY:**

The Department is committed to an open information policy with the news media that is consistent with state law, the need to maintain investigative security, protection of the privacy of individuals when appropriate, and the need to ensure due process. No media representative will be restricted from taking pictures or talking with individuals unless those actions are directly interfering with an investigation.

**PROCEDURE:**

**I. Press Releases:**

- A. The Public Information Officer for the Department will be the Chief of Police or his designee and will:
  1. Authorize Commanders and other personnel to release information to the media on the scene or internally.
  2. Prepare and distribute department press releases.
  3. Arrange for and conduct news conferences with accredited news media representatives.
  4. Coordinate and authorize the release of information related to department operations.
  5. Assist news media in coverage of emergency situations.

**II. Department Members Authorized to Release Information to the News Media:**

- A. At the scene of an incident or from the Command Center:
  1. Any Commander present; or
  2. Any officer as authorized by a Commander.
  3. Press releases shall be made in electronic format with copies to:
    - a. City Administrator
    - b. The Chief of Police;
    - c. Assistant Chief;
    - d. Administrative Lieutenant
  4. The following information may be released:
    - a. Location of the offense;
    - b. Type of incident;
    - c. Time and date occurred and reported;
    - d. Number of people injured with sex and age, if known (names of the injured will not be released);
    - e. Number arrested, if any, with sex and age, if known (names will not be released);

- f. Estimated value of property loss, except when money is stolen; and
  - g. Description of property recovered or seized unless confidentiality is required for investigative purposes.
- B. Information that may be released by the Chief of Police (or his representative) either at a news conference or via internally means
- 1. The names of persons charged with crimes;
  - 2. The names of victims who are not seriously injured or killed with the exception of those mentioned in C, 4, a & b; and
  - 3. Any information that is available from the MHP State Accident Form relating to accidents.
- C. The following information is not to be furnished to the news media by anyone other than the Chief of Police or his designated representative:
- 1. information about the accused with regard to:
    - a. Character;
    - b. Reputation; or
    - c. Prior arrests or convictions.
  - 2. Mug shots of the accused.
  - 3. Information about any prospective witness such as their:
    - a. Identity;
    - b. Testimony; or
    - c. Credibility.
  - 4. Victim's information pertaining to the name and address:
    - a. Dealing with offenses that are sensitive to the victim such as sexual assaults; or
    - b. When requested by the victim not to release the information.
- D. The existence of the following will not be furnished, confirmed or denied:
- 1. A confession of the accused;
  - 2. Any admission of guilt;
  - 3. Any statement made by the accused;
  - 4. The failure or refusal of the accused to make a statement;
  - 5. The results of any examinations or tests;
  - 6. Identifying juveniles, unless they are docketed for traffic offenses;
  - 7. From other law enforcement agencies without their concurrence to the release that information;
  - 8. The refusal by the accused to submit to any examinations or tests; and/or
  - 9. Any information not releasable under state law.
- E. Officers will not express any opinion as to the:
- 1. Guilt or innocence of the accused;
  - 2. The merits of the case; or
  - 3. The quantity or quality of evidence gathered.
- F. Information may be released from agency files by:
- 1. The Chief of Police;
  - 2. The Assistant Chief; or
  - 3. The Administrative Lieutenant.
- G. Information may be released concerning an ongoing criminal investigation only by:
- 1. The Chief of Police;
  - 2. The Assistant Chief
  - 3. Investigations Captain responsible for the investigation; or

4. The Administrative Lieutenant.
- H. The Chief of Police or his designee will be advised in writing as soon as possible, but in any case no later than twelve hours following:
  1. Any press releases made in reference to an ongoing criminal investigation; or
  2. Any variance from this policy

**III. News Media Representative Access:**

- A. Access through police lines or barricades will be allowed only with the permission of the on-scene commander. Media representatives will be informed if any hazardous conditions exist, but they assume all risks of entering a restricted area.
- B. News media representatives may be allowed access to the perimeter of crime scenes only with permission of the on-scene commander.
- C. Access into crime scenes may be allowed:
  1. After all evidence has been processed and collected; however,
  2. The police may not give permission to enter onto private premises.
- D. News media representatives shall not be permitted to interview a person in our custody.
- E. Officers, at the scene, shall take no action to discourage the news media from photographing or televising persons or scenes except as provided in the preceding paragraphs.
- F. Officers at the scene:
  1. Shall give no physical assistance to the news media in the photographing or televising of persons or crime scenes; and
  2. Shall not direct or encourage victims, witnesses or prisoners to be photographed or televised by the media, nor shall they discourage them from allowing themselves to be photographed.
  3. Shall not interfere with the news media representatives in their attempt to cover the news unless they cause interference with the investigation of a crime.
- G. News media representatives who refuse to comply with police requests and thereby interfere with operations may be excluded from the scene and/or arrested.

**IV. Press Release Responsibility in a Multiple Agency Effort:**

- A. When the primary responsibility for the investigation is with another agency, any requests for press releases will be referred to that agency.
- B. Department will make every effort to coordinate any press releases with the other agencies involved.



Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to manage, administer, and provide oversight for the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster officer productivity.

**POLICY:**

The policy of the Department is to provide social media as a means of assisting the Department and officers in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. Social media may be explored or expanded upon as deemed reasonable by the Chief of Police. The Department also recognizes the role that social media plays in the personal lives of some officers. The personal use of social media can have bearing on the Departmental and the officers' official duties.

**PROCEDURE:**

**I. Definitions**

*Page:* The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

*Post:* Content an individual shares on a social media site or the act of publishing content on a site.

*Profile:* Information that a user provides about himself or herself on a social networking site.

*Social Media:* A category of Internet-based resources that integrate user-generated content and user participation.

*Social Networks:* Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

**II. On-The-Job Use**

**A. Department-Sanctioned Presence**

1. Determine strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Department's presence on the website.
- b. Where possible, the page(s) should link to the Department's official website.
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

2. Procedures

- a. All Department social media sites or pages shall be approved by the Chief or designee and shall be administered by the Administrative Lieutenant or as otherwise determined.

- b. Where possible, social media pages shall clearly indicate the pages are maintained by the Department and shall have Department contact information prominently displayed.
  - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
    - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
  - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
    - (1) Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
    - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
3. Department-Sanctioned Use
- a. Department officers representing the Department via social media outlets shall do the following:
    - (1) Conduct him or herself at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
    - (2) Identify him or herself as an officer of the Department.
    - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission, from the Chief of Police or designee.
    - (4) Not conduct political activities or private business.
  - b. The use of Department computers by Department officers to access social media is prohibited without authorization.
  - c. Officer's use of personally-owned devices to manage the Department's social media activities or in the course of official duties is prohibited without express written permission.
  - d. Officers shall observe and abide by all copyright and trademark restrictions in posting materials to electronic media.
- B. Potential Uses
- 1. Social media is a valuable investigative tool when seeking evidence or information about
    - a. Missing persons;
    - b. Wanted persons;
    - c. Gang participation;
    - d. Crimes perpetrated Online (i.e., cyber bullying, cyber stalking); and
    - e. Photos or videos of a crime posted by a participant or observer.
  - 2. Social media can be used for community outreach and engagement by
    - a. Providing crime prevention tips;
    - b. Offering Non-Emergency Online-reporting opportunities;
    - c. Sharing crime maps and data; and

- d. Soliciting tips about unsolved crimes (i.e., Crime Stoppers, text-a-tip, Leads Online).
3. Social media can be used to make time-sensitive notifications related to
  - a. Road closures,
  - b. Special events,
  - c. Weather emergencies, and
  - d. Missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

### **III. Personal Use**

- A. Precautions and Prohibitions:
  1. Barring state law or binding employment contracts to the contrary, Officers shall abide by the following when using social media.
  2. Officers are free to express him or her selves as private citizens on social media sites to the degree that his or her speech does not impair working relationships of this Department, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.
  3. As public employees, officers are cautioned that speech on- or off-duty, made pursuant to official duties—that is, that owes its existence to the officer's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Officers should assume that his or her speech and related activity on social media sites reflects upon Department.
  4. Officers shall not post, transmit, or otherwise disseminate any information to include pictures and videos to which they have access as a result of employment, including images of any department equipment, uniforms, badges, patches, vehicles, facilities, and crime or accident scenes without written permission from the Chief of Police or designee.
  5. When using social media, officers should be mindful that his or her speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the personal use of social media. In particular, officers are prohibited from the following:
    - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
    - b. Speech involving him or herself or other officers reflecting behavior that would reasonably be considered reckless or irresponsible.
  6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
  7. Officers may not divulge information gained by his or her authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization..
  8. Officers should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.
  9. While on duty officers need to refrain from posting, commenting and otherwise using social media on a personal basis.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 11-1**



**TRAINING RECORDS**

Effective: January 19, 2022  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for maintaining training records.

**POLICY:**

The policy of the Department is to maintain written documentation for all training programs attended by Department personnel.

**PROCEDURE:**

**I. Department Training Records:**

- A. Department Training Records shall contain at a minimum:
  1. Officer name,
  2. Name of training program,
  3. Total hours of training,
  4. Dates of the training program,
  5. Whether or not the participant successfully completed the training program, and
  6. Whether or not the course was P.O.S.T. certified.
- B. The training files of officers shall be updated as officers complete training programs.
  1. It is the responsibility of the instructor putting on in service or other department training to provide all training records to the Administrative Sergeant within seven (7) days of training completion.
  2. It is the responsibility of the Administrative Sergeant to submit received training records to POST and/or maintain internally as appropriate.

**II. Outside and other Department Training:**

- A. Officers wanting POST credit for training outside the Department, not already POST certified by the State of Montana, must provide the following information to the Administrative Sergeant within 15 days of completion of the training:
  1. MT POST Application for Seeking POST Credit.
  2. Agenda or Course Outline
  3. Main Instructor Biography
  4. Certificate
- B. Officers attending approved outside department training that is not POST certified or not eligible to be POST certified, must provide a certificate of completion to the Administrative Sergeant for tracking training hours within 15 days of completion of training.

- C. Personnel who attend in-service or other specialized training within the Department are not required to submit the above information to the Administrative Sergeant. However, officers must still sign in on a training roster for later submission to the Administrative Sergeant.
  - 1. Each shift or division that attends a special in-service training session is responsible for training roster completion and submission to the Administrative Sergeant.
  - 2. Department instructors, whom are directed by the Administrative Sergeant to conduct in-service training, are responsible for maintaining a roster of those in attendance. The roster will be submitted to the Administrative Sergeant upon completion of training.
- D. Officers wanting POST credit for online training must provide the following information to the Administrative Sergeant within 15 days of completion of the training:
  - 1. MT POST Application for Seeking POST Credit Hours for Online Course.
  - 2. Agenda or Course Outline (PoliceOne Academy Excluded)
  - 3. Main Instructor Biography (PoliceOne Academy Excluded)
  - 4. Certificate (PoliceOne Academy Excluded)

**III. Review of Training Records:**

- A. Any request for review of training records must be made to the Administrative Sergeant :
  - 1. Each officer may review his or her own training records,
  - 2. The officer's immediate Commander may review the training records of his or her officers.
- B. Each officer who has additions or corrections for the Administrative Sergeant must provide those changes.
- C. It is the individual responsibility of each officer to request a review of their training records in advance of any deadlines to qualify for POST certification statuses effecting certification pay or promotional eligibility.

**IV. Release of Training Records:**

- A. Any requests for training records on any officer by someone outside of the Department must contact the City Attorney's Office first for approval. Then, only the training specific to the request will be released.
- B. The Administrative Lieutenant shall provide copies of officer training records on any officer upon receipt of a duly signed:
  - 1. Search warrant;
  - 2. Court order;
  - 3. Subpoena; or
  - 4. A release from the officer, whose records are sought, provided the release stipulates which records are to be released.
- C. Statistical information on training may be obtained if all information that would lead to the identity of the officers involved is removed from the records.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 11-2**



**DEPARTMENT TRAINING PROGRAM**

Effective: January 19, 2022  
Review: by Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for training Department employees.

**POLICY:**

The policy of the Department is to provide training to all officers. Such training shall reflect the efforts of the Department to provide current instruction, which offers innovative and efficient methods or techniques to accomplish the goals and the mission of the Department. The wide range of duties and responsibilities associated with the Department requires an annual assessment of training needs and a comprehensive plan to implement training programs.

**PROCEDURE:**

**I. Administrative Sergeant:**

- A. The Department's training program is coordinated and managed by the Administrative Sergeant. Selection will follow Policy #8-2.
- B. The Administrative Sergeant position falls under the supervision of the Administrative Lieutenant.

**II. Training Recommendations**

- A. Each year prior to February 1, the Administrative Lieutenant must hold a meeting with the Administrative Sergeant, Union President or designee, all of the Shift Lieutenants and Detective Commanders to discuss Department training needs.
- B. Prior to this meeting, the Lieutenants should discuss training needs with the sergeants under his or her command.
- C. The Administrative Lieutenant and Sergeant will make every attempt to address all of the training needs identified in the annual training meeting.

**III. Annual Mandatory In-Service Training:**

- A. The following subject areas must be addressed on an annual basis:
  1. Firearms training:
    - a. All firearms certification and instruction courses must be documented in a lesson plan and submitted to the Administrative Sergeant in accordance with Policy 11-1.
  2. Department policies update and review:
    - a. The Administrative Lieutenant will notify officers to review any updated policy or changes to policy throughout the year.
    - b. Updates and policy reviews are documented and submitted to the Administrative Lieutenant for review and approval.

3. Intoxilyzer certification include:
  - a. A review of Department policy affecting the use of this equipment, and
  - b. A demonstration of proficiency in the use of the specific device by each officer.
4. Taser Recertification
5. Defensive Tactics

**IV. Alternate Years Mandatory In-Service Training:**

- A. The following training will be offered at least every 2 years:
  1. Legislative update:
    - a. Officers are required to attend mandatory legal update training which includes:
      - (1) A review of recently passed legislation, including City ordinances, and
      - (2) A review of amended statutes, which affect the enforcement function.
    2. ASP Refresher Course for those carrying an ASP baton
    3. PVOC
    4. Narcan / CPR
    5. Blood Borne Pathogens, Workplace Violence, and Sexual Harassment
    6. Social Issues Training, to include but not limited to, Anti-Bias, Cultural Awareness, Cultural Diversity, LGBTIQ, Racial Profiling, Hate Crimes, and Ethics Training.
  - B. Social Issues Training will be selected by the Administrative Lieutenant. No less than 3 of the social issues training courses will be selected on the opposite years of Blood Borne Pathogens, Workplace Violence, and Sexual Harassment Training.

**V. Other Required In-Service Training:**

- A. Officers are required to attend other in-service training as specified by the Administrative Lieutenant or Sergeant:
  1. Other trainings may be mandated on an as needed basis as training issues are identified.
  2. The officer is responsible to make up any training missed due to an excused absence.
- B. Remedial instruction for in-service training sessions is the responsibility of the officer and his or her Commander. Remedial instruction is required for the following:
  1. When an officer is unable to achieve a level of proficiency relating to various performance objectives for a course of instruction; and
  2. When an officer is unable to perform a job task that is required of his or her position.

**VI. Roll Call (Briefing) Training:**

- A. Should last no longer than 30 minutes; and
- B. Commanders are responsible for submitting topics covered including an outline if available, the dates, and the officers in attendance to the Training Officer.

**VII. Specialized Assignment Training**

- A. Any officer selected for a Specialized Assignment (see Policy #8-2) will attend training necessary to the performance of his or her specialty as soon as possible after appointment. Commanders have the responsibility of coordinating with the Administrative Sergeant to ensure that all necessary training is provided.
- B. Specialized Assignment training may vary in length based upon the position. In all cases, the training shall include at least the following:

1. Development and enhancement of the knowledge, skills, and abilities particular to the position.
2. Performance standards or key elements of the Specialized Assignment.
3. All Department manual sections specifically related to the function of the position.
4. Any other unit standard operating policies or procedures shall be included in the training.
5. Supervised on-the-job training.

**VIII. Testing:**

- A. Testing or proficiency demonstrations are usually required, but not limited to the following:
  1. Firearms
  2. Defensive tactics
  3. Intoxilyzer and Portable Breath Test (PBT) operation
  4. Taser certification and recertification
  5. Narcan and CPR
- B. Officers will be notified in advance of any training program that is to include a testing component.
- C. Failure to pass a required test or proficiency demonstration may result in denial of training credit and the officer may be required to participate in remedial instruction.
  1. Any remedial training requirements will be coordinated through the Administrative Sergeant and the officer's direct Commander.

**IX. Training Requests:**

- A. Department Announced Training:
  1. If an officer wishes to attend a training that has been announced within the Department:
    - a. Will follow any announcement instructions as to materials requested, deadlines, etc.
    - b. Officers will fill out a Department approved training request form and submit the form to his or her respective Lieutenant who will make selections for training based upon:
      - (1) Numbers of officers allowed on the calendar or staffing restrictions
      - (2) Seniority
      - (3) Needs of the Department
      - (4) Needs of individual officer(s)
    - c. The Lieutenant provides the requesting officer and the Administrative Sergeant a copy of the training request form whether approved or denied for record keeping purposes.
- B. Specialized or Advanced Training Requests:
  1. If an officer wants to attend a specialized or advanced training that is not offered through a Department announcement, he or she may submit a written request to the Administrative Sergeant including the following:
    - a. Justification for the training
      - (1) How attending the training benefits the officer and the Department.
    - b. A listing of all anticipated expenses including:
      - (1) Registration fees
      - (2) Lodging and meal costs
      - (3) Transportation costs
      - (4) Any other anticipated expenses

2. Any request for specialized or advanced training should at the minimum have the approval of the officer's immediate Commander.
3. Requests for specialized or advanced training will be submitted to the Administrative Sergeant in a timely manner, which allows for sufficient time to review the request, make necessary arrangements, and secure reservations.
4. Requests are reviewed by the Administrative Sergeant. Depending on the nature of the request and the anticipated costs, the final decision to approve or disapprove the request may be made by the Administrative Lieutenant.

**X. Out Town Travel:**

- A. Schools, Trainings, Department related obligations (mandatory or volunteer)
  1. When officers attend schools, training, or department related obligations whether, mandatory or voluntary, and the site is out of town and at the same location the fuel costs will only be covered for one vehicle (per three (3) officers), either a city vehicle or a personal vehicle.
  2. If an officer chooses to drive an additional personal vehicle they will be responsible for their own fuel costs. The Training Department will not cover fuel costs for each officer wanting to use their own personal vehicle.

**XI. Department Instructors:**

- C. The Department recognizes that many of its officers possess considerable skills and talents and encourages the officers to pursue instructor certifications in his or her areas of specialty.
- D. Each instructor will develop lesson plans, agendas and submit them, along with their biography, to the Administrative Sergeant who will submit the required paperwork to P.O.S.T., as well as assist with the scheduling and advertising of training sessions.
- E. In addition to submitting any teaching materials to the Administrative Sergeant, each instructor should keep a personal file of courses taught including the dates, hours of training, and number of students to assist him or her when renewing instructor certifications through P.O.S.T.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 11-3**



**FIELD TRAINING OFFICER PROGRAM**

Effective: August 27<sup>th</sup>, 2021  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the Field Training Officer (FTO) program.

**POLICY:**

The policy of the Department is to provide a Field Training Officer (FTO) evaluation program. This is a training and evaluation process that starts after basic academy, or equivalency. The FTO program provides an objective evaluation process of post-academy street performance to ensure that the standards of a competent, solo beat officer are met.

**PROCEDURE:**

**I. Phases of FTO Program:**

- A. The program consists of direct supervision, training, and evaluation by the FTO program for 17 weeks. There will be no extensions of the phases (see section VI of this policy for remedial training):
  1. Admin weeks 1-3 – These weeks provide an introduction to the Police Department and used to further supplement the training received at the Academy.
  2. Phase 1 - The first week will be an observation week.
  3. Phase 1 - Weeks 2-4 are with the initial FTO on the first shift.
  4. Phase 2 - Weeks 5-8 are with the second FTO on the second shift,
  5. Phase 3 - Weeks 9-12 are with the third FTO on the third shift,
  6. Phase 4 - Weeks 13-14 are with the first FTO, who is an observer wearing civilian clothes.
    - Shifts are selected by the FTO Coordinator.

**II. Modified FTO for New Experienced Sworn Officers:**

- A. A newly hired officer with previous law enforcement experience that holds a current POST certificate will be allowed to enter a modified FTO program.
- B. The placement and progression through this program will be at the discretion of the FTO, FTO Commander, and FTO Coordinator.
- C. The modified FTO program will consist of training, direct supervision, and evaluation by the FTO program for a period of 6-14 weeks.
  1. Movement through phases 1-3 will be based on the performance of the trainee compared to the standards of a competent, solo beat officer.
  2. The final two weeks will be with an FTO who is an observer wearing civilian clothing.

**III. Selection of FTO Officers:**

- A. Refer to Policy #8-2 for selection criteria and process for FTO Officers.
- B. Training of FTO's:
  - 1. Each FTO will receive a minimum of 40 hours of classroom training based on the FTO standards before assuming their duties as a FTO.

**IV. Field Training Officers Commander:**

- A. Only the FTO Commander supervises the FTO in the performance of FTO functions.
- B. The FTO Commander ensures that the Daily Observation Report (DOR):
  - 1. Is completed each day, properly numbered, that the DORs are turned in on-time, and that no DORs are missing; and
  - 2. Reports are complete and accurate.
- C. Weekly the FTO Commander must fill out a Supervisors Weekly Report (SWR) and meet with each trainee and his or her FTO to discuss the report.
- D. The FTO Commander notifies the FTO Coordinator if there are any problems or concerns regarding a trainee.
- E. The FTO Commander maintains a file on each trainee and each FTO under his or her command until the trainee leaves the FTO program, at which time the files is given to the Training Officer. The FTO files contain:
  - 1. Trainee file:
    - All DORs pertaining to that trainee,
    - All SWRs pertaining to that trainee, and
    - Any other appropriate documentation pertaining to the trainee.
  - 2. FTO file:
    - All FTO critique forms pertaining to that FTO,
    - Any other appropriate documentation pertaining to that FTO.
    - Policies and State Code documentation forms.
- F. The guidelines for the operation of the FTO program are contained in the FTO Manual.
- G. FTO Commanders must have completed the FTO Program and trained trainees as a patrol officer prior to becoming an FTO Commander.

**V. FTO Program to be Completed:**

- A. All newly sworn officers must successfully complete the FTO program as a condition of continued employment.
- B. Trainees who successfully complete the FTO program will complete a Field Training Officer (FTO) critique form on each FTO that was assigned to them during the FTO program. Once completed this critique will be submitted to the FTO Coordinator for the purposes of evaluating a Field Training Officer's performance.

**VI. Remedial Training**

- A. Any trainee in the FTO program who does no respond to training will be removed from their current FTO phase and placed into remedial training.
- B. Placement of a trainee into remedial training will be at the discretion of the FTO, FTO Commander, and FTO Coordinator.
- C. The FTO, FTO Commander, and FTO Coordinator will collaborate to develop an appropriate training strategy to remediate performance deficiencies.

- D. A trainee in remedial training must demonstrate response to training by displaying standards of performance in order to be placed back into the FTO program phase from which they were removed.
- E. If deficiencies continue after remedial training has been provided, the FTO Commander and/or FTO Coordinator will consult with the Assistant Chief of Police regarding further action, such as continued remedial training, termination recommendation, etc.

**VII. Academy Liaison:**

- A. Liaison with the academy staff is maintained by the Administrative Lieutenant.

**VIII. Progress Meetings:**

- A. The FTO Coordinator conducts monthly recruit progress meetings with the FTO's involved in each trainees program.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

*Policy Number: 12-1*



**SECONDARY EMPLOYMENT &  
OUTSIDE ACTIVITIES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set forth guidelines for the secondary employment by officers of the Department.

**POLICY:**

The policy of the Department is to allow for appropriate secondary employment. The nature of the law enforcement task requires Department officers to:

1. Have the ability to work irregular duty schedules, which are subject to change in meeting Department needs.
2. Be available when needed in times of emergency
3. Have adequate rest to be physically and mentally able to perform duties.
4. Avoid any potential conflict of interest or abuse of authority for the benefit of a private employer.

Because secondary employment can interfere with an officer's primary responsibility to the community, the Department may impose conditions on secondary employment, or in some instances may prohibit the secondary employment all together.

**PROCEDURE:**

**I. Secondary Employment and Outside Activities:**

- A. Officers shall have written permission from the Chief of Police before accepting any secondary employment.
- B. Officers shall not engage in any outside activity or employment that is related to or influenced by his or her connection with the Department without the prior approval of the Chief of Police.
- C. Officers shall not allow other employment or activities to interfere with the performance of his or her duties.
- D. Officers of the Department shall not engage in advertising, when such advertisement may reflect on the Department, without the prior written approval of the Chief of Police.
- E. In the normal course of secondary employment, arrests arising from that employment are to be handled as though the officer was any other citizen.
- F. The officer is not to represent him or herself as an officer during the course of his secondary employment unless exigent circumstances arise and invoking police powers becomes a necessity.

**II. Chief of Police to Control Secondary Employment:**

- A. The Chief of Police has the authority to impose conditions on or prohibit secondary employment by Departmental officers. The Chief of Police or designee monitors secondary employment to:

1. Eliminate the possibility of civil liabilities;
  2. Promote discipline;
  3. Prevent neglect of duties;
  4. Prevent conflict of interest and abuse of authority;
  5. Ensure officers are:
    - a. Physically and mentally able to perform job;
    - b. Available in times of emergency; and
- B. Determination of the degree or limitation is based upon the interest of the Department in:
1. Furthering professionalism;
  2. Protecting the reputation of the officer and the Department; and
  3. Ensuring that the Department receives full and faithful service in return for expenditure of resources. Such a determination is the obligation of the Chief of Police, after a review of the facts pertaining to individual cases.

**RULES:**

- I. **Prohibited secondary employment is any, which is in conflict of BPD interest or otherwise in violation of this policy or State statutes.**
- II. **Process:**
  - A. **Officers wishing to accept secondary employment must:**
    1. **Submit the form Request for Outside Employment to the Chief of Police.**
    2. **Have written approval from the Chief of Police or designee before accepting such employment.**
  - B. **When a short time job is offered on short notice and it would be impossible for the officer to request prior approval to work:**
    1. **The officer will not accept any employment that conflicts with this policy; and**
    2. **Will notify the Chief of Police of the employment on the Chief's, or designee's, next scheduled workday.**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 12-2**



**EXTRA DUTY EMPLOYMENT**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

- I. The purpose of this policy is to set guidelines for extra duty employment for officers of the Department.

**POLICY:**

The policy of the Department is to respond to requests for extra-duty police services to the extent permitted by existing resources and in accordance with this policy. The primary intent of this policy is to provide a supplementary service to the community-based upon the availability of officers for extra-duty police employment within the scope of officer training and duty assignments.

Requests for the services described herein, which exceed the Department's capabilities or are outside the provisions of this policy, may be referred to other agencies as appropriate.

Prohibition of or imposition of conditions on extra-duty employment may be established when the nature of the work is considered detrimental to the professional law enforcement goal of the Department.

**PROCEDURE:**

**I. Administration:**

- A. Coordination of extra-duty employment opportunities is handled by the Crime Prevention Officer (CPO). The CPO is responsible for the administration and approval of all requests for extra-duty police service within the City of Billings including:
  1. The daily administration, coordination of the availability and assignment of officers, and
  2. Physical resources required for the extra-duty police service assignments.
  3. Coordination with the Senior Administrative Coordinator and the Support Staff Clerk in charge of payroll.
- B. Payment for the provision of extra-duty police service to an outside employer by the Department is a financial contract between the private employer and the City based upon an established fixed hourly fee with a 3 hour minimum per job.
- C. Payment for the provision of extra-duty police officers from this Department, who provides such service, is paid by the City, to the officer.
- D. Officers are deemed to be acting within the course and scope of official duties while fulfilling extra-duty assignments within the City of Billings. The duties performed are restricted to the duties set forth and authorized in the approved application and as provided by law.
- E. Periodic checks by Commanders may be made of extra-duty assignments to ensure compliance with Department policies.

- F. Nothing in this policy prevents an officer, while on vacation or compensatory time from accepting extra-duty work if the officer is on the extra-duty list.
- G. Officers on light duty are not eligible to work extra duty.

**II. Officer Procedure:**

- A. Any officer who desires to participate in extra-duty employment must have completed his or her probation or have permission of the Chief of Police to perform extra-duty work.
- B. An officer is not eligible for short change over pay as a result of extra-duty work in conjunction with a normal shift.
- C. A Commander may deny approval, or remove an approved officer from the extra-duty list by writing a letter to the Crime Prevention Officer (CPO) for the following reasons:
  1. An unsatisfactory sick leave record.
  2. An unsatisfactory annual performance evaluation, and or
  3. Relief from duty pending an investigation or administrative action, or as a result of disciplinary action.

**III. Requests for Extra-Duty Service:**

- A. Officers will refer requests for extra duty of a police nature to the CPO. Outside employers may request police service but not a specific officer to perform that service. This also includes all donated time requests.
- B. Applications for extra-duty service are received by the CPO for processing both in person or by telephone during normal business hours (0800 thru 1600 hours).
- C. An application for extra-duty service will not be approved for any person, firm, or organization whose officers, members, business, or operations are questionable, or for any event of a potentially compromising nature.
- D. Extra-duty employment is granted with the explicit understanding by the officer and the outside employer that the officer is subject to emergency recall to police service.
- E. The CPO notifies the outside employer of approval of extra-duty service, but that the extra-duty is subject to the availability of the officers.

**IV. Officer Selection:**

- A. A central sign-up sheet is placed electronically on-line in a calendar listing the available extra-duty job.
- B. The CPO makes the determination(s) as to who will work a particular job based on the amount of extra duty income earned over the past year. The officer with the least amount earned will be chosen. In the event two officers have the same amount of earnings, selection will be made by seniority.
- C. The sign-up sheet will remain posted for 5 days, if possible. After the 5 days, the CPO will indicate the names of the approved officer(s) who have signed the electronic calendar.
- D. Periodically jobs become available on short notice, defined as less than 5 days notice, which will not allow for the 5 day time period:
  1. In these instances, jobs will be assigned to officers who have expressed specific interest and or who are willing to accept extra-duty jobs on short notice. These positions will be filled by availability.

2. The CPO will call the officer with the least earned income on the books first, and if the officer is not available the next officer with the least earned income will be contacted and so on until the job is filled or the job is declined.
- E. Once an officer accepts an assignment, the officer is committed to perform that assignment or is responsible for obtaining a replacement, in advance or the officer will be disciplined for an absence. In keeping with a progressive discipline model, an initial absence will result in a 3 month suspension from extra-duty work. Subsequent absences would result in a 6 month and a 1 year suspension respectively. Note - The CPO must be informed of any changes before the assignment is performed.
  1. An absence discipline is handled through a Commander. The CPO informs the Administration Commander, who is responsible for administering disciplinary actions.
- F. Officers engaged in extra-duty assignments, regardless of regular Department assignment, are responsible for:
  1. Either prior to or upon arrival at the place of assignment, notifying the Communication Center:
    - a. Location of assignment.
    - b. Hours of assignment.
    - c. Nature of duties, and
    - d. Officers assigned.
  2. Notification of Communication Center upon completion of the assignment.
  3. For extra-duty assignments involving multiple officers, the senior officer or Commander assigned is responsible for making the notifications.
  4. Vehicles will be assigned at the discretion of the Chief of Police through the CPO. Officers do not have the option of taking a vehicle without prior approval.
- G. Commander Required:
  1. Any time five or more officers are used at one location at the same time, a Commander will be assigned to supervise.
  2. When a Commander is required to act as a supervisor, the Commander shall be compensated at the rate established by the Billings Police Protective Association for extra-duty employment, plus an additional 25% for providing supervision.
- H. Recommended Equipment: Officers working extra-duty should have at least one radio at that location and have contact with the Communications Center. Officers assigned to work an extra duty event shall carry and adhere to department policies on firearms (BPD Policy 3-2) and equipment.

**V. Billing Process:**

- A. The officer fills out a worksheet with the hours worked and have the outside employer sign it.
- B. The officer will then turn the worksheet in to his or her Commander as soon after the job as possible, but in no event later than the next scheduled shift of the officer.
- C. The Commander turns the timesheet over to the Support Staff Clerk in charge of payroll, who will enter the information into the computer.
- D. The work will be billed out to the outside employer.

**VI. Arrests:**

- A. When an extra-duty officer makes an arrest, the arresting officer is responsible for completing all the proper paperwork during the extra-duty shift.

- B. An on-duty officer will be dispatched to transport the prisoner.

**RULES:**

**I. Prohibitions:**

- A. Extra-Duty police employment that is prohibited includes any form of employment that may involve a potential conflict of interest between the outside job and the police job, or when the nature of the work is considered detrimental to the professional law enforcement goals of the Department.
- B. The following are examples of prohibited extra-duty work:
1. Employment as an investigator;
  2. Employment in any capacity involving the use of police records for other than law enforcement purposes;
  3. Employment in any capacity in or upon premises licensed as:
    - a. A tavern,
    - b. A club,
    - c. A retail liquor store, or
    - d. A gambling establishment.
  4. Employment as a process server.
  5. Employment as a bill collector.
  6. Employment for any credit or collection agency involving the repossession of property or eviction from premises.
  7. Employment primarily outside the corporate boundaries of the City of Billings, and or
  8. Any employment that would interfere with an officer being called for emergency police duty or otherwise interfere with an officer's departmental responsibilities.
- C. Officers shall not accept extra-duty assignments unless assigned by the CPO.
- D. Officers working extra-duty work are prohibited from soliciting or advertising his or her services. (Per MCA 37-60-406)

**II. Pay:**

- A. All officers are paid at the rate established by the Billings Police Protective Association (BPPA) per hour for extra-duty work, regardless of rank unless assigned as a Commander.
- B. Officers shall not agree to a pay rate different from the rate established by the BPPA unless assigned as a Commander.
- C. Officers will be compensated on his or her regular paycheck for extra-duty work.
- D. Officers shall not accept any compensation in any form directly from the outside employer.

**III. Written Policies:**

- A. All rules, policies and procedures of the Department are in full force and effect during any extra-duty work assignment, violations will be handled through the Department's normal disciplinary procedures.

**BILLINGS POLICE DEPARTMENT****POLICY MANUAL****Policy Number: 12-3****MINIMUM STAFFING**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the utilization of minimum staffing to cover patrol beat assignments.

**POLICY:**

The policy of the Department is to assign a minimum one patrol officer for each of the City's designated patrol beats. Should there be less than one officer available to cover each patrol beat; the Commanders will take immediate steps to provide coverage.

**PROCEDURE:****I. Administration:**

- A. When Commanders have advanced notice of a need for minimum staffing a beat(s), the Commander contacts the Shift Lieutenant and provides the date(s) and time(s) staffing is needed.
  1. The Shift Lieutenant contact the Crime Prevention Officer to post the minimum staffing which is needed.
  2. Selections follow the same guidelines as the extra duty employment Policy #12-2.
    - a. If an Officer scheduled to work minimum staffing calls in sick or cannot report for duty because of some unforeseen reason, the Commander will find a replacement by the quickest means.
    - b. The Shift Lieutenant puts the selected minimum staffing officer(s) (MSO) on the calendar so the Commander doing the roster can show the MSO as working.
    - c. The selected MSOs will write "minimum staffing" on the timesheet and have the Commander working that shift approve the timesheet. The officer(s) turns the timesheet into his or her respective Commander.
    - d. If an officer has signed up for minimum staffing, but the Commander determines the officer(s) is not needed, the Commander needs to notify that officer. If the cancellation notification is made a full shift (10 hours) prior to reporting to duty no compensation is awarded. If the cancellation notification is made less than a full shift (10 hours) prior to reporting to duty, 3 hours overtime is awarded. If an officer(s) reports for duty and a Commander determines that the officer(s) are not needed the officer(s) may be relieved of duty and awarded 3 hours overtime.
    - e. If an officer has been selected for minimum staffing that is a continuation of his or her regularly scheduled shift (i.e. dayshift staying and working afternoon shift), but a Commander determines that the officer(s) is not needed prior to beginning the minimum staffing shift, no extra overtime will be awarded.

- f. An MSO can be relieved of duty anytime during the shift if his or her beat can be filled with another officer that is scheduled to work.
  - g. An officer, volunteering for minimum staffing, is not eligible for short change over pay as a result of minimum staffing in conjunction with a normal shift.
  - h. A Commander may deny approval or remove an approved officer from minimum staffing by writing a letter to the Shift Lieutenant for the following reasons:
    - (1) An unsatisfactory sick leave record.
    - (2) An unsatisfactory performance evaluation, and or
    - (3) Relief from duty pending an investigation or administrative action, or as a result of disciplinary action.
- B. Short notice selections:
- 1. When officers call in sick or cannot make it to work due to an emergency, leaving a beat empty, a Commander will fill the vacancy by the quickest means. This may include ordering an officer, usually the junior officer on duty, to remain on duty until the beat may be covered by other means.
  - 2. Commanders scheduled to work that shift may be used to fill an empty beat.
  - 3. The Commander may ask working officers to stay a short time until another officer reports to work or for the duration of the needed time.
  - 4. The Commander may randomly call officers to fill the vacancy if minimum staffing. Commanders may vary the selection guidelines as stated in Policy #12-2 if the Department needs.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 12-4**



***LIGHT DUTY***

Effective: January 9, 2019  
Review: by Administrative Lieutenant

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set forth guidelines for managing officers who are medically unable to perform normal work duties.

**POLICY:**

The policy of the Department is that the Chief of Police may permit or require an officer to work light duty if the officer is medically unable to perform his or her regular duties.

**PROCEDURE:**

**I. Eligibility:**

- A. The Chief of Police makes the final determination if a light duty assignment is offered to any officer.
- B. The Captain of Professional Standards assigns the light duty function.
- C. The officer must have a written statement from a doctor:
  1. Stating that the officer is medically unable to perform his or her regular assigned duties, but would be able to work light duty; and
  2. The letter should specify any restrictions or limitations.
  3. On return to regular duty status, a doctor's written release is required.
- D. The Department may refuse to allow light duty work for an officer if the Chief of Police deems that light duty would not be in the best interests of the Department.

**II. Assignment:**

- A. The Chief of Police may direct an officer to work light duty, even if the officer does not request it.
- B. The officer will be assigned to a work unit and will fall under the supervision of that unit.
- C. The assigned days of work and hours for light duty will be determined to best fit the needs of the department or work unit.
- D. The officer shall report for duty dressed professionally in civilian attire suitable for meeting the public unless otherwise required.
  1. Officers on light duty are required to park his or her vehicles in the parking garage.
- E. An officer on light duty will not be allowed to ride in a police vehicle, nor become involved in any normal police function that would create a risk of injury to the officer.
- F. Light duty positions are identified as non-essential. Therefore, light duty officers will not work on holidays or accrue any overtime without prior approval.
- G. Deviation from these procedures is allowed only with the approval of the Chief of Police.

**III. Firearms**

- A. Depending upon the nature and extent of the disability, an officer on light duty may be prohibited or restricted from carrying their duty firearm.
- B. The determination of whether or not an officer will be allowed to carry a firearm while on light duty will be made by the Chief of Police.
- C. An officer authorized to carry a firearm while on light duty is still required to conform to policy 3-2 Firearms and all provisions of this policy.

**References:**

- **IACP Temporary Light Duty Policy (Document#63522)**

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**



**Policy Number: 12-5**

**COMMUNICABLE DISEASES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines to prevent officers from contracting communicable diseases to minimize exposure to blood borne and airborne pathogens by Department officers and to ensure compliance with all applicable legal requirements. These pathogens include, but are not limited to, human immunodeficiency virus (HIV), hepatitis B (HBV), hepatitis C, meningitis, diphtheria, plague, hemorrhagic fevers, and rabies.

**POLICY:**

The policy of the Department is to ensure that officers are able to perform duties in a safe and effective manner and to provide everyone the same quality of service. Officers with life-threatening illnesses will be treated the same as all other officers, as long as the affected officer(s) are able to meet acceptable performance standards and do not pose a health threat to other officers or the public.

All medical information including reports of exposure incidents, the names of persons who suffered the exposure, and the person having an infectious disease, must be kept strictly confidential. The City of Billings Infectious Disease Control Program provides policies, procedures and responsibilities for minimizing exposure to infectious diseases in compliance with Occupational Safety and Health Act and Montana Law. The elements of the Program are:

- I. Identification of potentially exposed officers.
- II. Exposure controls:
  - A. Engineering controls,
  - B. Personal protective clothing and equipment, and
  - C. Work practice controls.
- III. Hepatitis B virus vaccinations.
- IV. Officer information and training.
  - A. Annual training in Blood Borne Pathogens is provided to officers by the Human Resources Department (HRD) or designee.
  - B. The HRD will also provide educational material and references to any officer requesting it.
- V. Reporting of exposure incidents.
- VI. Post-exposure treatment and follow up, including assignment of "Designated Officers".
- VII. Confidentiality of medical information.

The Program also includes the legal rights of victims of life-threatening illnesses and guidelines for dealing with those officers.

**PROCEDURE:****I. Exposure Control Procedures:**

- A. Control of occupational exposure is based on the universal precaution concept of infection control. Officers must assume that all persons are carriers of a communicable disease and that all human blood and potentially infectious materials is contaminated with HIV, HBV, and other blood borne pathogens. All materials and situations that present a reasonable possibility for occupational exposure will be handled with appropriate engineering controls, personal protective clothing and equipment (PPE) and work practice controls. Officer's information and training will include an explanation of exposure control methods implemented by the Department.

**II. General Precautions for Employees with Potential Exposure to Communicable Disease:**

- A. Cover all open cuts and abrasions with waterproof bandages prior to reporting for duty. Bandages must be replaced whenever open cuts or abrasions are exposed.
- B. Disposable latex gloves shall be worn when handling any person, clothing, or equipment with blood or potentially infectious materials or when reasonably anticipated that exposure may take place.
  1. Latex gloves must not be reused.
  2. A new pair of gloves should be worn before handling a different person or touching uncontaminated items.
  3. When leather or cotton gloves are worn for crime scene work, latex gloves must be worn underneath. The outer gloves should be cleaned before re-using.
  4. In situations where damage to latex gloves is anticipated, leather or cotton gloves should be worn.
- C. A plastic mouthpiece or other authorized barrier resuscitation device shall be used whenever CPR or mouth-to-mouth resuscitation is performed.
- D. Officers shall remove contaminated clothing and wash thoroughly with soap and water immediately after a potential exposure incident. Alcohol or antiseptic cleansing wipes shall be used where soap and water are not immediately available, followed by washing with soap and water as soon as possible.
- E. Do not eat, drink, smoke, use chewing tobacco, apply makeup or lip balm, or handle contact lenses around blood or other potentially infectious materials or while wearing protective gloves.

**III. Engineering Control and Personal Protective Equipment:**

- A. The following items shall comprise the standard infectious disease control kit, which will be incorporated with the first aid kit, carried in the police vehicle:
  1. Disposable latex gloves, 2 pair,
  2. Surgery type face mask,
  3. Protective gown,
  4. Plastic goggles,
  5. CPR Micro shield kit,
  6. Sani-cloth alcohol disposable equipment wipes,
  7. SaniDex alcohol disposable hand wipes,

8. Disinfectant alco-gel liquid,
  9. Biohazard bag,
  10. Biohazard signs, (two per kit), and
  11. Self-adhesive warning tape (blood contamination).
- B. Each officer is responsible for inspecting the infectious disease control kit at the beginning of the shift and replacing missing or non-functional items before going on shift. The Commander will have access to replacement equipment.

**IV. Assistance, Arrest, Transport, and Custody:**

- A. Where appropriate personal protective equipment is available, no officer shall refuse to interview, assist, arrest, or otherwise have physical contact with a person who may have a communicable disease. If protective equipment is not available the officer shall immediately request assistance from the Commander.
- B. Department issued resister gloves over latex gloves should be worn when searching suspects and locations when it is reasonably anticipated that sharp objects may be encountered.
  1. Officers should avoid placing hands in areas where sharps may be hidden. An initial visual search should be conducted, using a flashlight if necessary, as may be the case in searching a vehicle.
  2. Whenever possible suspects should empty their own pockets by pulling the pockets inside-out.
  3. When searching a suspect's pockets officers should exercise careful hand movements and, if possible, pull pockets inside-out from the top edge of the pocket rather than inserting a hand into the pocket.
  4. Purse searches can be accomplished by carefully dumping the contents on a flat surface.
- C. All sharps, such as knives, scalpels, needles, and broken glass shall be considered as potentially infectious materials and shall be handled with extraordinary care.
  1. Tools shall be used whenever possible to avoid personal contact with sharps.
  2. Needles shall not be recapped, bent, broken, removed from a disposable syringe, or otherwise manipulated.
  3. Sharps shall be placed in sergeant safety tubes or other puncture-resistant, non-porous containers for disposal or when collected for evidence purposes.
- D. Officers should avoid placing fingers in or near the mouth of a conscious person. Using latex gloves an officer may attempt to clear a blocked airway of an unconscious person, in accordance with foreign body airway obstruction procedures.
- E. Individuals with blood or other potentially infectious materials on their persons shall be transported in separate vehicles from other individuals. If at all possible, injured persons should be transported by ambulance to a hospital for treatment and not by police vehicle.
- F. During transfer of custody, officers must notify support personnel at the hospital or detention facility that the suspect or victim has blood or other potentially infectious materials on their person, or has stated that he has a communicable disease. All such notifications must be done in a discrete manner to avoid unauthorized transmittal of such confidential information.
- G. Vehicles contaminated with blood or other potentially infectious materials shall be conspicuously identified prior to potential exposure to other individuals.

1. If blood or other potentially infectious material is found on or in the vehicle, officers should notify fleet services for proper decontamination of the affected area.
2. Notify the Motor Pool Manager of the contamination by completing the vehicle deficiency and repair form.

**V. Reporting of Exposure Incidents:**

- A. An exposure incident is specific, such as the eye, mouth, other mucus membrane, non-intact skin, or potential contact with human blood or other potentially infectious material. Contamination occurs with the presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- B. Procedure following an exposure incident:
  1. Officers must report all exposure incidents as soon as possible to a Commander.
  2. A City of Billings report of employee injury form must be completed by the affected officer's Commander. In addition, pursuant to Montana Law, MCA 50-16-702, a Report of Exposure form provided by the State of Montana must be completed.
  3. Report to St. Vincent's Hospital Life Care or other appropriate health care facility for post-exposure evaluation. During regular business hours officers should report to St. Vincent's Life Care and to the Emergency room after hours.
  4. Upon notification of the exposure incident the Commander shall:
    - a. Investigate and report the incident on a City of Billings Accident Investigation Report (AIR).
    - b. Forward a copy to the designated office or designated officer.
  5. The Designated Officer will stamp the AIR as confidential and provide a copy of the AIR to the Human Resources Risk Officer. The Designated Officer completes the Report of Exposure form and forwards the white and yellow copies of the "Report of Exposure" to the health care facility treating the exposed officer. In the interest of privacy for the individuals involved the form will be sealed in an envelope and the Designated Officer will have it delivered to the respective health care facility.
  6. The Designated Officer will communicate with the health care facility Infectious Disease Control Officer and the exposed officer concerning:
    - a. Details of the exposure incident,
    - b. Whether or not the source individual was infected with one of the specified infectious diseases,
    - c. Whether or not a determination has been made about whether the source individual was infected, and
    - d. Appropriate medical precautions and treatment that the exposed persons need to take.
- C. Legal rights of victims of communicable diseases:
  1. All medical information relayed under the provisions of this Program, including reports of exposure incidents, the names of persons who suffered the exposure and the person having an infectious disease, must be kept strictly confidential.
    - a. Any person who violates this confidentiality is subject to disciplinary action by the Department, in addition to criminal penalties, including a fine and or jail term.
    - b. An officer with life-threatening illnesses will be treated the same as all other officers, as long as he or she is able to meet acceptable performance standards and do not pose a health threat to other officers or the public.

- c. The City's "Policies Regarding Employees With Life-Threatening Illnesses," adopted by the City Council on December 14, 1987, is included as Appendix A to the City of Billings Infectious Disease Control Program.

**VI. Disinfecting and Disposal Procedures:**

- A. Any unprotected skin surfaces that come into contact with body fluids shall as soon as practical be washed thoroughly with hot running water and soap for a full minute before rinsing and drying.
  - 1. Alcohol or antiseptic cleansing wipes may be used where soap and water are not available.
  - 2. Disposable gloves should be removed inside out, with the contaminated side not exposed. The hands and forearms should then be washed.
  - 3. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
- B. Officers should remove clothing that has been contaminated with body fluids as soon as possible.
  - 1. Officers should cleanse any contacted skin area in the prescribed fashion prior to putting on fresh clothing.
  - 2. If it is necessary for the officer to shower the officer may shower at the Police Operations Center. The officer must be cautious to avoid contaminating any other equipment or surfaces. If necessary affected areas can be cleaned with a solution of 1 part bleach to 9 parts water. A cleaning solution will be made available and kept in the Sergeant's room at Station 1. The Commander will provide the cleaner to the officer, who will spray down the shower stall area after he use.
  - 3. Contaminated clothing should be placed in a red bio-hazard bag, until the clothing can be machine washed with hot water and detergent in the normal fashion.
  - 4. Clothing, which is heavily soaked with blood or other bodily fluids, should be soaked in a container of hot soapy water for at least 30 minutes prior to washing.
- C. Non-disposable items, such as handcuffs, batons, etc., should be disinfected with either the Department provided sani-cloth equipment wipe, a bleach solution, rubbing alcohol or commercial disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant. If leather gear, shoes, boots, etc., become heavily contaminated may require disposal of the item(s) in the prescribed manner.
- D. All disposable contaminated materials shall be placed in approved biohazard disposable bags and disposed of by current Department policy. The BFI Waste Systems Company will be called and will respond to dispose of the materials.
- E. There are biohazard sharps containers located at the Police Operations Center, Station 1 in the report writing area and the police evidence building (PD2). Any contaminated items may be disposed of by placing the items in the respective sharps container.

**VII. Personnel Policies:**

- A. All Department personnel are offered Hepatitis B vaccinations at no charge to the officer.
  - 1. If an employee wishes the vaccination, they must advise the City of Billings Human Resources Office. They will be referred to the appropriate Health Care Provider.
  - 2. An officer declining the vaccination will be required to fill out a Refusal of the Hepatitis B Vaccine form.

3. If an officer has previously refused the vaccinations he or she may at any time change his or her mind. The vaccinations will be provided free of charge.

**VIII. Tuberculosis Prevention Information:**

- A. Tuberculosis (TB) is an infectious disease spread by airborne droplets, which are generated by an infected person, who coughs, sneezes, speaks, or sings. TB infection occurs when a susceptible person inhales droplets containing bacteria, which become established in the body.
- B. When practical, officers will wear a surgical type mask when dealing with person(s) identified or suspected of being infected with TB.
- C. When an infected person, or individual suspected of being infected with TB, is taken into custody and transported by police vehicle, the prisoner barrier window will be shut. This will prevent droplets being spread to the officer or the suspect spitting on the officer.
- D. If the officers knows, or as soon as he or she becomes aware, that an arrested subject is infected with TB the officer will notify the correctional facility, other officers who had contact with the subject and emergency medical providers, who may have had or will have contact with the subject. This will allow for the proper health precautions being taken by those involved with the subject. The officer will be mindful at all times of the privacy issues on the infected person.
- E. After contact with an infected, or suspected infected person, the officer should wash his or her hands and face with soap and hot water.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 12-6**



**PARKING AT CITY HALL**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines to maximize the use of available parking.

**POLICY:**

The policy of the Department is to efficiently use the parking areas around City Hall.

**PROCEDURE:**

**I. Parking on the West Side of City Hall:**

- A. Should be reserved for Patrol Division vehicles whenever possible.
- B. Parking of vehicles in the alley should be a last resort.
- C. Officers picking up paychecks, or conducting other short term business are allowed to park in the alley behind City Hall or in Patrol Division parking spots.

**II. Parking on North Side of City Hall:**

- A. The four spaces in the lot, are reserved for the Investigations Division:
  1. Exceptions: Patrol Division may utilize this parking between 1700 - 0700 hours Monday through Friday and anytime on weekends.

**III. Secure Parking:**

- A. Vacant spaces not already assigned may be utilized for Investigations Division parking.

**IV. Other Parking Restrictions:**

- A. If all parking spaces and secure parking are full, officers may use the parking garage.
- B. Officer must park in the parking garage when attending court.
- C. There is no parking allowed in the area between city hall and the parking garage.
- D. The parking area on 3rd Ave. North between the alley and North 27th St. may be used by either Investigative or Patrol Division officers.
- E. The reserved police parking spots in the parking garage are assigned to specific officers or offices and are not for general parking.
- F. Officers on light duty are required to park in the parking garage. Parking slips may be stamped by the Administrative Secretary.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 12-7**



**ALCOHOL & DRUG FREE WORKPLACE**

Effective: January 12, 2015  
Review: by Assistant Chief

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide an alcohol and drug-free workplace for the protection and well-being of the officers, and the public it serves, along with City property, equipment, and operations.

**POLICY:**

The policy of the Department is to protect the safety, health, and well-being of all sworn and civilian employees and the public officers come into contact with. As officers fulfill their mission of serving the City of Billings. Therefore, we have established an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. Officers are expected to report to work alcohol and drug free in order to enable safe and efficient job performance. Officers are expected to engage in activities while on-the-job, while on department premises, or in the scope and course of employment. Which are appropriate for the work environment and do not compromise the department's integrity or interest in maintaining a safe, secure, and alcohol and drug free workplace.

If an officer has a drug or an alcohol problem, the City is willing to assist in the resolution of these problems. The City encourages affected officers to seek help through the Employee Assistance Program (EAP), which is available to officers and eligible dependents free of charge. The City will not terminate employment, discipline officers, or discriminate against an officer solely because an officer voluntarily seeks treatment for an alcohol or substance abuse problem. In these circumstances, the City will follow the safe-harbor provisions of this policy.

The unlawful manufacture, distribution, possession, sale, transfer, or use of, and or illegal use, of a legally obtainable drug, or substance is prohibited. Also the impairment by prescription or over-the-counter drugs or misuse of alcohol, or the illegal possession of drug paraphernalia is strictly prohibited. As a condition of employment, officers must abide by this prohibition while in any employment capacity with the City, while on City property, in any City vehicle, or at any City office or facility. All officers are expected to be at work without being under the influence of drugs and or alcohol, including controlled substances, to enable safe and efficient job performance.

**NOTE:** A glossary of key terms is available at the end of this policy.

For purposes of this policy any misuse of a controlled substance, the illegal use of drugs, the excessive use of prescribed drugs, and the misuse of prescription or over-the-counter drugs is here referred to as "drugs".

**PROCEDURE:****I. This policy affects:**

- A. All officers, regardless of rank or assignment, are subject to this policy. This includes Commanders up to and including the Chief of Police.
- B. Prospective police officer job applicants are subject to pre-employment testing and testing prior to confirmation.

**II. Employee Assistance Program (EAP):**

- A. Any officer needing help in dealing with drug and or alcohol problems is encouraged to use the City's EAP and the benefits available through the City's medical plan. Additional information regarding the City's EAP is available in the City's Human Resource Policy Manual. Contact the Human Resources Department for more detailed information on the EAP. The City EAP plays an important role in preventing and resolving problem alcohol and or drug use by:
  1. Providing confidential counseling and assistance to officers and dependents, who self-refer for treatment or whose tests have been verified positive and monitoring the officer's progress through treatment and rehabilitation;
  2. Providing educational materials and training to officers on alcohol and drug use issues;
  3. Ensuring the confidentiality of test results, related medical treatment, and rehabilitation records, which are maintained by the medical provider.
- B. The EAP is not involved in the collection of test samples or the initial reporting of test results. The City's designated testing professional will be responsible for such testing.

**III. Safe Harbor Referral:**

- A. A fundamental purpose of the Department's Alcohol and Drug-Free Workplace Policy and procedures is to assist officers who seek treatment for alcohol or drugs. For this reason, the Department will not initiate disciplinary action against any officer regarding the disclosure of his or her drug or alcohol related problem as long as the officer meets all three of the following conditions:
  1. Voluntarily identifies him or herself to Human Resources as having an alcohol and or drug problem, as applies to this policy, prior to being identified through other means, or prior to being asked to provide a urine and or breath sample for testing;
  2. Obtains evaluation, counseling, or rehabilitation from an approved facility; and
  3. Thereafter refrains from misuse or excess of alcohol and or drugs. The officer may be subject to a return-to-work agreement.
- B. This provision is not intended to allow an officer to evade disciplinary action. The key to this provision is that the officer is willing to admit an alcohol and or drug problem, which increases rehabilitative effectiveness.
- C. This provision is not available to an officer who requests protection under this provision after:
  1. Being identified through other means; or
  2. Being asked to provide a urine sample for testing; or
  3. Having had a verified positive test result for alcohol and or *drugs* pursuant to this policy.
- D. Drug or alcohol related incidents that are subject to discipline and occurred prior to seeking Safe Harbor are not covered by Safe Harbor protections.

**IV. Alcohol Misuse:**

- A. These prohibitions apply while an officer is on duty and applies in City owned facilities, on all City owned property, in any City owned or leased vehicle, and at any City approved activity.
- B. Officers are prohibited from consuming alcohol while on duty, during a City approved activity such as training, or while on standby.
- C. Officers are prohibited from reporting to work or to a City approved activity under the influence of alcohol.
- D. Officers are prohibited from reporting to work or to a City approved activity exhibiting signs of alcoholic consumption, such as the odor of an alcoholic beverage on breath.
- E. This policy includes unanticipated call-out situations. If an officer cannot meet this requirement, the officer bears the responsibility to tell the Commander or person initiating the request to the officer to return to work that he or she cannot report to work. The officer shall suffer no reprisals for doing so.
- F. Exceptions to this policy include:
  - 1. While acting in the course and scope of the undercover assignment, the use, consumption, distribution, or possession of alcohol is an exception to this policy and is not prohibited.
  - 2. While on duty handling alcoholic beverages during normal policing activities, such as for evidentiary purposes, is also an exception to the policy and is not prohibited.
- G. Alcohol is a legal substance therefore it is not the intention of this policy to prohibit employees from consuming alcohol when not on duty, or during the course and scope of employment when the officer's performance of duties has concluded for the day. Listed below are examples of situations in which the responsible use of alcohol by officer during the course and scope of Department business may be acceptable. However, officers are expected to seek prior direction from the Chief of Police regarding the appropriateness of consuming alcohol in these situations.
  - 1. While attending seminar or conference functions where alcohol is being served; or
  - 2. While traveling on business, provided all work duties for the day have been completed and the officer is not operating a BPD vehicle.
- H. Although alcohol use may be permitted under limited circumstances, officers are expected to use good judgment and behave in a professional and respectable manner while in the course and scope of Department business. Misuse of alcohol under these circumstances is a violation of this policy and may result in disciplinary action up to and including termination. Officers are required to abide by all terms of the vehicle usage policy.
- I. BPD Policy 2-3 Rules of Conduct also applies.

#### **V. Controlled Substance and Drug Use:**

- A. These prohibitions apply in City owned facilities, on all City owned property, in any City owned or leased vehicle, and at any BPD approved activity.
- B. The unlawful manufacture, distribution, dispensing, possession or use of a *controlled substance* is prohibited.
- C. The illegal use of a legally obtainable drug or substance is prohibited
- D. Use and possession of legally obtained prescription drugs when taken as prescribed and over-the-counter drugs is not prohibited by this part subject to the following:
  - 1. Officers taking legally obtained prescription medication that may affect the officer's job performance (i.e., drowsiness, impaired reflexes, or impaired reaction time) shall notify a Commander when reporting for duty the name of the medication, dosage, and dosing

- frequency. If the medication causes impairment, the officer is responsible to give the prescribing physician notice of the officer's job duties. The officer shall obtain a work release form from the prescribing doctor that releases the officer to work.
2. Officers should refrain from using over-the-counter medication that could cause impairment, such as muscle relaxants or cold medication. Officers taking over-the-counter medication that could cause impairment shall notify a Commander when reporting for duty the name, dosage, and dosing frequency.
  3. A Commander, under reasonable suspicion, may relieve an officer from duty if the Commander determines that a medication is causing impairment to an officer's ability to perform the functions of his or her job. The officer will be required to utilize his or her accrued sick or leave time until the officer is no longer impaired by the medication. If the officer runs out of accrued sick or leave time he or she may then be placed on unpaid leave status.
- E. The use, possession, or cultivation of marijuana is strictly prohibited. This includes a prohibition against the use, possession, or cultivation of marijuana for medicinal purposes whether or not the officer has a medical marijuana or provider card.
- F. BPD Policy 2-3 Rules of Conduct also applies.

## **VI. Types of Testing:**

- A. Reasonable Suspicion Testing
  1. All officers will be tested for alcohol and or *drugs* when reasonable suspicion of on-duty use or impairment exists. Reasonable suspicion testing may be based upon, among other things:
    - a) Observable phenomena, including but not limited to direct observation of drug or alcohol use or possession and or the physical symptoms of being under the influence of an alcohol or a drug, such as the odor of an alcoholic beverage;
    - b) A pattern of abnormal conduct or erratic behavior;
    - c) Arrest or conviction for an alcohol or drug-related offense, or the identification of an officer as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
    - d) Information provided by reliable and credible sources or which has been independently corroborated; or
    - e) Newly discovered evidence that the officer has tampered with a previous alcohol or drug test.
  2. Although reasonable suspicion testing does not require certainty, mere hunches alone are not sufficient to meet the standard for a test.
  3. If an officer is suspected of using or being impaired by alcohol or drugs in violation of this policy, the appropriate Commander will gather all information, facts, and circumstances leading to and supporting this suspicion and will present the information for concurrence with another Commander. Concurrence may be from a Commander or representative from Human Resources.
  4. Commanders who are currently certified Breath Test Specialists and who operate a certified breath testing device, either a portable breath tester or an intoxilyzer, may conduct reasonable suspicion breath alcohol tests.

5. The officer shall remain on duty, but shall not be allowed to operate a vehicle or perform job functions until the circumstances are evaluated, and the Commander receives concurrence.
  6. Officers who are subject to reasonable suspicion testing shall be transported to and from the collection facility.
  7. Testing will be conducted under direct observation.
  8. The appropriate Commander will prepare a written report within 48 hours detailing the circumstances and information that formed the reasonable suspicion to warrant the testing. The report should include the appropriate dates and times of reported alcohol or drug related incidents, reliable and credible sources of information, rationale leading to the test, and the action taken. All documentation related to the determination shall be forwarded to Human Resources and copies sent to the Office of Professional Standards.
- B. Post-Incident Testing**
1. Officers involved in critical incidents, on-the-job accidents, or who engage in unsafe on-duty job-related activities that pose a danger to him, herself or others or the overall operation of the Department may be subject to testing. The Chief of Police or designee may initiate testing when such circumstances involve:
    - a) Death; or
    - b) Serious bodily injury requiring immediate emergency room or urgent care center treatment;
    - c) Damage to government or private property estimated in excess of \$5,000; or
    - d) At the request of the officer
  2. An officer subject to post-incident testing shall remain immediately available for up to 2 hours for such testing, or the Department may consider the officer to have refused to submit to testing.
    - a) If extenuating circumstances kept the officer from submitting to a test within 2 hours after the incident, the Chief of Police or designee shall evaluate the extenuating circumstances to make a final determination as to whether or not the officer's non-testing would be deemed a refusal.
    - b) An officer will be subject to call-in for up to 24 hours following the incident for testing if a test was not conducted within the initial 2 hour period.
    - c) An officer subject to post-incident testing shall not consume alcohol or drugs, either legal or illegal, prior to the testing. Exceptions may be made for previously prescribed maintenance medications and or medications administered to treat any personal injury.
  3. If a test under this provision is not administered within 2 hours of the occurrence, the Commander shall document the reason(s) why the test was not promptly administered. If more than 8 hours pass, then no alcohol test will be administered. If more than 24 hours pass, no drug test shall be administered. If either test is not completed, the Commander shall document the reason(s) why. The documentation shall be forwarded to Human Resources and copies sent to the Office of Professional Standards.
- C. Random Testing**
1. Random testing for alcohol and or *drugs* will be conducted on all officers. The testing will occur during the officer's regular working hours.
  2. Random tests will be unannounced and will occur throughout the calendar year.

3. The random selections will be conducted by a designated Human Resources representative using a lottery system conducted by an outside agency. To ensure that all officers who have been designated for testing have an equal chance of being randomly tested, a scientifically valid random process is used.
  - a) The annual number of random alcohol tests will be no more than 10% of the average number of officers on the Department
  - b) The annual number of random drug tests will be no more than 25% of the average number of officers the Department
4. Human Resources will notify the officer's Commander and provide the name of the officer selected for random testing. The officer shall not be given advance notice of the scheduled testing. Upon notification by the Commander, officers shall proceed immediately to the testing site.
5. Substances Tested For During Random Testing
  - a) The test sample measures for the following substances:
    - (1) Alcohol;
    - (2) Marijuana;
    - (3) Cocaine;
    - (4) Amphetamines;
    - (5) Opiates; and
    - (6) Phencyclidine (PCP)
6. The following cutoff concentration shall be applicable to determine whether specimens are negative or positive for the following drugs or classes of drugs utilizing the initial test procedure. The cutoff levels used by the Department's DHHS certified lab may change and will be published in the Code of Federal Regulations and Federal Register and shall take precedence over the levels listed herein. All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Type of drug or metabolite	Initial test	Confirmation test
(1) Marijuana metabolites (i) Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoyllecognine)	150	100
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	500	250
(i) Amphetamine	500	250
(ii) Methamphetamine <sup>1</sup>		250
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6-acetylmorphine (6-AM) <sup>2</sup>		10
(iv) MDMA <sup>3</sup>	500	250

<sup>1</sup> Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.

<sup>2</sup> Test for 6-AM in the specimen. This test conducted only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

<sup>3</sup> Methylenedioxymethamphetamine (MDMA).

7. Officers should be aware that use of hemp oil or other infused products will not be an acceptable defense for a positive Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC) test.
  8. Alcohol shall be confirmed positive if both the initial and confirmation tests reveal a breath alcohol content of .04 grams of alcohol per 210 liters of breath or higher. If the initial and confirmation test is below .04 but above .02, the officer will be immediately placed on administrative leave with pay status and will be subject to progressive discipline.
- D. Return to Duty and Follow-up Testing
1. After a verified positive test result for drugs and or alcohol, officers must have a negative test result before returning to work.
  2. All officers referred through administrative channels that undergo counseling or rehabilitation program will be subject to unannounced drug and or alcohol testing from the time he or she return to work for a period determined by the Substance Abuse Professional (SAP).
    - a) Such officers shall be tested at the frequency recommended by the SAP.
    - b) Such testing is distinct from testing which may be imposed as a component of a rehabilitation program.
  3. Confirmation of and continuing participation in a rehabilitation program, as recommended by SAP, is required of an officer returning to duty.
  4. In some instances, SAP may require completion of a program prior to returning to duty.
  5. The SAP will notify Human Resources when an officer has completed a rehabilitation program.
  6. After an officer returns to work during or following a rehabilitation program, a single positive test result for alcohol or drugs or failure to successfully complete the recommended rehabilitation program will result in referral to the Office of Professional Standards for investigation. If an officer is found to have violated this part, the penalty shall be termination of employment.

## **VII. Test Procedures:**

- A. Drug testing will be done by the split sample method. Testing services shall be provided by a designated contractor at a designated collection site with collection personnel trained in accordance with U.S. Department of Health and Human Services (DHHS) standards and analyzed by an independent DHHS certified lab. The personnel involved in testing and processing results are not employees of the Department or City.
- B. Officers subject to testing shall comply with all requirements of the testing process as instructed by the DHHS personnel. Officers will complete all requirements of initial and follow-up tests as requested by a Commander and administered by DHHS personnel. Failure to comply with all testing whether for alcohol and or drugs will result in disciplinary action the same as if the test was verified positive. For alcohol testing, failure to do so will result in

disciplinary action the same as if the test was verified positive for an alcohol concentration of .04 or above.

**C. Procedures for Alcohol Testing**

1. All alcohol tests will be breath testing only.
2. An officer will be verbally notified by a Commander that he or she has been chosen for a random alcohol test.
3. The officer will report immediately to the collection site.
4. The officer will strictly follow all directions from collection site personnel before, during, and after collection.
5. Upon arrival at the collection site, the officer will show photo identification. Acceptable identification includes an actual Montana driver's license or Department identification card.
6. Initial breath alcohol testing
  - a) Initial breath alcohol testing is performed by a Breath Alcohol Technician (BAT) who is employed by the collection facility and who is trained in the operation of an evidential breath testing device (EBT) as approved by the National Highway Traffic Safety Administration (NHTSA).
  - b) The officer shall be observed for 20 minutes prior to testing and shall be instructed not to eat, drink, or place anything in his or her mouth until the conclusion of the breath test.
  - c) The officer will receive instructions, such as 'blow with a strong continuous breath until advised to stop.'
  - d) If the result of the initial breath test is an alcohol concentration of .02 or greater, a confirmatory test shall be conducted.
7. Confirmation or verification alcohol breath testing
  - a) Confirmation and verification tests shall only be conducted by a Breath Alcohol Technician who is employed by the collection facility. The confirmatory test may be conducted on the same EBT as the initial test.
  - b) Before the confirmatory test is given, the officer shall be observed for 20 minutes prior to testing and shall be instructed not to eat, drink, or place anything in his and her mouth until the conclusion of the breath test.
  - c) The officer will receive instructions such as 'blow with a strong continuous breath until advised to stop.'
  - d) Collection site personnel may require the officer to sign forms.
  - e) If the officer has any concerns following the testing process, the officer should advise a Commander at the collection site, the officer's Commander, or Human Resources.

**D. Procedures for Drug Testing**

1. An officer will be verbally notified by a Commander that he or she has been chosen for a random drug test.
2. The officer will report immediately to the collection site.
3. The officer will strictly follow all directions from collection site personnel before, during, and after collection.
4. Upon arrival at the collection site, the officer will show photo identification. Acceptable identification includes an actual Montana driver's license or the Departmental identification card.

5. The officer will remove outer garments, such as a jacket or coat. The officer will not be required to remove clothing, such as a shirt and pants, and will not be required to put on a hospital gown. All personal belongings, such as a bag or purse, must remain with the outer garments. The officer may retain a small wallet.
6. An officer subject to testing for drugs under this policy shall be permitted to provide urine specimens in private and in a restroom stall or similar enclosure so that the officer is not visually observed while providing the sample.
7. Collection site personnel may be within hearing range so he or she can confirm that the sample was physically produced at that time.
8. The officer is encouraged to observe the entire collection procedure.
9. Collection site personnel may require the officer to sign forms.
10. If the officer has any concerns following the testing process, the officer should advise a Commander at the collection site, the officer's Commander, or Human Resources.

### **VIII. Special Testing Procedures:**

- A. Direct Observation Testing
  1. Collection site personnel of the same gender as the officer tested may observe the officer provide the urine specimen when:
    - a) Collection site personnel may have reason to believe that a particular individual has altered or substituted the specimen, or
    - b) The officer has previously tampered with a sample, or
    - c) The officer has equipment or implements capable or tampering with or altering urine samples.
  2. Direct observation shall not be the norm.
  3. In addition to the procedures listed under Random Testing, the procedure will include direct inspection of the officer with shirt lifted and trousers lowered.
  4. Collection site personnel will directly observe the urine leaving the body and entering the collection container.
- B. Specimen Temperature Outside of Range
  1. If the temperature of the specimen is outside the range of 32-38 degrees C / 90-100 degrees F or shows signs of contaminants, then there is reason to believe the donor may have altered or substituted the specimen, and another specimen shall be collected for testing under the direct observation of a representative from the collection facility.
- C. Dilute Sample
  1. If the Medical Review Officer (MRO) notifies the City that an officer's test was positive and dilute, the test will be treated as verified positive. The officer shall not be required to submit another test.
  2. If the MRO notifies the City that an officer's test was negative and dilute, and there is no acceptable medical explanation, the following procedures will be followed. If the officer declines to complete or does not complete these procedures, it will be treated as a refusal.
    - a) If the creatinine concentration of the dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another test will be collected under direct observation.

- (1) This test will be conducted unannounced or with the minimum possible advance notice as soon as possible after the initial test.
  - (2) The officer will be escorted by a Commander immediately to the collection site.
  - (3) The officer will be directed not to ingest anything until after the test is completed.
  - (4) If the result of the direct observation test is also negative and dilute, the officer will not be required to take an additional test. The result shall be considered confirmed positive.
  - b) If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, another test will be collected, but shall not be conducted under direct observation, unless there is another basis for utilization of direct observation.
    - (1) This test will be conducted unannounced or with the minimum possible advance notice as soon as possible after the initial test.
    - (2) The officer will be directed not to ingest anything until after the test is completed.
  - c) If the 2<sup>nd</sup> specimen is positive and dilute, the test will be treated as positive.
  - d) If the specimen is again negative and dilute, the following procedure will apply:
    - (1) If the creatinine concentration of the second dilute specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, another test will be collected under direct observation in the same manner as listed under 2a above.
    - (2) If the result of this direct observation test is also negative and dilute, the officer will not be required to take an additional test because the result was dilute. The result shall be considered confirmed positive.
    - (3) If the creatinine concentration of the second dilute specimen is greater than 5 mg/dL, the officer will not be required to take an additional test because the result was dilute. The test will be considered negative.
- D. Insufficient Urine Specimen Volume
1. 45mL of urine is required to constitute sufficient testing volume. If the officer does not provide sufficient volume, the following "shy bladder" procedures will apply.
- E. Shy Bladder Procedure:
1. The insufficient specimen will be discarded. Specimens may not be combined.
  2. Officers will be advised to drink up to 40 ounces of fluid, distributed reasonably through a period of up to 3 hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. The officer may decline to drink, but will still be required to provide a sufficient urine specimen.
  3. The officer shall remain in the testing area under observation during the 3 hour period.
  4. If the officer has not provided a sufficient specimen within 3 hours of
    - a) the first unsuccessful attempt to provide the specimen, the collection attempt will be discontinued, and the officer will be notified.
      - (1) The officer will be directed to obtain, within 7 calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the officer's failure to provide a sufficient specimen. The MRO may perform this evaluation if the MRO has appropriate expertise.
- F. After completing the evaluation, the referral physician must provide a written statement of his or her recommendations and the basis for those to the MRO. Detailed information on the officer's medical condition beyond what is necessary to explain the conclusion must not be in this statement. The MRO will seriously consider and assess the referral physician's recommendations in making a determination about whether the officer has a medical

condition that has, or with a high degree of probability could have, precluded the officer from providing a sufficient amount of urine. The MRO will notify Human Resources as soon as a determination is made.

1. If the officer refuses to obtain the evaluation, the test will be deemed a refusal.
2. If the evaluation determines the officer has a medical condition, and the medical condition has, or with a high degree of probability could have, precluded the officer from providing a sufficient amount of urine, the test will be cancelled.
3. If the evaluation determines that the officer's medical condition is a serious and permanent or long-term disability that is highly likely to prevent the officer from providing a sufficient amount of urine for a very long or indefinite period of time, the MRO will conduct a further medical evaluation to determine if there is clinical evidence that the officer is using a controlled substance or illegally using drugs. During this evaluation, a blood test may be required.
4. If the medical evaluation reveals no clinical evidence of controlled substance use or illegal use of drugs, the test result shall be negative.
5. If the medical evaluation reveals clinical evidence of drugs, the test result shall be cancelled. Tests that are cancelled do not equate to negative tests. Therefore, when a test is cancelled the department is not authorized to allow the officer to begin or resume duty because a negative test is needed for return to duty.
6. If the evaluation determines that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have precluded the officer from providing a sufficient amount of urine, the test will be considered a refusal.
7. If the officer declines to complete or does not complete these procedures, the test will be treated as a refusal.
8. For purposes of this section, permanent or long-term medical conditions are those physiological, anatomic, or psychological abnormalities documented as being present prior to the attempted collection, and considered not amenable to correction or cure for an extended period of time, if ever. Consequently, permanent or long-term medical conditions as outlined here constitute an exception to urine testing. Examples of permanent or long-term medical conditions include destruction of any cause of the glomerular filtration system leading to renal failure; unrepaired traumatic disruption of the urinary tract; or a severe psychiatric disorder focused on genito-urinary matters. Acute or temporary medical conditions, such as cystitis, urethritis, or prostatitis may interfere with collection for a limited period of time, but these temporary medical conditions cannot receive the same exception as permanent or long-term conditions.

#### **IX. Test Refusal:**

- A. Refusals result in administrative action the same as if the test was verified positive. In the case of a breath test refusal, administrative action will be the same as if the test was verified in excess of .04 breath alcohol concentration.
- B. Officers will be considered to have refused testing if he or she:
  1. Refuse to provide a specimen; or
  2. Refuse to complete all required tests as directed; or
  3. Fail to report for a required test at the scheduled time; or
  4. Engage in conduct that clearly obstructs the testing process; or
  5. Tamper with the test; or

6. Alter or substitute the specimen; or
7. Fail to provide adequate breath or specimen volume without a verified medical explanation.

**X. Deferral of Testing:**

- A. An officer selected for random drug and alcohol testing may obtain a deferral of testing if Human Resources concurs that a compelling need necessitates a deferral on the grounds that the officer is:
  1. In a leave status, such as sick, vacation, administrative, or leave without pay; or
  2. In official travel status away from the test site or immediately embarking on official travel scheduled prior to testing notification.
- B. An officer whose random alcohol and or drug test is deferred will be subject to an unannounced test within the following 60 days.

**XI. Positive Test Result Procedure:**

- A. Samples testing positive for drugs will undergo further testing to identify the specific type of drug(s) or substance(s) in the specimen.
- B. The officer will be contacted by the Medical Review Officer (MRO) and have the opportunity to provide an explanation of a positive result, which may include providing medical documentation of lawful use of a prescription or over-the-counter medication.
- C. If the MRO determines if there is or is not justification for the positive result. If the MRO determines that there is no justification for the positive result then the test result will then be considered a verified positive test result.
- D. The MRO shall notify Human Resources of a verified positive test result.
- E. The MRO will notify the officer of the verified positive test result. Once notified, the employee may within 72 hours of notification request the split specimen be tested by another DHHS certified lab.
- F. If the officer is unable, for a legitimate reason, to make this request within the 72 hour period, the split specimen test will automatically be conducted
- G. The Department shall pay for the additional test if the additional test results are negative, and the officer shall pay for the additional tests if the additional tests are positive.

**XII. Findings and Administrative Actions:**

- A. An officer may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:
  1. Direct observation of prohibited alcohol or drug use; or
  2. Evidence obtained from an arrest or criminal conviction for a drug or alcohol related offense; or
  3. A verified positive test result; or
  4. An officer's voluntary admission, unless the officer is meeting the requirements as outlined under the Safe Harbor Referral; or
  5. Test refusal.
- B. If an officer is found to be in actual and illegal possession of a drug and or drug paraphernalia, he or she may be prosecuted under the applicable state or federal law (refer to Federal Controlled Substances Act Title 21 United States Code, Offenses Involving

Dangerous Drugs Title 45 Chapter 9 Montana Code Annotated, and Model Drug Paraphernalia Act Title 45 Chapter 10 Montana Code Annotated).

- C. An officer may also be subject to criminal sanctions for reckless conduct leading to actual loss of life, injury, or damage to property pursuant to state and federal law.
- D. Effects of Positive Drug Testing Results
  - 1. Any officer receiving a verified positive test for a controlled substance shall be referred to the Office of Professional Standards and will be subject to termination.
  - 2. Any officer receiving a verified positive test for illegally used drugs, i.e., prescription medication or over-the-counter medication, shall be referred to the Office of Professional Standards and will be subject to mandatory administrative action, such as referral to the Substance Abuse Program (SAP) and disciplinary action up to and including termination. The severity of the action chosen depends on the circumstances of each case.
  - 3. Successful completion of any rehabilitation recommended will be a condition of continued employment.
    - a) The officer is responsible for rehabilitation cost
    - b) Officers may be allowed to use accrued sick leave followed by vacation and or compensatory leave to complete rehabilitation until such leave is exhausted. Once the officer's accrued time is exhausted the officer may be allowed to go on leave without pay.
    - c) The officer remains responsible for successful completion of a SAP designated treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse alcohol and or drugs or a defense to disciplinary action if the officer does not complete treatment.
  - 4. The Department may initiate action to terminate an officer for refusing to obtain and complete counseling or rehabilitation through an SAP or a state licensed facility as recommended by SAP.
  - 5. The officer must have a negative test result before returning to work.
  - 6. The officer shall be subject to a return-to-duty agreement.
  - 7. Following a verified positive test and after returning to duty, the officer will be subject to unannounced testing for a period of time determined by the SAP.

E. Effects of Positive Alcohol Testing Results

- 1. When an officer is found to be in violation of the alcohol provisions of this policy, mandatory administrative action will result, such as referral to SAP and disciplinary action up to and including termination. The severity of the action chosen will depend on the circumstances of each case.
- 2. Any rehabilitation recommended will be a condition of continued employment.
  - a) The officer is responsible for rehabilitation cost.
  - b) Officers may be allowed to use accrued sick leave followed by vacation and or compensatory leave to complete rehabilitation until such leave is exhausted. Once the officer's accrued time is exhausted the officer may be allowed to go on leave without pay.
  - c) The officer remains responsible for the successful completion of a treatment program, and assertions regarding the effectiveness of a program shall not constitute either an acceptable explanation or excuse for continuing to misuse alcohol and or drugs or a defense to disciplinary action if the officer does not complete treatment.

3. The Department may initiate action to terminate an officer for refusing to obtain counseling or rehabilitation through an SAP or a state licensed facility.
4. In addition to the mandatory administrative actions outlined above, any officer with a first breath alcohol test, which shows a breath alcohol concentration of .02 or greater but less than .04 breath alcohol concentration shall be subject to discipline, but will not be terminated based solely on the test result alone.
  - a) The officer may not return to duty for the remainder of the scheduled work day and shall have a negative test result before returning to work.
  - b) The officer shall be subject to progressive discipline.
  - c) The officer may be required to go to SAP for assessment. The officer will be required to successfully complete any recommendations by SAP.
  - d) The officer shall be subject to a return-to-duty agreement.
5. Any subsequent positive test for alcohol use will result in further disciplinary action up to and including termination. If the determination is made to retain the officer, the following conditions shall apply:
  - a) The officer may not return to duty for the remainder of the scheduled work day and shall have a negative test result before returning to work.
  - b) The officer will be subject to progressive discipline.
  - c) As a condition of continued employment, the officer shall be required to go to SAP for assessment. The officer will be required to successfully complete any recommendations by SAP.
  - d) The officer shall be subject to a return-to-duty agreement.
6. In addition to the mandatory administrative actions outlined above, any officer with a first breath alcohol test which shows a breath alcohol concentration greater than .04 alcohol use will result in further disciplinary action up to and including termination. If the determination is made to retain the officer, the following conditions shall apply:
  - a) The officer may not return to duty for the remainder of the scheduled work day and shall have a negative test result before returning to work.
  - b) The officer will be subject to progressive discipline.
  - c) As a condition of continued employment, the officer shall be required to go to SAP for assessment. The officer will be required to successfully complete any recommendations by SAP.
  - d) The officer shall be subject to a return-to-duty agreement.
7. Following a verified positive test and after returning to duty, the officer will be subject to unannounced testing for a period of time determined by the SAP.
8. Any officer who is immediately removed from duty because of a breath alcohol concentration shall be placed on administrative leave with pay status, and the incident will be referred to the Office of Professional Standards.

**XIII. Records and Reports:**

- A. The officer's privacy shall be maintained. All testing information specifically relating to individuals pursuant to this program and any intervention steps, including referral for treatment, counseling, or rehabilitation programs, is confidential and shall be treated as such by everyone authorized to review or compile program records.
- B. Human Resources shall maintain all records relating to testing, suspicion of tampering, and any other authorized documentation necessary to implement this policy to efficiently implement this

requirement and to make information readily retrievable. All matters related to this policy and procedures for alcohol and drug testing along with referrals and rehabilitation shall remain confidential with only authorized individuals who have a need-to-know having access to the records.

- C. The results of a test of an officer for alcohol or drugs along with all information, interviews, reports, statements, and memoranda may not be disclosed to an outside entity without the prior written consent of such officer, unless the disclosure is to:
  1. The tested officer;
  2. To the MRO
  3. To the SAP in which the officer is receiving counseling or treatment or is otherwise participating;
  4. To Human Resources and or to any Commander within the Department and or City having authority to take, process, or implement adverse personnel action against the officer;
  5. Pursuant to a court order from an appropriate jurisdiction or where required by the Department to defend against any challenges of adverse personnel action by the City;
  6. Report information that is required by law to be reported to a state or federal licensing authority in response to inquiries relating to a workplace accident involving death, physical injury, or property damage in excess of \$5000 when there is reason to believe that the tested officer may have caused or contributed to the accident
- D. Test results with all identifying information removed may be used for data collection and other activities necessary to comply with testing requirements.
- E. Information obtained through testing that is unrelated to the alcohol or drug use must be held in strict confidentiality by the MRO and may not be released to the employer without the written consent of the officer tested.

#### **XIV. Roles and Responsibilities:**

- A. Officers are expected to report to work drug and alcohol free to enable safe and efficient job performance. Officers are expected to engage in activities while on-the-job, while on Department premises, or while in the scope and course of employment, which are appropriate for the working environment and do not compromise the Department's integrity or interest in maintaining a safe, secure alcohol and drug-free workplace. Officers are prohibited from using drugs while off duty. Officers are prohibited from the use of alcohol off-duty that adversely affects the officer's work performance, the safety of the officer, or others at work, or the City's regard or reputation in the community. This includes reporting to duty while under the influence of alcohol and or drugs.
- B. Commanders are expected to:
  1. Attend training sessions on alcohol and drug misuse in the workplace when offered;
  2. When reasonable suspicion is confirmed, initiate an alcohol and or drug test as described in this policy;
  3. Refer officers to the City's designated Substance Abuse Professional (SAP) under appropriate conditions for assistance in obtaining counseling and rehabilitation upon a finding of alcohol and or drugs;
  4. Initiate appropriate disciplinary action upon a finding of alcohol and or drugs;
  5. In conjunction with Human Resources, assist the Command staff and the SAP Administrator in evaluating officer performance and or personnel problems that may be related to alcohol and or drug misuse and

6. Ensure confidentiality of all information regarding officer testing, disciplinary action, and rehabilitation.
- C. Office of Professional Standards (OPS) shall be responsible for:
  1. Ensuring a complete investigation of circumstances; and
  2. Necessary follow up testing.
- D. Human Resources shall:
  1. Direct and implement this program to ensure that the program is administered consistently;
  2. Consult with the Chief of Police or designee in determining appropriate action for situations related to this program and in accordance with the aforementioned procedures; and
  3. Ensure that all records and information of personnel actions taken against officers with verified positive test results remain confidential and only shared with individuals having a legal right to access.

**XV. Additional Provisions:**

- A. Department Educational Program. Annually, officers will be provided with information regarding *alcohol and or drug misuse*. All Commanders shall receive training in compliance with 49 CFR 382.603.
- B. Notification of Arrest, Charge, and or Convictions. Any officer who is arrested for, charged with, and or convicted of a criminal alcohol or drug-related violation must notify the within 7 calendar days of the arrest, charge, and or conviction. A conviction, a plea of guilty, a plea of no contest, receiving a suspended imposition of a sentence, and a withheld judgment all are considered the same as a conviction. This obligation to report applies irrespective of whether adjudication is withheld.
- C. Limitation of Adverse Action. No adverse action, including follow-up testing, may be taken by the Department if the officer presents a reasonable explanation confirmed by the MRO indicating that the original test results were not caused by alcohol or drug misuse. Reasonableness shall be determined by the Office of Professional Standards. If the officer presents a reasonable explanation confirmed by the MRO, the test results must be removed from the officer's record and destroyed.
- D. Officer's Right of Rebuttal. The MRO shall provide an officer or prospective officer who has been tested under any qualified testing program with a copy of the test report. The officer or prospective officer will be given the opportunity to provide notification to the MRO of any medical information that is relevant to interpreting test results, including information concerning currently or recently used prescription or non-prescription drugs. The City requires split sample testing by an independent laboratory selected by the officer tested at the request of the officer. The officer must be provided the opportunity to rebut or explain the results of any test.
- E. New Officer Notification. Applicants for police officer positions will be informed about the alcohol and or drug misuse free workplace policy on the vacancy announcement. During the screening process applicants will be notified of the testing requirements and that appointment to the position is contingent upon a negative pre-employment drug test. Upon hiring, new officer will receive a copy of the policy.
- F. Officer Policy Confirmation Receipt. Officers will be required to sign a statement that confirms that he or she has received a copy of the alcohol and drug misuse-free workplace policy. The statement will be maintained in the officer's personnel file.
- G. Cost. Testing must be at the City's expense. If an officer contests the verification test results, another test will be conducted. If the second test is positive, the officer will be responsible for

- payment. If it is negative, the City will be responsible for payment. Officers will be compensated at the officer 's regular rate, including benefits, for time attributable to the testing program.
- H. Unintentional Ingestion. Any officer who unintentionally ingests a drugs shall immediately report the incident to his or her Commander so that appropriate medical steps may be taken to ensure the officer 's health and safety.
  - I. Voluntary Testing. Officers may volunteer for testing as part of a Department investigation. The officer must cooperate with all parts of the test and complete all requirements of collection site personnel.
  - J. Union Representation. Officers may have a union representative present during the testing process. The testing shall be delayed no more than 20 minutes to await the arrival of a union representative. If a union representative is not available, testing shall proceed.

**XVI. Reservations:**

- A. Officers who are enrolled in and are participating in, or have completed a supervised rehabilitation program and are no longer engaging in the misuse of alcohol and or drugs shall be protected from discrimination and harassment through the Americans with Disabilities Act of 1990. This prohibition does not preclude follow-up testing.
- B. This program is intended to carry out the Department's Alcohol and Drug misuse-Free Workplace Policy. All situations will be handled in accordance with this policy and in consultation with representatives of Human Resources. Situations not specified by the policy will be referred to and reviewed by the Office of Professional Standards and Human Resources in consultation with the Chief of Police.
- C. As federal and state law changes, if any provision of this policy is held to be contrary to law, this policy may be amended to address the specific changes and all other provisions shall continue in full force and effect.

**XVII. Definitions:**

*Adulterant* – Adulterating substance or agent aimed to corrupt, debase, or make impure.

*Adulterated specimen* – A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

*Alcohol* – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

*Alcohol concentration* – means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

*Breath Alcohol Technician (BAT)* – A person who instructs and assists individuals in the alcohol testing process and operates an evidentiary breath test.

*Cancelled test* – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither

a positive nor a negative test. Having a cancelled test does not relieve the officer of the responsibility to provide a test that produces a measured outcome.

*Collection site* – A place designated by the City where employees present themselves for the purpose of providing a specimen of his or her urine to be analyzed for the presence of drugs or providing a breath sample to be analyzed for the presence of alcohol.

*Commander* – means an supervisor of the Department holding the rank of sergeant or above up to and including the Chief of Police.

*Confirmation test* - For alcohol, a second test following a screening test with a result of 0.02 or greater that provides a measure of alcohol concentration. For *controlled substances* and *illegally used drugs* testing, herein referred to as drugs, an analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the initial screening test to ensure reliability and accuracy.

*Controlled Substance* – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code Annotated (for example, but not limited to: cocaine, marijuana, methamphetamine, and anabolic steroids.) For the purpose of this policy, the term 'controlled substance' does not include the use of prescribed drugs, which have been legally obtained and are being used in the manner and for the purpose for which they were prescribed. The term does not include distilled spirits, wine, malt beverages, or tobacco. 'Controlled substances' does include medical marijuana in this policy.

*Critical Incident* – means any incident in which someone is killed or is seriously injured, such as a police shooting incident.

*Dilute specimen* – means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Direct observation* – means an officer being directly observed while providing a urine sample. The procedure will include direct inspection of the officer with shirt lifted and trousers lowered and will include direct observation of urine leaving the body and entering the collection container.

*Employee Assistance Program (EAP)* – means a contract-based counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of officers while in treatment.

*Employer* – means the Department and the City of Billings.

*Evidential Breath Testing Device (EBT)* – means an instrument reliable in measuring alcohol concentration in breath, which meets the National Highway Traffic Safety Administration specifications and is listed in the conforming products list of evidential breath testing devices.

*Illegally Used Drugs / Illegal Use of Drugs* – means: Any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner; All designer drugs not listed in the Controlled Substances Act (for example, but not limited to: MDA, fentanyl); or Any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

*Initial test or Screening test* – means a test for controlled substances or illegally used drugs, herein referred to as drugs, to eliminate “negative” urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing. The test is to provide an analytical procedure to determine whether an officer has a prohibited concentration of alcohol in his or her system.

*Insufficient urine specimen* – means less than the 45mL of urine required to constitute a sufficient testing volume. An insufficient specimen will prompt “shy bladder” procedures.

*Medical Review Officer (MRO)* – means an independent licensed physician responsible for receiving laboratory results generated from the Department’s Alcohol and Drug misuse-Free Workplace Program who has knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an officer’s medical history and any other biomedical information.

*Officer*– means any sworn officer up to and including the Chief of Police

*Precursors* – means a biochemical substance which can be processed or synthesized into one of the categories of drugs to be tested under this policy.

*Referral Physician* – means a licensed physician, acceptable to the MRO, who has expertise in the medial issues concerning alcohol testing when an officer provides an insufficient urine specimen. The MRO may act in this capacity if he or she has appropriate expertise.

*Return-to-Duty Agreement* – means an agreement between the Department and an officer that allows an officer continued employment under stringent guidelines prohibiting use of drugs and alcohol. An officer’s failure to meet the terms of the agreement, which may include successfully passing tests for alcohol and/or controlled substances and/or illegally used drugs, herein referred to as drugs, shall result in termination.

*Sample* – means a urine specimen, a breath test, or oral fluid obtained in a minimally invasive manner and determined to meet the reliability and accuracy criteria accepted by laboratories for the performance of drug testing that is used to determine the presence of a controlled substance, illegally used drug, or alcohol.

*Shy bladder procedure* – means the procedure that is followed when an officer does not provide a sufficient urine volume (45mL) for testing.

*Split specimen* – means, in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the officer requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

*Substance Abuse Professional (SAP)* – the City's substance abuse professional evaluates officers who have violated drug and alcohol policies and makes recommendations concerning education, treatment, follow-up testing, and after care.

*Unannounced test* – means a test for alcohol, control substances, and/or illegally used drugs, herein referred to as drugs, previously scheduled and announced only to the officer just prior to the scheduled time, allowing only appropriate time for the employee to immediately proceed directly to the scheduled testing site.

*Verified Positive Test Result for Alcohol* – means the presence of alcohol in the breath at a level of .02 or greater as confirmed by two tests with evidential breath testing devices and administered by a trained and certified Breath Alcohol Technician.

*Verified Positive Test Result for Drugs* – means a test result that was positive for a *controlled substance* or illegally used drug, herein referred to as drugs, on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, or other confirmation tests approved by the U.S. Department of Health and Human Services, and reviewed and verified by the Medical Review Officer in accordance with this policy and the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

## **REFERENCES:**

Montana Workforce Drug and Alcohol Testing Act  
39-2-205 through 39-2-211 Montana Code Annotated (MCA)

Procedures for Transportation Workplace Drug and Alcohol Testing Programs  
Title 49 Part 40 (and Part 382) Code of Federal Regulations (CFR)

Federal Controlled Substances Act  
Title 21 United States Code (USC)

Offenses Involving Dangerous Drugs and Procedural Provisions  
Title 45 Chapter 9 Montana Code Annotated (MCA)

Model Drug Paraphernalia Act  
Title 45 Chapter 10 Montana Code Annotated (MCA)

Controlled Substances Codes  
Title 50 Chapter 32 Montana Code Annotated (MCA)

Montana Marijuana Act

Title 50 Chapter 46 Part 3 Montana Code Annotated (MCA)

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 13-1**



**RECRUITMENT AND SELECTION OF  
OFFICERS**

Effective: January 19, 2022  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for recruitment and selection of officers.

**POLICY:**

The policy of the Department is to recognize the need for a proactive recruitment program that involves the community and attracts qualified applicants for the Department.

**DEFINITIONS:**

**Applicant Pool:**

An applicant who has submitted a completed application. Applicants who submit completed applications will be invited to participate in written and physical testing. Applicants in the applicant pool who do not respond to or participate in the scheduled invited testing will be dropped from the list and must re-apply to be placed back into the applicant pool.

**Eligibility Pool:**

An applicant who has passed the written and physical test, and has passed the Department oral interview, but have not completed background investigation. Applicants in eligibility pools will be dropped from the list and must reapply once a new testing process has begun.

**Hiring Pool:**

Applicants who have passed the written and physical testing, have successfully completed the oral interview, and have had a completed background investigation, are placed on a rank ordered hiring list by the Chief of Police. Applicants who have been placed in the hiring pool remain on the list until presented final offer of employment.

**PROCEDURE:**

**I. Administration:**

- A. The Administrative Lieutenant is responsible for overseeing the Department's recruitment / hiring process and overseeing the coordination of background investigations.
- B. The Administrative Lieutenant briefs the Office of Professional Standards as to recruitment efforts and make recommendations to improve the process.
- C. The Administrative Sergeant is responsible for facilitating the recruitment, testing, and hiring process.
- D. The Department is an Equal Opportunity Employer. Efforts will be made to encourage applications from women and minority groups.

- E. Applications will be provided and accepted in the City of Billings Human Resources office on a continual basis.

**II. Selection Process:**

- A. Advertisement of the testing process is conducted on a continual basis.
- B. Montana Standard POST applications are taken by the HR and forwarded to the Administrative Sergeant for review.
  - 1. Incomplete applications are rejected.
    - a. A letter of rejection is sent to the applicant.
    - b. Applicants will be allowed to re-submit a completed application unless there are disqualifying criteria identified in the application.
- C. Applicants who submit a completed application and meet all minimum criteria will be scheduled for the physical ability testing.
  - 1. Applicants must meet the physical ability testing requirements for entry to the Montana Law Enforcement Academy.
  - 2. The Department uses the physical ability test as a pass or fail measure only.
  - 3. Applicants failing the physical ability test will not be allowed to continue in the testing process.
- D. Applicants who successfully pass the physical ability testing will take a written test.
- E. Applicants will be considered for an interview based on the written test score.
- F. Interview Process:
  - 1. Interviews are conducted using a five person panel. The exact composition of the interview panel can vary.
  - 2. The interview is a structured interview with set questions asked by the interview panel. All applicants are scored based on their response to the questions.
  - 3. Applicants are required to obtain a minimum score of 70% on the oral interview to continue in the process.
  - 4. The Administrative Sergeant collects and calculates the scores from all interview panel members on each applicant. Once the scores are calculated the applicants are notified in writing as to his or her status in the hiring process.
- G. Pre-Background Investigation:
  - 1. After completion of the interview process, all applicants go through a preliminary background interview with Department background investigators.
- H. Eligibility Pool Established
  - 1. Upon successful completion of the application, written testing, and interview process, applicants will be placed in the eligibility pool and may be selected for a background investigation.
    - a. Being in an eligibility pool does not guarantee an offer of employment.
    - b. The number of background investigations completed during any given testing process is determined based upon the needs of the Department.
    - c. Applicants in eligibility pool that are dropped from the list may reapply, but must go through the process again.

**III. Background Investigations:**

- A. The Administrative Sergeant initiates the background investigation process and coordinates with the applicant to submit background investigation information.

- B. The Administrative Sergeant will monitor applicant's progress during the background investigation.
- C. The Administrative Lieutenant reviews the applicants completed background information and assigns trained Background Investigators to conduct the backgrounds on the top applicants based on department needs.
- D. Applicants are required to complete a background investigation packet. Incomplete packets are rejected and the applicant is removed from the hiring process. Completed backgrounds will be reviewed by both the Administrative Sergeant and Lieutenant.

**IV. Control of Records:**

- A. All applications, tests, and interview results with the exception of drug and medical tests, are kept on file for a minimum of 3 years. The records may be reviewed by Human Resources to guarantee the Department's Equal Opportunity Employment guidelines are being met.
- B. The Administrative Sergeant is responsible for securing all hiring material except the medical test records, which are governed by HIPPA, and stored by HR.
- C. Any application material is purged after 3 years by shredding to ensure confidentiality of the applicant

**V. Applicant Selections:**

- A. Upon completion of the Background Investigations and based on the needs of the Department:
  - 1. The Administrative Lieutenant screens and prepares all background investigation reports before the potential applicants are presented to the Chief, Assistant Chief and Human Resource Director or their designee(s).
    - a. Background packets are presented free of any identifying information, such as name, age, gender, disability, or race.
    - b. At the end of this presentation, the applicants will either be placed in a rank ordered hiring pool or eliminated from the hiring process.
    - c. All candidates that are placed in the hiring pool remain in the hiring pool until a final conditional offer of employment is made.
    - d. Applicants that have not been placed in the hiring pool will not be carried over to the next hiring process. Applicants that are not placed in the hiring pool are notified of the status of the application process.
  - B. The applicant is first offered a final conditional offer of employment before beginning work. During the final conditional offer of employment the applicant must complete a physical examination including a drug-screening test with a negative result and police commission approval.

**VI. Probationary Period:**

- A. Officers will have a probationary period of 1 year.
- B. There are no exceptions to the probationary period.
- C. Probationary officers must successfully complete the Montana Law Enforcement Academy (MLEA) or required equivalency program for out of state certified officers before being confirmed as a permanent officer.

**VII. Rehire Procedures for Ex-Police Officers of the Department:**

- A. Must submit a letter of intent to re-apply and may be re-hired out of the current recruitment cycle.
- B. Will be considered a new officer for the purposes seniority, but pay will be at the prior rate.
- C. Will be held to the current contract and employment standards.
- D. Officers who leave the Department, in good standing, may be rehired at the discretion of the Chief of Police within 1 year of resignation provided the following conditions are met:
  1. Satisfactorily complete a pre-employment medical exam including drug screening.
  2. Satisfactorily complete a background investigation.
  3. Satisfactory evaluations during his or her previous service.
  4. No do not hire recommendations from his or her past Commanders.

**VIII. Lateral Transfer:**

- A. Lateral transfer applicants must meet all requirements as outlined for entry level police officer. Lateral transfer applicants will not be required to take a written test.
- B. Lateral transfer applications will be processed separately from non-lateral applications.
- C. Lateral transfer applicants shall be employed for at least 24 of the past 36 months at the time of application as a full-time police officer, deputy sheriff, tribal officer, or highway or state patrol officer who possess full arrest powers with a department of any size.
  1. Applicants must be P.O.S.T. certified and be a member in good standing not in suspended or revoked status.
  2. Federal law enforcement agents, corrections officers, game wardens, military police, and reserves do not qualify for lateral transfer.
- D. Lateral transfer officers receive the Department's standard entry level pay during the probationary period of 12 months. After the probationary period has been successfully completed, wages increase commensurate to years of experience with a maximum of 8 years.
- E. Lateral transfer police officers that have a P.O.S.T. certificate from another state will be required to successfully complete an equivalency course at the MLEA.
- F. All lateral transfer officers will be required to successfully complete a 15 week Field Officer Training program or shorten program if deemed appropriate.
- G. Seniority and longevity pay do not transfer from the officer's previous department.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 13-2**



**RIDE ALONG PROGRAM**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the ride along program.

**POLICY:**

The policy of the Department is to enable citizens to experience police work by allowing and encouraging a ride along with a police officer under certain circumstances.

**PROCEDURE:**

**I. Eligibility:**

- A. A person wishing to ride along with the Department must have photo identification that is acceptable to the Commander.
- B. Waiver requirement:
  1. To ride along, a person must be eighteen 18 years or older and sign the Ride Along form, or
  2. If the person is under eighteen under 18 years, the youth must have a parent or guardian sign the Ride Along form.
  3. All persons wishing to ride along must complete and sign the Ride Along form unless the Chief of Police grants a written exception; this includes police chaplain personnel, officers from other departments, civilian department members, and dispatchers.
- C. Frequency:
  1. Department ride along(s) may ride along only once each year, and
  2. An officer may have only one personal ride along each quarter.
  3. Police Chaplains may ride anytime at the discretion of the Commander.
- D. Time:
  1. Youth may ride between the hours of 0800 and 2200 hours or longer at the discretion of the Commander.
  2. Other persons may ride at the discretion of the Commander.

**II. Control:**

A. Commander:

1. Must have the support staff check Global name for the individual;
2. Has the discretion to approve or disapprove all ride along(s) before the person(s) are allowed to ride;
3. Must ensure that the Ride Along form is properly filled out and
4. Will assign all ride along(s) to the officer of his or her choice.

- B. The Support Staff must check Global name and advise the Commander of any criminal history.

**III. Officer's Responsibility:**

- A. Courtesy: The officer is expected to show the same courtesy to a ride along as would be shown to any other citizen.
- B. Safety:
  - 1. Any time the officer is sent on a call that would lead a reasonable person to expect imminent danger of bodily harm; the officer will make appropriate arrangements for the safety of the ride along. For example,
    - a. Officer is en route to a call where a firefight is in progress, the officer will drop the ride along off at a restaurant and notifies the dispatcher where the ride along will be.
    - b. Officer goes to a bar fight in progress and leaves the vehicle in a location where the ride along is presumed to be safe while remaining in the vehicle.
  - 2. Prisoners can be transported in a vehicle with a ride along only if that vehicle is equipped with a screened cage.

**IV. Cross Training:**

- A. Dispatch Center Employees:
  - 1. Must have properly completed the Ride Along form and have the form approved by a Commander before riding with an officer.
  - 2. Employees refusing to sign the Ride Along form will not be allowed to ride;
  - 3. May ride only with written permission of the Communications Supervisor; and
  - 4. May ride as many times as is required for his or her training regardless of other stipulations in this policy.
- B. Other City employees:
  - 1. Must have properly completed the Ride Along form and have the form approved by a Commander before riding with an officer;
  - 2. During duty hours ride along(s) may only ride with the written permission of his or her Commander; and in any case may not ride more than once per year without permission of the Chief of Police.

**Rules:**

- I. An officer is never to engage in a vehicular pursuit with a ride along in the car.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 13-3**



**RETIREMENT CEREMONY**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to set guidelines for the retirement ceremony.

**POLICY:**

The policy of the Department is to recognize both sworn officers and civilians retiring from the Department by conducting a ceremony recognizing his or her dedication.

**PROCEDURE:**

**I. Qualifications:**

- A. Any officer who has worked 20 years or more with the Billings Police Department and is in good standing.
- B. Any officer who retires as a result of a forced medical retirement and is in good standing.

**II. Protocol:**

- A. When an officer meets the retirement qualifications, the officer's immediate Commander will:
  1. Coordinate with the Chief of Police on the date of the ceremony, generally the officer's last day.
  2. Make arrangements for the retirement plaque with the Administrative Secretary.
  3. Coordinate with the Billings Police Protective Association (BPPA) President on the presentation of the BPPA retirement plaque, purchase of duty weapon, and update of the retirement plaque at the Billings Police Training Center.
  4. Notify the photographer in Detectives to document the ceremony.
  5. Coordinate with the officer's family on attendance.
  6. Coordinate with the Public Information Officer for a press release to include a brief history regarding the highlights of the officer's career.
- B. When retirement date is known, the Chief of Police will announce the Class A retirement ceremony.
  1. For an officer the ceremony will take place at the officer's last shift.
  2. All Command staff is required to attend in full class A uniform or ceremonial dress uniform.

**III. Ceremony:**

- A. The Chief of Police or designee presents the officer with the City of Billings plaque.
- B. The BPPA presents the officers with the BPPA plaque and duty weapon.
- C. A photo session will be held at the conclusion of the ceremony.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 13-4**



**RECRUITMENT AND SELECTION OF  
CIVILIAN PUBLIC SAFETY SUPPORT  
STAFF**

Effective: November 13<sup>th</sup>, 2019  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for recruitment and selection of civilian public safety support staff.

**POLICY:**

The policy of the Department is to recognize the need for a proactive recruitment program that involves the community and attracts qualified applicants for the areas of the Department that utilize civilian public support staff.

**DEFINITIONS:**

**Eligibility Pool:**

An applicant who submitted a complete application, and has passed the oral interview, but has not completed background investigation. Applicants in eligibility pools will be dropped from the list and must reapply after six (6) months from date of interview.-.

**Hiring Pool:**

Applicants who have submitted a complete application, have successfully completed the oral interview, and have had a completed background investigation, are placed on a rank ordered hiring list by the Supervisor of that department division. Applicants who have been placed in the hiring pool remain on the list until presented final offer of employment.

**PROCEDURE:**

**I. Administration:**

- A. The Department Division Supervisor is responsible for overseeing the Division's recruitment process. The Administrative Lieutenant is responsible for coordinating the background investigations of applicants. The Administrative Lieutenant also briefs the Office of Professional Standards as to recruitment efforts and make recommendations to improve the process.
- B. The Department Division Supervisor is responsible for facilitating the recruitment, testing, and hiring process.
- C. The Department is an Equal Opportunity Employer. Efforts will be made to encourage applications from women and minority groups.
- D. Applications will only be provided and accepted in the City of Billings Human Resources office when the hiring process is open.

**II. Selection Process:**

- A. Advertisement of the testing process is continuous.
- B. Applications are taken by HR on a continual basis and forwarded to the Department Division Supervisor for review.
  - 1. Incomplete and unqualified applications are rejected.
    - a. A letter or email of rejection is sent to the applicant.
- C. Applicants will be considered for an interview based on vacancies, eligibility pool, and hiring pool needs.
- D. Interview Process:
  - 1. Interviews are conducted using a five-person panel. The exact composition of the interview panel will be determined by the Department Division Supervisor.
  - 2. The interview is a structured interview with set questions asked by the interview panel. All applicants are scored based on their response to the questions.
  - 3. Applicants are required to obtain a minimum score of 70% on the oral interview to continue in the process.
  - 4. The Department Division Supervisor will calculate the interview scores from all interview panel members on each applicant. The calculated scores will be forwarded to the Administration Lieutenant for review.
  - 5. The Department Division Supervisor, will notify the applicants in writing as to his or her status in the hiring process.
- E. Eligibility Pool Established
  - 1. Upon successful completion of the application and interview process, applicants will be placed in the eligibility pool and may be selected for a background investigation.
    - a. Being in an eligibility pool does not guarantee an offer of employment.
    - b. The number of background investigations completed during any given testing process is determined based upon the needs of the Department.
    - c. Applicants in the eligibility pool will be dropped from the list after six (6) months from date of interview.

**III. Background Investigations:**

- A. The Administrative Lieutenant assigns trained Background Investigators to conduct the backgrounds on the top applicants.
- B. Applicants are required to complete a background investigation packet. Incomplete packets are rejected and the applicant is removed from the hiring process.

**IV. Control of Records:**

- A. All applications, tests, and interview results with the exception of drug and medical tests, are kept on file in for a minimum of 3 years. The records may be reviewed by Human Resources to guarantee the Department's Equal Opportunity Employment guidelines are being met.
- B. The Administrative Lieutenant is responsible for securing all hiring material except the medical test records, which are governed by HIPPA, in HR storage.
- C. Any application material is purged after 3 years by shredding to ensure confidentiality of the applicant

**V. Applicant Selections:**

- A. Upon completion of the Background Investigations and based on the needs of the Department:
  - 1. The Department Division Supervisor screens and prepares all background investigation reports before the potential applicants are presented to the Administrative Lieutenant, Captain of Professional Standards, and Human Resource Director or their designee(s).
    - a. Background packets are presented free of any identifying information, such as name, age, gender, disability, or race.
    - b. At the end of this presentation, the applicants will either be placed in a rank ordered hiring pool or eliminated from the hiring process.
    - c. All candidates that are placed in the hiring pool remain in the hiring pool until a final conditional offer of employment is made.
    - d. Applicants that have not been placed in the hiring pool will not be carried over to the next hiring process. Applicants that are not placed in the hiring pool are notified of the status of the application process.
  - 2. The applicant is first offered a final conditional offer of employment before beginning work. During the final conditional offer of employment the applicant must complete a drug-screening test with a negative result.

**VI. Probationary Period:**

- A. Civilian Public Safety Support Staff will have a probationary period of 1 year.
- B. There are no exceptions to the probationary period.

**VII. Volunteers and Interns:**

- A. The Department recognizes that volunteers and interns are utilized to assist Department Divisions with miscellaneous duties.
- B. Volunteers are selected through the Crime Prevention Center and utilized at the Center and to assist the Department's staff.
- C. Interns, who are typically seeking credit for school, vocational training, or college, are utilized for miscellaneous duties in the Department Division they are assigned to.
- D. Volunteers and Interns will complete an application. The Department Division Supervisor will conduct further background check on the volunteer and intern applicant if needed for assigned duties.
  - 1. A local and federal criminal history report.
  - 2. The applicant will also be fingerprinted. A copy of the fingerprints will be forwarded to the Identifications Division and a copy will be forwarded to the Federal Bureau of Investigation.
  - 3. Must complete a drug screening test with a negative result.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 13-5**



**ANNUAL CHECKS AND  
VERIFICATION**

Effective: July 20<sup>th</sup>, 2017  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for annual checks and verifications of members of the Billings Police Department who perform essential job tasks and functions such as, operate a motor vehicle, possess a firearm, and access sensitive information. Members of the Department include; all sworn personnel.

**POLICY:**

The policy of the Department is to conduct annual NCIC, CJIN, and DMV checks on all Sworn Department members.

**PROCEDURE:**

**I. Administration:**

- A. It will be the responsibility of the Office of Professional Standards to initiate the listed verification checks on each employee/volunteer during the month of his/her birthday.
- B. The scope of the check will depend upon the individual Department member's current assignment.
  - a. NCIC Check (National Crime Information Center)
    1. National Criminal History to include convictions, protective orders, and/or outstanding warrants.
    2. Stalking/Domestic violence convictions.
  - b. CJIN Check (Criminal Justice Information Network)
    1. Statewide Criminal History to include convictions, sex offender status, protective orders, and/or outstanding warrants.
    2. Stalking/Domestic violence convictions
  - c. DMV Check (Department of Motor Vehicle)
    1. Driver History
    2. Current license status
- C. All personnel subject to operating a motor vehicle as part of their duties will receive an NCIC, CJIN, and DMV check.
- D. Personnel not subject to operating a motor vehicle as part of their employment will receive NCIC and CJIN checks only.
- E. If it is determined that a Department member's status is affected by any of the aforementioned checks, the Office of Professional Standards Captain will notify the affected individual's Department Supervisor to determine if immediate action (such as reassignment or suspension) is necessary.

- F. The Office of Professional Standards will maintain a file documenting that the listed checks were performed, as well as any action taken as a result of the checks.
- G. NCIC, CJIN, and DMV printouts will be properly disposed of once their intended use is fulfilled.

**References:**

- Chesapeake Police Department

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 14-1**



**MUTUAL AID**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to provide guidelines when the Department has to deal with a police problem that has or is taxing the Department's ability to handle the situation.

**POLICY:**

The policy of the Department is to participate in mutual aid agreements and to assist other agencies in incidents where the local agency lacks the resources and have made a request for assistance to this Department. When a local problem exceeds or soon will exceed the ability of the Department to handle the situation, the Department will request mutual aid assistance from other law enforcement agencies in the area.

**PROCEDURE:**

**I. Mutual Aid Assistance:**

- A. Requests for mutual aid assistance are governed by:
  1. MCA Title 10, Chapter 3, Disaster and Emergency Services; and
  2. The applicable guidance of the Montana Law Enforcement Administrator's Guide for Tactical Incidents and Situations.
- B. The Departments rights and responsibilities as related to mutual aid involving other law enforcement agencies are covered in Montana State Law MCA 44-11-101 thru 44-11-312.
  1. *44-11-101. Mutual assistance authorized -- powers and duties of assisting officers.* A peace officer or any law enforcement entity of any county or municipality or a state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while in the jurisdiction of the requesting officer or entity and while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity and is under the authority of the requesting officer or entity

**II. Requests for Aid from Other Agencies:**

- A. The requesting agency shall send a teletype request for assistance.
- B. In the event that the need for assistance is immediate, the initial contact or request should be made by telephone and confirmed by a teletype or FAX.
- C. The request for mutual aid must be approved by the requesting agency's Chief.
- D. Upon receipt of a mutual aid request for the Department, the Chief or designee is notified immediately.

**BILLINGS POLICE DEPARTMENT**  
**POLICY MANUAL**

**Policy Number: 14-2**



**LIMITS OF AUTHORITY &  
RELATIONSHIPS WITH OTHER AGENCIES**

Effective: January 12, 2015  
Review: by Administrative Lt

Chief Rich St. John

**PURPOSE:**

The purpose of this policy is to establish guidelines for the use of authority by officers, and to provide guidelines for relationships with other agencies.

**POLICY:**

The policy of the Department is to recognize officer limits of authority and that other criminal justice agencies may have concurrent jurisdiction to conduct operations within the City of Billings. In addition, other agencies may on occasion enter the City of Billings to carry out specific operations in the performance of duties. All elements of the criminal justice system work toward common objectives and each is functionally complimentary. Cooperative working relationships are essential in obtaining those objectives.

**PROCEDURE:**

**I. Limits of Authority:**

- A. Officers are to perform all duties and responsibilities in accordance with state laws and city ordinances within the City of Billings.
- B. Pursuant to state law, officers shall have powers of arrest in the City and within 5 miles outside of the Billings incorporate city limits and along the line of water supply of the city.
- C. Authority vested in officers:
  1. Each officer of the Department is charged with the duty of enforcing the laws of:
    - a. The United States of America.
    - b. The State of Montana.
    - c. And the ordinances and regulations of the City of Billings.
  2. Each officer is a representative of the Chief of Police, the Department, and the City of Billings and will operate within the laws, ordinances, regulations, and the policy of this Department to enforce the law.
- D. Use of Discretion:
  1. Officers will use judgment that a reasonable person in similar circumstances would use to judge that the proper action was taken.
  2. Officers will use discretion consistent with the laws that he or she is charged to enforce.
  3. The guidelines of discretion are in the laws of the state, ordinances of the City, and the policies of this Department.

**II. Relationships with Other Agencies:**

## 14-2 Limits of Authority & Relationships with Other Agencies

- A. The Department maintains a close working relationship with other law enforcement agencies and makes available information concerning techniques and procedures developed or used by the Department.
- B. Officers will maintain a cooperative exchange of information with other agencies to enhance:
  1. The arrest and return of fugitives;
  2. The exchange of information in criminal investigations;
  3. The establishment of joint plans for dealing with criminal conduct and traffic operations; and
  4. The sharing of statistical and support services.
- C. Officers shall provide:
  1. Feedback from the court to the Department of any investigative error or courtroom error;
  2. For greater understanding by prosecution of law enforcement problems;
  3. Useful information to probation and parole agencies about law enforcement problems; and
  4. Maintains a communication flow with correctional agencies.
- D. Generally, the Assistant Chief assigns a Commander as a liaison with the following agencies, and meet or communicate with the agencies on an as needed basis;
  1. District Court
  2. County Attorney
  3. Municipal Court
  4. Municipal Court Prosecuting Attorney
  5. Traffic Control Board
  6. Montana Highway Patrol
  7. Yellowstone County Sheriff's Office
  8. Laurel Police Department
  9. Airport Police
  10. MSU-B Campus Police
  11. City and County Communication Center
  12. Fire and Emergency Medical Services
  13. Juvenile Court
  14. Court Services
  15. Probation and Parole
  16. State Criminal Investigation
  17. Victim Assistance and
  18. All other agencies not listed with a need to know.

### III. Other Agencies Lawfully Operating within the City of Billings:

- A. Airport Police:
  1. The Airport Police normally handle all enforcement and emergency calls on Airport Property.
  2. Officers will respond to the Airport upon complaints and requests.
  3. Airport Police will notify dispatch of any alerts and requests for assistance. Dispatch will immediately notify a Commander who will respond to the Incident Command location. The Commander will assist Airport Police and direct responding units accordingly.
    - a. Airport Alerts (ranked least to most serious):
      - (1) Alert I

## 14-2 Limits of Authority & Relationships with Other Agencies

- (i) General aviation standby
  - (ii) Aviation fluid spill
  - (iii) Movement area power failure
- (2) *Alert II*
- (i) General aviation incident or accident
  - (ii) Airport or aircraft medical emergency
- (3) *Alert III*
- (i) Passenger air carrier standby
  - (ii) Military aircraft emergency
  - (iii) Structure fire
  - (iv) Bomb threat
  - (v) Sabotage or hijack
  - (vi) Natural disaster
  - (vii) Hazardous materials emergency
  - (viii) Terrorist threats or activities
- (4) *Alert IV*
- (i) Passenger air carrier accident
- B. Yellowstone County Sheriff's Office (YCSO):
1. Officers will handle criminal and traffic matters referred by the YCSO, which have occurred on or are occurring within the city limits.
  2. Officers will assist the YCSO upon request when conducting lawful operations within the City of Billings.
- C. State Agencies:
1. Montana Highway Patrol (MHP):
    - a. Officers will handle criminal matters referred by the MHP, which have occurred or are occurring within the city limits.
    - b. Officers will handle all vehicle accidents occurring within the city limits including the off-on ramps of the interstate that are in the city limits.
    - c. The MHP has agreed to handle vehicle accidents that occur on the interstate highways that are within the city limits.
    - d. Manpower permitting, officers will respond to a request of the MHP to issue a citation for traffic violations witnessed by the MHP. The MHP will then become the complaining witness in Municipal Court.
  2. Montana Department of Justice (MDOJ) Criminal & Narcotics Investigation Bureaus:
    - a. Officers will handle criminal matters referred by the MDOJ Criminal Investigation Bureau, which have occurred or are occurring within the city limits.
    - b. Upon request, officers will assist the MDOJ Criminal Investigation Bureau in carrying out lawful operations within the city limits.
    - c. Montana State University Billings Campus Police: Officers will respond to MSUB upon request.
  3. Parole & Probation: Officers will assist probation or parole as necessary.
- D. Federal Enforcement Agencies:
1. Officers will handle State or City criminal matters referred by Federal Enforcement Agencies, which have occurred or are occurring within the city limits.
  2. Officers will assist federal enforcement agencies upon request in the investigation of federal offenses occurring within the City of Billings.

## **14-2 Limits of Authority & Relationships with Other Agencies**

### **E. Other Law Enforcement Agencies:**

1. Officers will assist other law enforcement agencies in the performance of lawful duties when occasion to perform those duties within the City of Billings.