



Sioux Falls Police Department

Partnering with the community to serve, protect, and promote quality of life!

Policy: Police Beats / Deployments / Inclement Weather Operations	Related Policies:	Section #: 1000 Operations
		Policy #: 1001
		Effective: 6/2020
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy establishes guidelines for staffing the police patrol beats of the City of Sioux Falls.

2. Policy:

- 2.1. The deployment of the Uniformed Services Division is to provide a more effective response to the total needs of the community.

3. Procedure:

3.1. Police Patrol Beats

- 3.1.1. Each police patrol beat of the city is the direct responsibility of the beat officer, who will be the ranking officer at any incident in the absence of a supervisor. The first unit responding to an incident will act in the capacity of beat officers until they arrive.
- 3.1.2. Officers shall be properly relieved or receive permission from their supervisor before leaving an assigned task or area without being directed to do so.

- 3.1.3. Whenever a need for police action is identified, the officer shall first notify the Metro Communications operator and ensure adequate resources are dispatched.
- 3.1.4. Deviations from this procedure to meet emergency and crisis situations will be considered on an individual basis. The Metro Communications operator should be kept advised as a necessary link to group effort.

3.2. Severe Winter Storm / Emergency Deployment

- 3.2.1. During severe winter storms when vehicular traffic is restricted due to street conditions and at the discretion of the Uniformed Services Division Commander(s), Uniformed Services Division personnel will work out of the city fire stations. This will enable a more rapid response to any emergency situations.
- 3.2.2. This deployment should be made in a manner that will give the best coverage for the entire city. The chart of fire stations below will be a guide for the shift supervisor to follow:

Station No. 2	200 block of North Sycamore Avenue
Station No. 3	37th Street and Minnesota Avenue
Station No. 5	2010 E. Nye St
Station No. 6	5200 W. 41st St
Station No. 7	1100 E. Benson Road
Station No. 8	1000 N. Kiwanis Ave.
Station No. 9	2700 E. 49th St
Station No. 10	320 S. Whitewood Cir
Station No. 11	2333 N. Valley View Rd
Station No. 12	41st St and Faith Ave

- 3.2.3. Two-officer units may be deployed to as many of the stations for which equipment and manpower are available.
- 3.2.4. Shift supervisors will confirm deployment to the fire stations with Fire Command personnel before sending our units to them.
- 3.2.5. A shift supervisor should respond to Metro Communications to assist with dispatching calls for service during inclement weather emergencies. This supervisor will help determine priority calls and those that can be held until the emergency has passed.

- 3.2.6. Officers working out of the fire stations will have to make their own arrangements for meals.



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Policy: Search and Seizure – Strip Searches / Body Cavity Searches	Related Policies:	Section #: 1000 Operations
		Policy #: 1003
		Effective: 6/2020
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy establishes guidelines for the use of strip and body cavity searches.

2. Policy:

- 2.1. The Sioux Falls Police Department will conduct strip or body cavity searches in limited circumstances. These searches will be conducted in as dignified manner as possible.

3. Definitions:

- 3.1. **Body Cavity Search** – The visual inspection or manual search of a person's anal or vaginal cavity. All body cavity searches will be done at Avera McKennan Hospital by licensed medical personnel after a search warrant is obtained.
- 3.2. **Strip search** – The removal or rearrangement of clothing to permit visual inspection of a person's undergarments, buttocks, anus, genitals, or female breasts. Removal of articles of clothing, such as coats, ties, and belts, or removal/rearranging of clothing reasonably required to render medical treatment does not constitute a strip search.

4. Procedure:

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- 4.1. **Unless exigent circumstances are present**, strip searches shall be done only after a search warrant for the individual has been obtained.
- 4.2. Exceptions
 - 4.2.1. Unless the search is conducted at the jail as a result of an arrest of the person and then only by jail employees consistent with their written policy.
 - 4.2.2. If an officer has reasonable suspicion that can later be articulated to a court that a person is concealing evidence under his outer or inner garments, a pat search may be conducted and if the pat search confirms that reasonable suspicion, a strip search may be conducted.
- 4.3. All strip searches will be conducted by a person of the same sex in a private, sanitary setting and in a professional, dignified manner.



Sioux Falls Police Department

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Policy: Audio / Video Recording Equipment	Related Policies:	Section #: 1000 Operations
		Policy #: 1004
		Effective: 3/2021
		Page 1 of 6
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to establish guidelines for the use of the audio and video recording systems by officers of the Sioux Falls Police Department.

2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department that officers shall use the audio / video recording equipment provided to them in accordance with the procedures set forth in this document.

3. Definitions:

- 3.1. **Audio / Visual (A/V) Recording System** – Any equipment used to capture both audio and / or video footage of calls for service.
- 3.2. **Body Worn Camera (BWC)** - A wearable audio / video, or photographic recording system used to record events in which officers are involved.
- 3.3. **Marked Vehicle** – Any vehicle of the Sioux Falls Police Department that displays the graphics associated with the department and is commonly used for routine assignments.

- 3.4. Handheld Recording Device – A device used by officers to capture audio recordings of interviews.

4. Procedure:

- 4.1. Marked and certain unmarked vehicles of the Sioux Falls Police Department Uniformed Services Division are equipped with the Getac software system.
- 4.2. All officers and supervisors in the Uniformed Services Division that are engaged in patrol activities will be equipped with a BWC. The BWC is to be worn on an officer's outer uniform or jacket.
- 4.3. The primary purpose of this equipment is to document on-scene investigative procedures for later presentation in court as evidence.
- 4.4. When appropriate, officers should narrate important facts and observations as they occur.
- 4.5. All officers will be trained in the operation and use of a BWC and the in-car A/V system, as well as the contents of this policy.
- 4.6. To ensure proper functioning, all officers will exercise reasonable care with BWC and in-car A/V equipment.
- 4.7. If an officer faces an immediate threat to their safety that makes BWC or in-car A/V activation impossible or dangerous, the officer should activate the BWC or in-car A/V at the first reasonable opportunity to do so.
- 4.8. The BWC and/or in-car A/V system should not be deactivated until an encounter has fully concluded, or the officer is directed by a supervisor to deactivate the recording process. Prior to deactivation, the officer should record a verbal explanation for the deactivation as documentation that the recording process has been suspended or is over.
- 4.9. Officers will log into the Getac software system at the beginning of their shift. In the login tab, officers will ensure that their shift hours, name, identification, and car assignment are correct. After logging into Getac software, the officer will sync their BWC. The officer will ensure their information is correct.
- 4.10. Officers shall inspect and test the A/V recording systems to verify that they are functioning properly. A supervisor shall be notified of equipment malfunctions as soon as possible.
- 4.11. Vehicles in which the A/V recording system is not functioning should be used as a last resort. If the A/V recording system is not functioning, the car will be dead-lined

and an email will be forwarded to Police Fleet detailing the problem. Fleet and/or IT will make the arrangements to repair the system.

- 4.12. After each incident is recorded, the officers will bookmark their audio with the appropriate bookmark, (i.e., Arrest, Camera Test, Case, Cite, and No Case). If the audio is associated with a call for service (CFS), the CFS number shall be placed in the description box in the format, CFS18-123456.
- 4.13. Officers will activate the in-car A/V recording system and BWC prior to arrival on the scene of any call for service. In situations where a phone call is used to handle a call for service, the conversation will be recorded while utilizing the phone's speakerphone function. The system will also be activated while conducting traffic stops, pedestrian stops, and during code 3 responses.
- 4.14. Officers shall not deactivate the A/V recording systems at any time that an officer is making use of the emergency lights and siren.
- 4.15. The A/V recording systems will be activated whenever a contact turns into a verbal/physical confrontation.
- 4.16. In the case of prisoner transports, officers shall switch the software to the rear seat camera so that it captures the prisoner's actions throughout the transport.
- 4.17. It is not necessary to activate the A/V recording system during community policing contacts. However, recording will ensue if a contact escalates into a situation where police intervention may be needed.
- 4.18. Officers should not assume that the primary officer or another officer that is already on the call is recording the situation.
- 4.19. Officers should refrain from "muting" the A/V devices to minimize the appearance of impropriety. Officers will have discretion to "mute" the audio when conversations regarding response tactics, sensitive investigation information or recruit training issues occur. Prior to "muting" the audio, the officer shall provide a narrative that documents the audio interruption.
- 4.20. If the officer fails to activate the A/V recording system, interrupts the recording process, or fails to record the entire contact, the officer shall document in a written narrative why the recording was not made, was interrupted, or was terminated. The narrative shall be placed in the "detail window" of the Call for Service associated to the incident.
- 4.21. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner mobile video, BWC recordings and/or handheld recordings without prior written authorization and approval of the Chief of Police or designee.

- 4.22. It is strongly recommended that officers use their BWC to activate the A/V recording system. This protocol will help ensure that officers have their BWC on their person and that a descriptive narrative is recorded.
 - 4.23. After each incident is recorded, the officers will bookmark their video with the appropriate bookmark, (i.e., Arrest, Camera Test, Case, Cite, and No Case). If the video is associated with a call for service (CFS), the CFS number shall be placed in the description box in the format, CFS18-123456.
 - 4.24. If an incident report is created and digital photographs or in car video exist, this evidence will need to be noted. The in car video and BWC video will be noted under the Case Info tab. Photos will be uploaded under the Property/Evidence tab of the incident report.
 - 4.25. The bookmark system determines the retention period of the video file. All data, including marked camera tests, will be retained at least 90 days. Data that captures an arrest or citation will be retained for at least 180 days.
 - 4.26. Officers shall upload their video at the end of their shift. If the video does not upload properly, a shift supervisor will be contacted before the end of the officer's shift to determine whether or not a manual upload is needed. All BWCs must be placed in a master dock at the conclusion of an officer's shift.
 - 4.27. Unless authorized by the Chief of Police, Division Commanders, or their designees, accessing video data through the systems internet viewing portal on computers, tablets or smartphones that are outside of the departments network infrastructure is strictly prohibited.
5. BWC Use Restrictions:
- 5.1. A BWC shall only be used in conjunction with official law enforcement duties. A BWC shall not be used to record:
 - 5.1.1. Casual or non-call related conversations between department employees;
 - 5.1.2. Encounters with undercover officers or confidential informants;
 - 5.1.3. When on break or otherwise engaged in personal activities;
 - 5.1.4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless the activation is for the purpose of official law enforcement activity;
 - 5.1.5. Any search which includes partial or complete nudity. For example, urinalysis collection;

- 5.1.6. In the patient care areas of health care facilities unless the recording is for law enforcement purposes. In those cases, the officer should use caution to record only the parties involved in the event being investigated.

5.2. Data Review:

5.2.1. Recordings may be reviewed in any of the following situations:

- 5.2.1.1. For use in preparing reports, statements, or for court room testimony, unless it is determined to have “Restricted Access” by the Chief of Police or designee;
- 5.2.1.2. By a supervisor investigation of a specific act of officer conduct, assessing officer performance, or following a critical incident;
- 5.2.1.3. By an investigator who is engaged in an official investigation;
- 5.2.1.4. To assess proper functioning of A/V technology;
- 5.2.1.5. For official training purposes;
- 5.2.1.6. By authorized court personnel through proper process or with permission of the Chief of Police or authorized designee;

5.2.2. Officers shall only have direct access to review their video(s).

5.2.3. An audit trail exists to track all access to recordings by the data system.

5.2.4. No Sioux Falls Police Department employee shall access or obtain A/V data for personal use.

5.2.5. Unless court ordered, only the Chief of Police or authorized designee may authorize release of A/V data to the public.

5.2.6. Unless authorized by the Chief of Police, Division Commanders, or their authorized designees, accessing A/V data through the system’s internet viewing portal on computers, tablets, or smartphones that are outside of the Department’s network infrastructure is strictly prohibited.

5.3. Date and Storage Retention:

5.3.1. The Sioux Falls Police Department will manage the storage, duplication, and dissemination of A/V recordings. The software will maintain a chain of custody for each recording.

5.3.2. All A/V data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Sioux Falls Police

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Department and the City of Sioux Falls and shall be preserved and retained in accordance to Department protocols and state law.

5.3.3. Designated personnel from the States Attorney and City Attorney's offices will be authorized to view and request copies of recordings for legal proceedings.

5.3.4. A/V recordings will be stored indefinitely for the following situations:

5.3.4.1. Homicide Investigations;

5.3.4.2. Officer Involved Shootings;

5.3.4.3. Police service dog bites;

5.3.4.4. Vehicle pursuits resulting in obvious serious injury crashes;

5.3.4.5. Fatality crashes;

5.3.4.6. Significant incidents at the direction of a supervisor.

5.3.5. The system administrator or designee, with appropriate supervisor approval, may manually delete accidental or inadvertent recordings.



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Policy: Emergency Vehicle Operations / Emergency Responses	Related Policies: Pursuit	Section #: 1000 Operations
		Policy #: 1005
		Effective: 6/2020
		Page 1 of 4
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: SDCL 32-31-1, 32-31-2, 32-31-3, 32-31-4, 32-31-5, 32-31-6, 32-31-6.1, 23A-3-16, 23A-3-17, 23A-3-18, 23A-3-19		
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1. Purpose:

- 1.1. The purpose of this policy is to provide guidelines and direction for officers to follow while operating department vehicles in an emergency or high stress situation.

2. Policy:

- 2.1. In emergencies, it is sometimes necessary for officers to exceed the limitations of normal traffic. In those instances, sufficient care is to be exercised so as not to endanger life or property. Although police patrol vehicles are equipped with warning lights and sirens for use in emergency situations, their use does not relieve the operators of their responsibility to avoid endangering others. The demand of certain emergencies requiring surreptitious approaches is contrary to the utilization of warning lights and siren. In recognition of these often-conflicting demands, the officer shall drive favoring the needs of safety.

3. Responses codes

- 3.1. **Code 1** – Response is without the use of emergency lights or siren, driving normal speeds.

- 3.2. **Code 2** – Response is operating with emergency lights only, such as for funerals, escorting equipment, and so on. It **is not an appropriate response** to an emergency.
- 3.3. **Code 3** – Is responding to an emergency utilizing **both** emergency lights and siren and doing so in a manner consistent with department policy.
- 3.4. **Code 4** – Is a medical emergency response to a life or death situation by an Ambulance, Sioux Falls Fire Rescue, and the Sioux Falls Police Department. Response time is important and requires response from the nearest available unit utilizing emergency lights and siren and doing so in a manner consistent with department policy.

4. Procedure:

- 4.1. **Emergency Vehicle Operation:** The State of South Dakota outlines the privileges and duties of the operator of an emergency vehicle by state statute.
 - 4.1.1. **Privileges:** When responding to an emergency call or when in pursuit of an actual or suspected violator of the law the operator of an emergency vehicle:
 - 4.1.1.1. Is exempt from speed restrictions.
 - 4.1.1.2. May proceed past a stop light after slowing to ensure that he or she may safely pass.
 - 4.1.1.3. May drive on the left hand side of the roadway or in the opposite direction on a one-way street if the normal lanes of traffic are blocked.
 - 4.1.1.4. May stop or park without regard for normal provisions on parking at the scene of an emergency as long as the emergency vehicle has at least one warning light in operation.
 - 4.1.1.5. In all cases the operator of an emergency vehicle must act with due regard to other persons when operating an emergency vehicle.
 - 4.1.2. **Requirements:** When operating in accordance with the privileges set forth above, the operator of the emergency vehicle must have:
 - 4.1.2.1. Emergency lights in operation or
 - 4.1.2.2. Audible siren in operation
 - 4.1.3. **Note:** These are the general privileges afforded by state statute. The Sioux Falls Police Department further restricts these privileges through department policy. (See also policy 1009 section 4.1.11)
- 4.2. **Environmental Considerations:** Officers shall carefully consider the facts and weigh the seriousness of the situation against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the emergency response:

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- 4.2.1.1. Time of day and day of the week
 - 4.2.1.2. Lighting conditions
 - 4.2.1.3. Vehicular and pedestrian traffic
 - 4.2.1.4. Type of roadway
 - 4.2.1.5. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
 - 4.2.1.6. Weather conditions (e.g. clear, overcast, rain, fog)
 - 4.2.1.7. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
 - 4.2.1.8. Driving ability of the officer
 - 4.2.1.9. Speeds of the emergency vehicle
- 4.3. Anytime any emergency vehicle is operating Code 3 or Code 4, there is an additional risk to the public and to the occupants of the emergency vehicles.
- 4.4. If the police are the first qualified emergency responders at a medical emergency, accident, or crime scene, they will make an assessment of the situation and advise Metro Communications of the status at the scene.
- 4.4.1. In medical emergency situations, including accident and crime scenes, police officers will advise Metro Communications as to their best assessment of the victim's condition at that time so that information can be relayed to other emergency services responding.
 - 4.4.2. Officers will not advise Code 1 or Code 3 response, or "call off" other responders. The responsibility to make a medical assessment becomes the responsibility of Sioux Falls Fire Rescue and the ambulance service whenever they arrive at the scene.
 - 4.4.3. Once police units are advised that emergency medical response personnel are on the scene, police units **will cease** Code 3 operation and proceed to the scene Code 1. However, if information from the scene justifies continued Code 3 response, then a continued Code 3 response is appropriate.
- 4.5. It is understood that there will be exceptions to this policy based on the circumstances at the event. It is the priority of the police to deal with the life-safety issues first.
- 4.6. **Escorting Civilian Vehicles—Medical Emergencies:**
- 4.6.1. Officers shall use extreme caution while escorting a civilian vehicle to medical facilities.

- 4.6.2. Both the escorting police officer and the operator of the civilian vehicle will obey all traffic laws.
- 4.6.3. If the emergency is such that immediate medical attention is needed, an ambulance will be summoned to the location, and first aid will be rendered to the injured/ill person until relieved by ambulance/fire rescue responders.

4.7. Unmarked Interceptors

4.7.1. Utilization:

- 4.7.1.1. Primary utilization would be location surveillance either moving or stationary. Other uses may be on attempts to locate, rolling surveillance on a suspect or increased crime location.

4.7.2. Operational Considerations:

- 4.7.2.1. The Patrol Officer will often be uniformed; however, display of the uniform or official duty by the operator of an unmarked vehicle should be avoided if possible. Options include being covered by outer clothes, window tint, location, etc.
- 4.7.2.2. Minor enforcement of criminal laws should be delayed or left to marked units except in the case of imminent injury or a major felony in progress.
- 4.7.2.3. Utilization of an unmarked vehicle places the officer at an initial disadvantage when confronting a suspect or citizen. They may retain a false claim that the officer was either not initially recognized, or had no legitimate authority without a marked unit.
- 4.7.2.4. If emergency action is taken, a marked unit should be summoned prior, or at the same time if possible. Officers should clearly and repeatedly identify themselves. A marked and uniformed unit arriving on scene has primary authority until the incident is resolved.
- 4.7.2.5. Officers in these operations are sometimes called in as suspicious subjects. Metro should always be advised ahead of an operation. If feasible, some neighbors can be included in the operation, such as placing a bait car in front of a repeat victim's house. Radios should always be monitored for units dispatched to unmarked units on surveillance, and if confronted, the officers will supply a cursory explanation of their activity.
- 4.7.2.6. Refer to the Pursuit Policy 3.1 subsection 4.1.9.



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Policy: Stop, Arrest and Search of Persons	Related Policies:	Section #: 1000 Operations
		Policy #: 1006
		Effective: 6/2020
		Page 1 of 12
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: 9-29-19;23A-2-4;23A-2-7;23A-2-8;23A-2-9;23A-2-10,23A-2-12;23A-3-1; 23A-3-2; 23A-3-2.1;23A-3-4;23A-3-7;23A-3-9;23A-3-16;23A-3-17;23A-3-19; 33-6-2; 33-14-16		
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1. Purpose:

- 1.1. The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.

2. Policy:

- 2.1. The policy of this department is to protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

3. Definitions:

- 3.1. **Probable Cause: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- 3.2. **Probable Cause: (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- 3.3. **Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated

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facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot (a crime has been, is being or is about to be committed).

- 3.4. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is armed and dangerous.
- 3.5. **Frisk (weapon):** A limited type of search, the limit being a put-down of the outer clothing of the person and those areas capable of holding a weapon and located within the subject's immediate area of control.
- 3.6. **Strip search:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a female.
- 3.7. **Consensual Contact:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact, an officer has no power to detain an individual who chooses not to participate in the contact.
- 3.8. **Arrest:** An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.
- 3.9. The term "**fresh pursuit**" shall include fresh pursuit as defined by the common law and the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony in this state. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used here shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

4. Procedure:

- 4.1. Consensual Contact – An officer may approach anyone and attempt a consensual contact.
 - 4.1.1. Officers are not required to have reasonable suspicion for this type of contact.
 - 4.1.2. Officers may not take any steps through words or conduct to stop the person's movement under this type of contact.
 - 4.1.3. A person cannot be compelled in any way to participate in the contact.
- 4.2. Reasonable Suspicion Based Stops / Terry Stops-An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity (has been, is being or is about to be committed) is afoot, may stop

a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.

- 4.2.1. Officers may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the officer has an opportunity to confirm or dispel the officer's suspicion.
- 4.2.2. The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the officer suspected at the time the stop was made.
- 4.2.3. Officers may not frisk every person who is stopped in accord with this policy. An officer may only frisk those individuals for whom the officer has reasonable suspicion to believe is armed and dangerous.
- 4.3. Reasonable Suspicion Based Frisk – An officer may conduct a limited frisk / pat-down of a person's outer clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.
 - 4.3.1. Items that may support reasonable suspicion:
 - 4.3.1.1. The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.
 - 4.3.1.2. The officer observes a bulge in the subject's clothing that has the appearance of a weapon.
 - 4.3.1.3. The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed.
 - 4.3.1.4. The officer is aware of the subject's history of carrying weapons.
 - 4.3.1.5. The officer observes the subject reach as if reaching for, or reaching to hide a weapon (furtive movements).
 - 4.3.2. The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon or contraband.
- 4.4. Arrest: An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established, an officer may take custody of the subject and involuntarily transport the subject.
 - 4.4.1. **NOTE:** If the person to be arrested is in a dwelling-refer to Home Search Policy. If the person to be arrested is in a vehicle-refer to vehicle search policy.
- 4.5. Under South Dakota Law officers may make an arrest without a warrant:

- 4.5.1. For a public offense, other than a petty offense, committed or attempted in his or her presence; or
 - 4.5.2. Upon probable cause, that a felony or Class 1 misdemeanor has been committed and the person arrested committed it, although not in the officer's presence.
 - 4.5.3. Except as otherwise specifically provided, whenever a person is arrested for a violation of any provision of the motor vehicle code (SDCL Title 32) punishable as a misdemeanor, the arresting officer shall take the name and address of the person and the license number (valid license only) of his motor vehicle and driver's license and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in the summons or notice. The time shall be at least five days after the arrest unless the person arrested demands an earlier hearing. The arresting officer shall upon the person's written promise to appear, release him from custody. Any person refusing to give a written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. Any person who intentionally violates his written promise to appear is guilty of a Class 2 misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A nonresident arrested for a violation of any provision of this title may be required to post bond in the amount set forth on the fine and bond schedule provided by the presiding circuit court judge, or in an amount set by a magistrate or judge for that offense, before being released from custody.
- 4.6. Mandatory Arrests
- 4.6.1. Refer to Section #700, Policy #705, Assaults.
- 4.7. Requirements During a Warrantless Arrest: When arresting a person without a warrant, the person making the arrest must inform the person to be arrested of his authority and the cause of the arrest, and require him to submit, except when the person to be arrested is engaged in the actual commission of an offense or when he is arrested on pursuit immediately after its commission.
- 4.8. Arrest Warrants – Each arrest warrant shall be dated and contain its place of issuance. It shall be signed by a committing magistrate. It shall contain the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall command that the defendant be brought before the nearest available committing magistrate. The committing magistrate who signs the warrant shall also endorse the amount of bail on it.
- 4.8.1. Time of Execution:
 - 4.8.1.1. Felony arrest warrant may be executed on any day, at any time of the day or night.

- 4.8.1.2. Misdemeanor arrest warrant shall not be executed at night unless an authorization for a night arrest is endorsed upon the warrant by the committing magistrate.
- 4.8.2. Manner of Execution: A warrant is executed by the arrest of the defendant. A law enforcement officer need not have the warrant in his possession at the time of the arrest, but upon request, he shall show the warrant to the defendant as soon as possible. If the law enforcement officer does not have the warrant in his possession at the time of the arrest, he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued.
- 4.8.3. Normally, the Sheriff's Office will serve the arrest warrant when an officer brings the person to jail.
- 4.8.4. If the officer picks up an arrest warrant from the courts, the Sheriff's Office must be notified of the warrant.
- 4.8.5. On arrests made in the city limits of Sioux Falls, including that portion located in Lincoln County, the defendant will be brought to the Minnehaha County Jail.
- 4.8.6. All judicial proceedings for those defendants arrested within the city limits of Sioux Falls, Minnehaha County, South Dakota, will be held in Sioux Falls. All judicial proceedings for those defendants arrested within the city limits of Sioux Falls, Lincoln County, South Dakota, will be held in Canton.
- 4.9. Summons: A summons shall be served upon a defendant at least five days before the day of appearance fixed therein by delivering a copy to him personally or by leaving it at his dwelling house or usual place of abode with some person over the age of fourteen years then residing therein.
- 4.10. A warrant or summons issued for the violation of a municipal ordinance may be executed or served at any place within a county in which such municipality is located, except that a warrant or summons issued for a parking violation may be executed or served only within the territorial jurisdiction of such unit of local government.
- 4.11. A warrant or summons shall be executed by any law enforcement officer who is authorized by law to execute the same. This section shall not be construed to extend the territorial jurisdiction of any law enforcement officer.
- 4.12. All police officers of any municipality shall possess the powers of constables. They may pursue and arrest any person fleeing from justice in any part of the state, and when performing the duties aforesaid may arrest and detain any person guilty of

any breach of the peace or any violation of the laws of the state or ordinance of the municipality in accordance with the following:

- 4.12.1. Any law enforcement officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a **felony** in this state shall have the authority to arrest and hold in custody such person anywhere in this state.
- 4.12.2. Any law enforcement officer of this state in fresh pursuit of a person who has committed a **misdemeanor in the presence of the law enforcement officer** shall have authority to arrest and hold in custody such person anywhere in this state.
- 4.12.3. No arrest for the violation of an ordinance or bylaw of any unit of local government may be made beyond the territorial jurisdiction of that unit of local government, except as otherwise provided in § 23A-2-8.
- 4.12.4. Arrests with or without warrants should be affected only with the purpose of holding the person to account for the charge causing the arrest. Only that force which is necessary to execute the arrest is justified.
- 4.12.5. When authorized to make a custodial arrest by arrest warrant, an officer may break into any building or room leased, owned, or rented by the person that is named on the arrest warrant, and when the officer has reasonable grounds to believe the person is in that building or room at the time the warrant is to be served, and the officer has given reason for and demanded admittance, with negative results. However, officers should be aware that privacy rights surrounding private premises, particularly homes, are fundamental under our Constitution and improper police entries into private premises can cause serious liability issues, problems with evidence suppression, and so forth. Use-of-force risks, including deadly force, increase dramatically when an officer makes a nonconsensual entry into a home. Therefore, officers should use common sense in deciding whether forced entry into a residence is necessary to promote the cause of justice.
- 4.12.6. An exception to the warrant requirement for nonconsensual entry of a residence is "exigent circumstances." Exigent circumstances exist most clearly when (1) the offense is a serious and/or dangerous crime and there is a lack of time to obtain a warrant because the subject is likely to escape or to injure someone; or (2) the arrest process began in a public place and there is an immediate, continuous hot pursuit of the suspect into his home. Again, common sense should prevail when an officer is making the determination that exigent circumstances require entry into a person's home. Refer to Section #1000, Policy #1002, Search and Seizure – Residences.
- 4.12.7. If a residence is owned, rented, or leased by a third party, an officer will need to obtain a search warrant to execute an arrest warrant unless the officer has

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(1) consent of the property owner or resident; or (2) exigent circumstances exist.

4.13. Search Incident to Arrest of a Person:

- 4.13.1. When an officer arrests a person on the street, the officer may conduct a thorough search of the subject's person (not strip search).
- 4.13.2. Cross-gender pat-downs and searches are restricted to those circumstances where exigent circumstances are present and no officer of the subject's gender is available to conduct the search.
- 4.13.3. The purpose of this search is the following:
 - 4.13.3.1. Protecting the officer from attack;
 - 4.13.3.2. Preventing the person from escaping;
 - 4.13.3.3. Discovering or seizing the fruits of the crime for which the person has been arrested; or
 - 4.13.3.4. Discovering or seizing any instruments, articles, or things that was used or which may have been used in the commission of the crime for which the person has been arrested.
- 4.13.4. This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest. Refer to Section #1000 and the policies covering Search and Seizure.
- 4.13.5. When the peace officer is in the process of effecting a lawful search, he may discover or seize any stolen or embezzled property, any item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible evidence of the commission of a crime against the laws of this state.

4.14. Privilege from Arrest:

4.14.1. Diplomatic and Consular Immunity

- 4.14.1.1. Background. Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming to national and local laws and regulations.
- 4.14.1.2. Categories of persons entitled to diplomatic immunity are as follows:

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- **Diplomatic Agent:** Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested, or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.
- **Diplomatic Administrative and Technical Staff:** Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested, or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
- **Diplomatic Service Staff:** They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for traffic violations. Family members enjoy no privileges or immunities.
- **Consular Officers:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors, but may not be arrested or detained prior to trial or other disposition of charges. Officers may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.
- **Consular Employees:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
- **Honorary Consuls:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges and immunity.

4.14.2. Procedure for Notification When a Foreign National is arrested.

- 4.14.2.1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
 - 4.14.2.2. All foreign nationals must be told of their right to Consular notification.
 - 4.14.2.3. If the foreign national's country is not on the mandatory notification list:
 - 4.14.2.3.1. Offer, immediately, to notify the foreign national's consular officials of the arrest/detention.
 - 4.14.2.3.2. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country immediately.
 - 4.14.2.4. If the foreign national's country is on the list of mandatory notification countries:
 - 4.14.2.5. Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification
 - 4.14.2.6. Keep a written record of the provision of notification and actions taken.
- 4.14.3. National Guard:
- 4.14.3.1. No person belonging to the military forces may be arrested on any civil process while going to, remaining at, or returning from any drill or annual training that the member is required to attend for duty.
 - 4.14.3.2. No officer or enlisted member of the South Dakota State Guard may be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where the officer or member is ordered to attend for **military** duty. Every officer and enlisted member serving in the South Dakota State Guard is exempt from service upon any posse comitatus and from jury duty.
- 4.15. Strip Searches: Refer to Section #1000, Policy #1003.
- 4.16. Whenever officers make an arrest and need assistance, they should summon as many units as necessary to assist.
- 4.17. Escape from Custody
- 4.17.1. If any arrested person escapes, the officers may immediately pursue that person to any part of South Dakota. If the arrest is made in another county, the defendant is to be taken before the nearest available committing

Magistrate. If the pursuit is for a felony, the person may be pursued into another state, and if arrested there, taken before a Magistrate in the place of arrest. Extradition proceedings must be instituted unless a waiver is signed before the Magistrate. If the pursuit is for a misdemeanor, we do not have cross-deputization with Iowa and Minnesota as we do with felonies, so the officer has no police authority and must make a citizen's arrest. Once the citizen's arrest is made, the arrested person(s) must be taken before the nearest Magistrate in the county within which they are arrested. If you arrest them for a violation that occurred in the other state, the Magistrate can proceed themselves on the matter. Otherwise, you must inform the Minnehaha County State's Attorney's Office to see if extradition is reasonable and necessary.

4.18. Call Clearance

- 4.18.1. Whenever an adult is arrested and brought to jail for booking, the arresting officer will ensure that the arrested person's name, charges, and all dispositions are placed on the disposition screen (either done by the officer or through Metro Communications.)

4.19. Assisting Animal Control – Custodial Arrests

- 4.19.1. When responding to calls for assistance from Animal Control Officers that could result in a custodial arrest, police officers shall evaluate the circumstances surrounding call and determine whether probable cause exists to proceed. Should a police officer determine that probable cause exists, that officer shall complete a case report and an arrest report for that incident. The reports will then be forwarded through the Animal Control Unit to the investigating Animal Control Officer. The Animal Control Officer may either be employed by the City of Sioux Falls or contracted to provide services for the City.
- 4.19.2. As the Animal Control Officers have received specialized training in the investigation of abuse, neglect, and cruelty to animals, the investigating Animal Control Officer shall be allowed, following constitutional and statutory guidelines, to interview the suspect(s) in these incidents. SDCL References:40-1-5, 40-2-7, 40-2-9.

4.20. Off Duty Arrest

- 4.20.1. When an off-duty officer makes an arrest, that officer will request the assistance of the on-duty shift. Shift personnel responding will make a

sufficient independent investigation to be satisfied that the proper action is being taken before taking the arrested person(s) into custody. The shift officer will fill out the necessary reports using the information provided by the off-duty officer. The off-duty officer will sign the appropriate citizen's arrest form.

- 4.20.2. This policy will also be used in instances where off-duty Sheriff's Office personnel make arrests in the city limits.

4.21. Citizen's Arrest

- 4.21.1. If someone makes a citizen's arrest, they must take the person before a Magistrate, or turn the person over to a law enforcement officer. If the citizen turns such arrested person over to a law enforcement officer, the officer is obligated to receive them into custody if satisfied as to probable cause for the arrest.
- 4.21.2. If a citizen desires to institute court proceedings against another, a case report shall be made. Citizens no longer "sign complaints." The charging decision is made by the appropriate prosecuting office based on the reports submitted by the Police Department. Citizens are notified by subpoena for court. A "case status" report shall accompany our reports to the prosecutor's office. When they have made their decision, they will so note on that form, and return it to us. An investigator shall notify the reporting party that the matter was accepted or rejected.
- 4.21.3. The citizen will supply the officer with the information needed and the officer will complete the necessary reports.
- 4.21.4. When there has been no apprehension, and the citizen intends to follow through to court, a Case Report will be taken. **Reports must contain the name, address, and telephone number of all victims or a complaint cannot be made out charging the subject.**

4.22. Bond

- 4.22.1. Personnel of this department will not accept any bail bonds.
- 4.22.2. All bonding will be conducted by the Sheriff's Office.
- 4.22.3. Whenever a traffic citation is issued for a traffic violation that does not require a court appearance, the issuing officer can give the violator a bond envelope for mailing a POA to the court, if they so desire.

- 4.22.4. If nonresidents have been arrested for a minor offense, and it appears the subject can be relied upon to appear as directed, he can be released on his personal recognizance, with no money deposited as bond.

4.23. Fingerprints

- 4.23.1. SDCL 23-5-4 requires the arresting officer to have any person arrested for a misdemeanor or felony to have a fingerprint card filled out for the DCI.
- 4.23.2. Exceptions would be persons arrested for traffic violations, other than DWI, and those issued summonses not requiring incarceration.



Sioux Falls Police Department

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Policy: Miranda Warnings	Related Policies:	Section #: 1000 Operations
		Policy #: 1008
		Effective: 9/2020
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide direction for officers on when it is appropriate to issue the Miranda Warnings.

2. Policy:

- 2.1. Officers of the Sioux Falls Police Department will read the Miranda Advisories to a subject who is in custody or not free to leave.

3. Procedure:

3.1. General Guidelines

- 3.1.1. The questioning of a suspect in a criminal investigation should be preceded by Miranda Warnings if the suspect is **in custody or is not free to leave** or prior to questions relevant to their guilt or innocence have been asked.
- 3.1.2. General on-the scene questioning as to facts surrounding a crime, or other general questioning of citizens in the fact-finding process does not require Miranda, unless the person is in actual custody or could be considered to be in custody.

3.2. Specific Guidelines

3.2.1. The Miranda Warning:

- 3.2.1.1. Should be given from the Miranda card.
- 3.2.1.2. Must include advice on suspect's right to remain silent.
- 3.2.1.3. Must include a warning that anything they say may be used against them in a court as evidence.
- 3.2.1.4. Must include information that they are entitled to talk to an attorney and have an attorney present at the time of any questioning, and that if they cannot afford an attorney, one will be appointed for them without costs.

3.2.2. They shall be further advised that any consent to speak can be withdrawn at any time.

3.2.3. The officer must ensure that they indicate a full understanding and waiver of these rights before questioning commences.

Note: While an explicit waiver of rights is ideal, a suspect's silence during interrogation is not an invocation of their right to remain silent. An invocation of the right to remain silent under Miranda must be clear and unambiguous. An un-coerced statement given after a person receives and understands Miranda is admissible. *Berghuis v. Thompkins* 130 S.Ct. 2250 (2010).

3.2.4. Juvenile Miranda Warnings

- 3.2.4.1. Whenever the defendant or suspect is a juvenile, it is advisable to give the warnings in the presence of a parent, guardian, or other adult friendly to the interests of the juvenile.
- 3.2.4.2. The objective of this advice is to make sure they do not think that they must answer questions, and are aware of their right to refuse.
- 3.2.4.3. In cases of juveniles, if the case is a felony, the youth must also be told that he may be tried as an adult.



Sioux Falls Police Department

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Policy: Towing of Vehicles	Related Policies:	Section #: 1000 Operations
		Policy #: 1010
		Effective: 6/2020
		Page 1 of 5
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: <i>Sioux Falls Revised City Ordinance Chapter 2 Article VI</i>		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to establish procedures for officers to follow when towing vehicles during the course of their law enforcement duties.

2. Policy:

- 2.1. Vehicles are towed by the Sioux Falls Police Department if they are a traffic hazard, abandoned, damaged in an accident, for street maintenance, for evidentiary purposes, and to protect them against damage or theft. **Vehicles are never towed as a punitive measure.**

3. Procedure:

- 3.1. When the driver of the vehicle is to be incarcerated and there is no reason to tow the vehicle other than to protect against theft or damage, the arresting officer will use one of the following options:
 - 3.1.1. If the vehicle can be legally and safely parked and secured, the vehicle can be left at the point of the stop if the driver will sign a Tow Waiver Form accepting full responsibility for the vehicle and its contents.

- 3.1.2. If there is another competent person at the scene with a valid driver's license that is willing to take the vehicle, and the driver is willing to release the vehicle to this person, the other person may take the vehicle if the driver will sign a Tow Waiver Form accepting full responsibility for allowing such possession.
- 3.1.3. If all other conditions are met, these options are available to all persons who are to be incarcerated, except drivers whose mental judgment is impaired by alcohol, drugs or mental illness, and as to those persons, only the second option is available.
- 3.1.4. If neither option is available because the driver refuses to sign the appropriate waiver form, the vehicle will be towed at the owner's expense.
 - 3.1.4.1. When there are extenuating circumstances under which a written waiver cannot be signed due to officer safety or emergency conditions, an officer may accept a verbal waiver of tow under either of the two options.
 - 3.1.4.2. If a verbal waiver of tow is accepted by an officer, he will make note of the verbal waiver and the reason for accepting it on the Arrest Report and any other reports made on the incident.
 - 3.1.4.3. "A verbal waiver should be documented on the audio portion of the officer's in-car camera."
 - 3.1.4.4. If possible, a waiver can be signed later.
- 3.1.5. All signed waivers will be turned in with other paperwork and will be filed in the Traffic Section where they will be retained for two years.

3.2. Duty Tows

- 3.2.1. The City of Sioux Falls contracts with a number of towing agencies to provide the quick response needed to facilitate the department's towing requirements.
- 3.2.2. This does not preclude an individual requesting another tow agency by preference, as in situations involving an accident, stalled vehicle, or a citizen request as long as the requested towing agency can respond within a reasonable amount of time.
- 3.2.3. If a vehicle is being towed because of a custodial arrest, the duty tow will be used.
- 3.2.4. The Duty Tow Services rotate weekly, and each must maintain a secure storage area for vehicles. This must include an indoor storage area for holding

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vehicles being held for Traffic Section or Investigative Services Division follow-up officers.

3.3. Police Holds

- 3.3.1. The contract towing agencies will place a “hold” on a vehicle towed by the department when requested.
- 3.3.2. This “hold” will mean that a vehicle will not be released until a Tow Release Form is obtained from the Police Department.
- 3.3.3. Vehicles that are towed and have a police hold placed on them for investigative purposes may be held up to a maximum of seven (7) days to allow for the gathering of evidence from that vehicle.
 - 3.3.3.1. Unless there are exigent circumstances, vehicles will not be held past the seven-day period.
- 3.3.4. The reason for a “hold” being placed on a towed vehicle must be based upon evidentiary requirements.
 - 3.3.4.1. If a vehicle is being considered for a tow and “hold” based on evidentiary requirements, a supervisor shall be contacted to verify that a tow is needed, or if an “exception” can be used to secure the evidence.
 - 3.3.4.2. Under no circumstances will a vehicle be seized and held solely for purposes of gaining cooperation of a reluctant suspect or witness.
- 3.3.5. Evidentiary requirements are:
 - 3.3.5.1. When the vehicle itself must be preserved as evidence due to a fatal accident, high property damage, hit and run accident, or stolen vehicle.
 - 3.3.5.2. When probable cause exists that the vehicle contains evidence, such as fruits of a crime that must be left in place to preserve a chain of evidence or to await issuance of a search warrant and if left unattended could be removed or destroyed.
- 3.3.6. Once investigators have had an opportunity to process a vehicle and have no further evidentiary need for it, the hold will be removed and the owner will be advised the vehicle is available for release.
- 3.3.7. Follow-up officers must monitor the “hold” that has been placed against a vehicle that is part of the case to which he has been assigned.

- 3.3.8. Notification to the registered owner must be made as soon as the vehicle can be released to avoid large storage fee accrual.
- 3.3.9. Incarcerated owners should be advised that the vehicle can be released and notification to the registered owner should be noted in a supplement report to the case.
- 3.3.10. If a letter is sent, a copy of the letter should become a document to the case.
- 3.3.11. To avoid high storage bills, a vehicle must be removed to an alternate storage facility if the vehicle is to be held as evidence for an extended period of time.
- 3.3.12. Anytime a "Police Hold" is placed upon a towed vehicle, **that fact must be noted in the case report or any other report that will be directed to the follow-up investigators.** If a hold is put on a vehicle, the report will be recorded as a priority report.

3.4. Towing for Narcotics Violations

- 3.4.1. When a person is arrested out of a vehicle for a narcotics violation, and that vehicle is towed, it is not automatically necessary to place a "hold" on that vehicle for the Narcotics Unit.
- 3.4.2. If the arresting officer has conducted a thorough search of the passenger compartment following the arrest, a "hold" is recommended only if:
 - 3.4.2.1. A felony amount of marijuana is seized, that may lead to vehicle forfeiture proceedings by the Attorney General's Office.
 - 3.4.2.2. A quantity of cocaine, methamphetamine, LSD, hashish, or other controlled substance is seized that may lead to vehicle forfeiture by the Attorney General's Office.
 - 3.4.2.3. The arresting officer has sufficient probable cause to believe that the trunk or other portion of the vehicle contains additional quantities of marijuana or controlled substances, and a thorough search has not been made of these areas at the scene.
- 3.4.3. be sure to check for holds before releasing a vehicle.

3.5. Proof of Ownership

- 3.5.1. Question about proof of vehicle ownership, in most cases, should be resolved at the scene.

- 3.5.2. A case report will be submitted if a “hold” is placed on a vehicle that you tow if an ownership question is the reason for towing. This will enable the follow-up officer to review your concerns.

3.6. Disputes About Towed Vehicles

- 3.6.1. In the event that a dispute over a towed vehicle occurs, the registered owner of the vehicle in dispute shall be directed to the Uniformed Services Division Commanders or his designee.
- 3.6.2. The owner of said vehicle will be allowed an opportunity to be heard in an informal hearing regarding the disputed tow, tow release, or any tow/storage costs associated therewith.
- 3.6.3. Upon completion of the informal hearing, the Uniformed Services Division Commanders or designee shall communicate the department’s decision to the registered owner.
- 3.6.4. If that decision does not resolve the dispute to the satisfaction of the registered owner, said owner shall be informed of their right to appeal the decision pursuant to the provisions of the Code of Ordinances of Sioux Falls, SD, Chapter 2, Article VI.



Sioux Falls Police Department

Partnering with the community to serve, protect, and promote quality of life!

Policy: Motor Vehicle Stops / Searches	Related Policies:	Section #: 1000 Operations
		Policy #: 1011
		Effective: 6/2020
		Page 1 of 4
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct officers in their contacts with motor vehicles.

2. Policy:

- 2.1. The policy of this department is to protect and serve the constitutional rights of all citizens when conducting vehicle stops and searches while balancing the needs of law enforcement in solving crime for the protection of the community.

3. Definitions:

- 3.1. **Frisk** (weapon) – A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.
- 3.2. **Motor Vehicle** – Any motorized vehicle that is capable of movement to include motor homes.
- 3.3. **Probable Cause:** (arrest) – Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

- 3.4. **Probable Cause:** (search) – Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- 3.5. **Reasonable Suspicion** (frisk) – Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon and such possession poses a danger to the officer.
- 3.6. **Reasonable Suspicion** (temporarily detain) – Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

4. Procedure:

4.1. **Vehicle Stops-** Vehicles may be lawfully stopped under the following circumstances:

- 4.1.1. Reasonable Suspicion Based Stop-where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.
- 4.1.2. Probable Cause based Stopped-Traffic Violation-where an officer has probable cause to believe that a violation of the motor vehicle code has occurred may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.
- 4.1.3. Probable Based Stop-Arrest/Search-where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.
- 4.1.4. Consensual Contact-An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consent situation.

4.2. **Ordering Persons From a Vehicle:** An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

4.3. **Frisk of a Vehicle:** An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:

- 4.3.1. The search is limited to subject's immediate area of control which would be the passenger compartment of the vehicle.
- 4.3.2. The search is limited to those areas in the passenger compartment capable of holding a weapon.
- 4.4. **Search Incident to Arrest (Vehicle):** Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest subject to the following limitations:
 - 4.4.1. The arrest must be lawful and must be a full-custodial arrest.
 - 4.4.2. The search must take place at the time of the arrest.
 - 4.4.3. A search incident to arrest may not take place unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested.
 - 4.4.4. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search.
 - 4.4.5. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to.
 - 4.4.6. The person of other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.
- 4.5. **Consent Search of Vehicle:** An officer may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle. Consent searches are subject to the following limitations:
 - 4.5.1. The Consent must be voluntary
 - 4.5.2. Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent.
 - 4.5.3. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area which an officer is allowed to search as well as how long the search may last.
 - 4.5.4. Under the rules of consent there is no requirement that officers inform a person of their right to refuse the officer's request, however a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.
- 4.6. **Probable Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception)** An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:

- 4.6.1. In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself.
- 4.6.2. The vehicle is capable of movement. This does not mean that the vehicle is occupied; it simply means that the vehicle could be started and driven off with the turn of a key.
- 4.6.3. Officers may search the entire vehicle unless the information known to the officer indicates that the evidence or contraband is located in a specific place within the vehicle in which case the scope of an officer's search would be limited to the specified area.
- 4.6.4. Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment.
- 4.7. **Drug Sniffing Canine:** Where officers have a lawfully stopped vehicle, they may utilize a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within the duration from a time standpoint of the purpose that justified the stop to begin with. For example, if the vehicle was stopped for speeding, the canine would have to arrive and conduct the sniff in the time it would take to write the citation.
 - 4.7.1. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.
 - 4.7.2. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the officer has probable cause and may conduct a probable cause search of the vehicle.
 - 4.7.3. Putting a canine inside a vehicle is a search for 4th Amendment purposes and must not be done unless the officer can support the search by probable cause to believe the vehicle contains contraband.
- 4.8. **Community Caretaking Search:** Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with department procedures relating to property and evidence.



Sioux Falls Police Department

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Policy: Social Security Number Data Collection	Related Policies:	Section #: 1000 Operations
		Policy #: 1015
		Effective: 6/2020
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct the members of this agency on the collection of an individual's Social Security number.

2. Policy:

- 2.1. The policy of this department is to reiterate Federal Law and clarify in explicit terms that an individual is not required to provide a Social Security number. This policy provides guidelines to members of this agency on the circumstances that allow them to ask for an individual's Social Security number.

3. Procedure:

- 3.1. **Individuals are not required to provide their Social Security number during a traffic stop, field interview or other investigation.**
- 3.2. Under the following criteria an Officer may ask an individual for their Social Security number as an investigative aid only:
 - 3.2.1. During traffic stops and investigations of suspicious persons where their identity is in doubt.
 - 3.2.2. When an individual is arrested and booked into the County Jail.

- 3.2.3. When determining whether the individual is lying about their identity.
- 3.2.4. Missing Person's or missing children investigations where the information is being used for data entry in NCIC.
- 3.2.5. When there is an open warrant on an individual with the same or a similar name, to determine if the individual is the person with the warrant.

Sioux Falls Police Department

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Policy: South Dakota Crime Victim's Rights / 'Marsy's Law'	Related Policies:	Section #: 1000 Operations
		Policy #: 1016
		Effective: 6/2020
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: ISD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide direction for officers on the passage of the recent South Dakota Crime Victim's Rights Law, here as referred to as 'Marsy's Law', and our procedures for its usage.

2. Policy:

- 2.1. Officers of the Sioux Falls Police Department will provide a copy of the South Dakota Crime Victim's Rights / Marsy's Law to all victims of a crime.
- 2.2. A Victim is defined as a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. A victim also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, or a lawful representative of a victim who is deceased, incompetent, a minor, or physically or mentally incapacitated. A victim is not the accused or a person whom the court finds would not act in the best interest of a deceased, incompetent, minor or incapacitated victim.

3. Procedure:

- 3.1. General Guidelines

- 3.1.1. Officers assigned to the **Uniform Services Division**, who make contact with a victim in the field, will provide a copy of the current South Dakota Victim's Rights Card / Marsy's Law to the individual, and note that dissemination in the narratives of any related Case Reports, Supplement Reports, Accident Reports and Arrest Reports. Officers will also mark the appropriate drop down box indicating this on Case Reports and associated citations.
- 3.1.2. In addition, Officers assigned to the **Uniform Services Division** will note any invocation of the "Victim's Rights" in the CAD narrative screen, when clearing the call. This notice will be phrased as follows: *'Victim wishes to invoke Marsy's Law'*.
- 3.1.3. Detectives assigned to the **Investigative Services Division** will verify in their assigned cases that a Marsy's Law notice was provided to the victim of a crime, and if necessary, will mail a card to the victim.
- 3.1.4. In addition, upon receiving knowledge of a victim's intent to invoke their Marsy's Law Rights, Detectives assigned to the **Investigative Services Division** will contact Metro Communications to open the current case and add to the CAD narrative *'Victim wishes to invoke Marsy's Law Rights'*.
- 3.1.5. In cases where an Officer or Detective takes a phone report, where the victim is not present, that Officer or Detective will verify that a Marsy's Law Rights card is mailed out to the victim, and that notification will be added to the appropriate report and CAD narrative, in the same manner as stated above.

Sioux Falls Police Department

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Policy: Mobile Field Force and Civil Unrest	Related Policies:	Section #: 1000 Operations
		Policy #: 1018
		Effective: 3/2021
		Page 1 of 5
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose and Scope:

1.1 It is the Policy of the Sioux Falls Police Department to respond to critical incidents and potential or actual civil disturbances in order to maintain or restore a safe and secure environment for the benefit of the community and its citizens. In order to manage a civil disturbance effectively and attempt to minimize its scope, intensity and duration, while protecting lives, property and ensuring the community's right to peaceful assembly, the Sioux Falls Police Department will react rapidly with an organized Mobile Field Force.

2. Balancing Public Safety and Constitutional Rights

2.1. The Sioux Falls Police Department will enforce applicable State and local laws when individuals physically bar entrance to or exit from a facility or location to allow businesses and occupants to engage in lawful activity, even when those individuals are participating in a non-violent demonstration. The Sioux Falls Police Department also recognizes that non-violent demonstrations may be protected as First Amendment speech and as such protesters have the right to get their message out. It is the role of the Sioux Falls Police Department to maintain the rights of both sides, remain neutral and ensure that public safety is maintained. The Sioux Falls Police Department, as provided in Policy 601 Response to Resistance, requires that only force which is objectively reasonable will be used against demonstrators.

3. Agency Response:

3.1. While most protests and protesters remain peaceful, the Sioux Falls Police Department can expect to receive phone calls and questions about our role in the protest and what protestors can legally do. Some general rules apply as follows:

3.1.1. A Police Supervisor should establish, if possible, a spokesperson or leader of the protesters and work directly with that person to help ensure that protestors will follow agreed upon activities. Working proactively with this spokesperson can resolve many potential issues. A supervisor should meet with the protester and assure them that the Sioux Falls Police Department will remain neutral and advise which actions are permitted and which actions may result in criminal charges.

3.1.2. Protesters can picket on public property but can be arrested for trespassing on private property.

3.1.3. In locations such as churches and private residences, property owners may request protesters to leave their property.

3.1.4. Sidewalks in the public right-of-way are not private property. Protesters have a legal right to be on the public sidewalks; however, they are not allowed to block entrances to the facilities they are protesting.

3.1.5. Protesters have a legal right to yell as long as they are not violating any noise ordinance.

3.1.6. Protesters cannot block or interfere with vehicular or pedestrian traffic.

3.1.7. Protestors can hold or carry posters, even if they are offensive to some people.

4. Applications

4.1. The Mobile Field Force (MFF) concept can be used in a wide variety of situations. Most commonly, MFF concepts and tactics are used in civil disturbances and critical incidents; however, they can be used in any circumstance or incident where a large contingency of officers is used to manage an incident. The Sioux Falls Police Department enforces applicable state and local laws pertaining to non-violent protests.

5. Authorization and Activation

5.1. Based on a request from another agency, notification of a civil disturbance or critical incident or other appropriate incident, the following have the authority to activate and/or request a deployment of the MFF:

5.1.1. Chief of Police

5.1.2. Assistant Chief of Police

5.1.3. Division Commander

5.1.4. MFF Commander

5.1.5. SWAT Commander

5.1.6. On-duty Shift Commander or his/her designee

5.2. The requesting authority will notify the MFF Commander or his/her designee to deploy and/or activate the MFF. After notification the MFF Commander or his/her designee will notify Metro Communications and request a call-out of specific work units to form the MFF. The MFF Commander and his/her designee will determine which units will be notified to respond.

6. Chain of Command

6.1. In most instances the MFF will be deployed to assist Sioux Falls Police Department personnel with Agency events or incidents. The MFF may be deployed to assist another agency or as part of a multi-jurisdictional command with the approval of the Chief of Police. Under these circumstances, the Chief of Police or his/her designee will approve the MFF to work in the command structure of that agency or command. During the MFF activations and in keeping with Incident Command concepts, the following chain of command will be in effect:

6.1.1. Chief of Police

6.1.2. Assistant Chief of Police

6.1.3. Division Captain or designee responsible for the incident

6.1.4. Shift Commander or Lieutenant responsible for the incident

6.1.5. Incident Commander

- 6.1.6. MFF Commander
- 6.1.7. MFF Squad Leader

7. Personnel

- 7.1. A Mobile Field Force (MFF) is a contingent of MFF trained Officers and Sergeants led by the MFF Commander. The MFF may be supplemented by other units such as SWAT and K-9.
- 7.2. The MFF Commander is responsible for the overall tactical operation of the MFF.
- 7.3. A MFF Squad is the basic element of a MFF. Each squad will typically be led by a Squad Leader. The number of officers assigned to a team will vary depending on the mission. The number and mission of the teams will be decided by the MFF Commander.
- 7.4. Officers and Sergeants deployed as part of a MFF should be equipped and trained for their particular assignment prior to deployment.
- 7.5. Approved uniform for the particular mission will be at the MFF Commander's discretion. These include a standard patrol uniform or navy blue BDU pants and shirt.
- 7.6. Officers will wear the appropriate safety equipment issued by the Sioux Falls Police Department.

8. Progression of Force

- 8.1. A patrol supervisor or Shift Commander has a great deal of discretion when trying to address a large crowd. When making a decision on whether to activate the MFF for a large crowd response, the patrol supervisor or Shift Commander should consider the following three-tiered response/decision making matrix. This matrix provides examples for an appropriate response with contingencies built in for officer safety. Notwithstanding, all Responses to Resistance should conform to Policy 601, *Response to Resistance*.

8.1.1. Tier One:

- 8.1.1.1. Non-riotous, non-violent crowd that the patrol supervisor or Shift Commander feels can be impacted with the use of small team tactics. It is not necessary to activate a MFF to handle this type of crowd unless the patrol supervisor or Shift Commander feels the additional personnel are

necessary. Appropriate tools for use with this type of crowd might be individual OC dispensers or other target-specific tools.

- 8.1.1.1.1. The use of pyrotechnic chemical agents is not applicable for this tier.

8.1.2. Tier Two:

- 8.1.2.1. Large riotous and violent crowd absent an immediate concern that serious bodily injury or death is occurring. In this tier the patrol supervisor or Shift Commander should contain the area as best as possible and initiate a MFF callout. An emergency team should be formed in the event that an immediate rescue is needed. This crowd should be monitored and the Shift Commander should consider waiting for the formation of a MFF prior to dispersal of the crowd.

8.1.3. Tier Three:

- 8.1.3.1. Large riotous and violent crowd that has created an immediate concern that serious bodily injury or death may be occurring in the crowd. The patrol supervisor or Shift Commander is authorized to deploy or order the deployment of pyrotechnic chemical agents if appropriate and intercede with an emergency team to rescue the victim(s). Once the rescue has been completed, the officers should consider returning to containment positions and wait for the organization and deployment of the MFF.



Sioux Falls Police Department

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Policy: Jurisdiction	Related Policies:	Section #: 1000 Operations
		Policy #: 1020
		Effective: 4/2022
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: ASD		
Reference: IA Code Chapter 806, MN Statutes Chapter 626, Statutes 626.65, 626.66, SDCL 23A-3-10, 23A-3-11, and 23A-3-12		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to define the limits of authority granted to police officers of the City of Sioux Falls.

2. Policy:

- 2.1. Officers have police powers within the limits of the City of Sioux Falls and on some violations of City Ordinances outside the municipality when it is so specified in the City Ordinance.

3. Procedure:

- 3.1. Officers have police powers while in fresh pursuit for a misdemeanor committed within their jurisdiction, which extends to any part of South Dakota.
- 3.2. If in fresh pursuit for a felony committed within their jurisdiction, officers retain their police powers in Minnesota and Iowa.
 - 3.2.1. If the pursuing officer makes an arrest from the fresh pursuit of a felony in Minnesota or Iowa, the officer will follow the fresh pursuit laws of the state in which the arrest is made.

- 3.2.2. The fresh pursuit laws of Minnesota and Iowa require the pursuing officer to take the arrestee before a magistrate of the county in which the arrest was made. An extradition warrant will be required before the arresting officer can return the arrestee to our jurisdiction.
- 3.3. Officers have citizen's arrest as an option when they are not in their own jurisdiction.
- 3.4. Officers may be called upon to assist officers from other jurisdictions handling matters within the city.
- 3.5. Persons arrested within the city limits of Sioux Falls, Minnehaha County, South Dakota, will be sent to court in Sioux Falls.
- 3.6. Persons arrested within the city limits of Sioux Falls, Lincoln County, South Dakota, will be sent to court in Canton.
- 3.7. The arresting officer must notify the jail of the county of arrest through the current booking procedures and documentation.



Sioux Falls Police Department

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Policy: NCIC (National Crime Information Center) Hits	Related Policies:	Section #: 1000 Operations
		Policy #: 1022
		Effective: 3/2021
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide direction regarding the use of the NCIC computer system for members of the Sioux Falls Police Department.

2. Policy:

- 2.1. When an employee of the Sioux Falls Police Department receives a hit via the NCIC computer system, immediate confirmation and verification of that information must be done through Metro Communications.

3. Procedure:

3.1. Inquiries

- 3.1.1. NCIC inquiries may be run by officers or Metro Communications on persons, vehicles, or property.

3.2. NCIC Hits

- 3.2.1. If the inquiry results in a "hit," Metro Communications will check the data on the inquiry with the field officer to ascertain that no error was made in transmission.

3.2.2. If correct, Metro Communications will immediately contact the originating agency to confirm the “hit.”

3.2.2.1. This is necessary because false information can accidentally be entered, a matter can be resolved but still not be cleared from NCIC files, or there may be situations where a person is still wanted, but the originating agency declines to extradite from South Dakota.

3.2.3. Person

3.2.3.1. If the “hit” is on a person, and confirmation can be obtained, the person will be transported to jail and held pending court appearance and possible bonding.

3.2.3.2. The detaining officer will ensure that confirmation is obtained.

3.2.4. Vehicle

3.2.4.1. If the “hit” involves a vehicle with no suspects involved, attempts will be made to contact the registered owner of the vehicle so it can be returned. If the attempts to reach the registered owner are unsuccessful, the vehicle will be towed to a secure area and an email sent to the Property Crimes Sergeants advising them of the vehicle being towed.

3.2.4.2. The Vehicle Identification Number (VIN) will be run on all vehicles, as well as the license number, because some states allow duplicate license numbers.

3.2.4.3. If the “hit” is on a vehicle with a suspect involved, and there is no specific want or warrant on the occupants, the case will have to be investigated as to the occupant’s involvement in the case.

3.3. Reports

3.3.1. In all cases where action is taken against a person, vehicle, or object pursuant to an NCIC “hit,” the officer will complete the necessary reports, just as they do on other warrants.

3.4. Confirming NCIC hits for other agencies.

3.4.1. At times other agencies will contact us either directly or more likely through Metro Communications, to verify hits they have received on property we have entered into NCIC. If the hit is valid the other agency may be able to make an arrest. If they are actually holding a suspect while waiting for confirmation, this has to be confirmed in a timely matter or they may have to release the suspect.

- 3.4.2. During regular business hours this will be handled by the Investigative Services Division unless the entry is so new that the reports are not yet available to detectives. When detectives are unavailable, it will be the Uniform Services Division supervisors' responsibility to handle these confirmations. The following will need to be done by the supervisor to validate the hit.
- 3.4.2.1. Look up the case and verify that the property is still valid as stolen. Verify from reports that the property has not been recovered or otherwise should have been removed from NCIC. (An example where it should have been removed would be where a civil situation has come to light as noted in a report, but the property has not been cancelled in NCIC.) Review the case carefully. Multiple items taken at the same time may show that some have been cancelled and others are still valid.
 - 3.4.2.2. Verify the property listed on the hit is a match with our case. Verify the serial number or other identifying marks listed as well as the make and model.
 - 3.4.2.3. Confirm the hit. If there are questions, the confirming supervisor may need to make direct contact with someone from the requesting agency. In either case, a message will be sent from Metro Communications to the requesting agency stating the hit is either confirmed or unable to confirm.
 - 3.4.2.4. Complete a supplement with the details. If known, contact information for the requesting agency, suspect information, and any arrests or property seizures should be included for detective follow up.



Sioux Falls Police Department

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Policy: Interpreters	Related Policies:	Section #: 1000 Operations
		Policy #: 1023
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide guidance to members of the Sioux Falls Police Department in the use of interpreters.

2. Policy:

- 2.1. Every citizen shall have reasonable access to effective communications with its law enforcement officers. Whenever a defendant, victim, witness, or suspect is hearing impaired or does not speak the English language, the services of an interpreter may be necessary.

3. Procedure:

- 3.1. Metro Communications has contact numbers for interpreter services if officers require a foreign language interpreter to respond to their location to assist.
- 3.2. All officers have been provided a "Quick Reference" card from Language Line Services explaining the procedure for contacting foreign language interpreters by telephone when circumstances make that an appropriate option.
- 3.3. *A to Z World Languages* will supply sign language interpreters through Metro Communications.

- 3.4. Slips are available in the report room for a non-employee interpreter to sign in order to be reimbursed for their services.
- 3.5. If you are unable to locate a qualified interpreter, the violator may still be arrested, based upon the usual probable cause standard.
- 3.6. When an interpreter is used, or an officer attempts to locate one but cannot, those details will be entered into the police report if one is completed.
- 3.7. Whenever a person requests an interpreter, whether it is a victim, witness, or suspect, every attempt will be made to accommodate that person's request.
- 3.8. Vouchers signed by the interpreters are to be forwarded to the Administrative Assistant for payment processing. Do not send them to the Records Section with other paperwork.



Sioux Falls Police Department

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Policy: Transporting Civilians	Related Policies:	Section #: 1000 Operations
		Policy #: 1024
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy establishes the circumstances in which civilians (non-sworn officers) may be transported in a vehicle owned or leased by the Sioux Falls Police Department.

2. Policy:

- 2.1. Officers may transport passengers in marked City vehicles when necessary in connection with police business. However, they will not transport other than department personnel without first obtaining specific permission from their supervisor.

3. Procedure:

- 3.1. When transporting members of the opposite sex, other than department assigned riders, officers will notify Metro Communications to log the time and their vehicle odometer reading at the beginning and end of the transport.
- 3.2. The following are guidelines the Sioux Falls Police Department will follow in allowing civilians to ride with an officer during a tour of duty:
 - 3.2.1. Riders must be at least 18 years of age;
 - 3.2.2. All riders will read and sign a Waiver of Liability Form prior to riding.

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- 3.2.3. All rider requests will be cleared through the Shift Commander at least 24 hours prior to the scheduled ride along.
 - 3.2.3.1. The Shift Commander will have final say on all rides.
- 3.2.4. An individual officer will be granted two opportunities during a 12-month period to have a relative or acquaintance ride with him during a tour of duty.
 - 3.2.4.1. It will be the responsibility of the shift supervisors to keep track of and record each officer's ride along.
- 3.2.5. No more than two civilian riders will be scheduled to ride during any one shift.
 - 3.2.5.1. This does not apply to programs such as Police Explorers, Civil Defense Reserve Officers, or counselors contracted through the City Employee Assistance Program (EAP).
- 3.2.6. No civilian will be allowed to carry a weapon during a ride along.
- 3.2.7. An officer with a civilian rider will never engage in a high-speed pursuit, nor will any officer knowingly take a civilian into a high-risk call.
- 3.2.8. There is a possibility that a rider may need to be dropped off at some time during the tour due to the nature of a call an officer is responding to.
- 3.2.9. Arrangements should be discussed prior to the shift in the event this should take place. "This policy does not pertain to Civil Reserve Officers."
- 3.2.10. Officers must never allow a civilian rider to enter the home of any person unless the officer has first obtained the consent of the homeowner/occupant. In obtaining consent, the officer must specifically notify the homeowner/occupant that the participant is a "ride-along participant" and there is "no legal obligation" to allow the participant inside the dwelling.

Wilson v. Layne, 526 U.S. 603 (1999).

Law Enforcement agencies may be liable for 4th Amendment violations where they bring non-law enforcement persons into areas protected by the 4th Amendment.

- Ride-Along guests, including the media, who have no law enforcement function must not be allowed to enter areas protected by the 4th Amendment without the consent of a person with authority to consent.
- Liability for entry without consent will be imputed back to the law enforcement agency.

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Sioux Falls Police Department

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Policy: Warrant Services	Related Policies:	Section #: 1000 Operations
		Policy #: 1025
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to assist officers of the Sioux Falls Police Department during the course of serving warrants of arrest.

2. Policy:

- 2.1. Officers of the Sioux Falls Police Department must receive written confirmation of a warrant prior to the service of the warrant on the wanted individual. This confirmation may be in the form of a teletype confirmation from the originating agency or a warrant that is on file in the Minnehaha County Jail.

3. Procedure:

3.1. Adult Warrants

- 3.1.1. When an officer encounters an adult with an outstanding warrant for their arrest, the officer must confirm that warrant through Metro Communications. Once the warrant is confirmed, the adult can be transported and lodged in the Minnehaha County Jail.

3.1.2. Warrants from outside Minnehaha County must be confirmed through Metro Communications with the County Sheriff or the agency where the warrant was issued.

3.1.2.1. Officers need to balance the seriousness of the offense charged in the warrant with the amount of time they are detaining someone while awaiting confirmation. Sometimes sheriff's offices from outside Minnehaha County will request that the officer collect the bond listed on the warrant from the subject. Officers will not accept any bond money from individuals.

3.2. Juvenile Warrants

3.2.1. Juvenile warrants are treated exactly as adult warrants. The only difference is that juveniles are lodged in the JDC. When a warrant arrives at the sheriff's office, they send a letter to the juvenile informing them of the warrant. Letters are only sent out when the warrant is for a warning ticket violation, minor traffic offense, and failure to pay fines of \$200 or less. This procedure is the same for adults. The juvenile is requested to contact the sheriff's office warrant deputy to make arrangements for a court appearance.

3.2.2. When an officer encounters a juvenile with an outstanding warrant for their arrest, the officer must confirm that warrant through Metro Communications. Once the warrant is confirmed, the officer must contact intake at JDC to determine if the juvenile will be transported to JDC or the ARISE reception for further processing or to be lodged. The JDC takes custody of the juvenile, accepts bond money, contacts parents/guardians, and advises the sheriff's office of the warrant service and the court date. If the juvenile's parent/guardian does not have a telephone, officers may need to assist with parent/guardian notification.

3.2.3. When a warrant of arrest is issued for a juvenile and that juvenile turns eighteen (18) prior to the warrant being served, that warrant is put into the adult warrant files at the Sheriff's Office by their warrants section. When you encounter an adult with a warrant issued for them as a juvenile, no matter the offense, the confirmed warrant is served and that individual is to be lodged at the Minnehaha County Jail.

3.2.4. Occasionally a Circuit Court Judge, who by law is an intake officer, will order a juvenile to be taken into custody. We treat those as a court order and comply by lodging the juvenile.



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Policy: Ambulance Standbys	Related Policies:	Section #: 1000 Operations
		Policy #: 1026
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is to address the issue of when it will be appropriate to have an ambulance standby on a call being handled by the Sioux Falls Police Department.

2. Policy:

- 2.1. Any call involving a situation where someone has forcibly been taken hostage and a standoff with police has begun, an ambulance should be called to standby in the area of the Command Post.

3. Procedure:

3.1. Generally

- 3.1.1. There are generally two instances in which an ambulance would be called for a standby.

- 3.1.1.1. One would be a hostage/barricaded/suicidal subject scenario, and

- 3.1.1.2. The other would involve a death scene investigation.

- 3.1.2. Once there, paramedics should be briefed on the circumstances so they know what they are potentially facing. This could include numbers of suspects and

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hostages involved and also the types of weapons that may be involved, and any known medical conditions of suspects, suicidal persons, or hostages.

3.2. Specifically

- 3.2.1. On lone barricaded subjects, the Incident Commander will have to make a decision, on a case-by-case basis, whether or not an ambulance will be needed to be placed on standby. Consideration must be given to the perceived threat to officers, as well as the subject.
- 3.2.2. In either of these circumstances, if an ambulance has been placed on standby and the conditions have changed to the degree that it is felt the ambulance will no longer be needed, the Incident Commander should immediately release them from standby so they can return to service.
- 3.2.3. In almost every situation where a death has occurred, an ambulance will immediately be dispatched to the scene and the ambulance crew will normally make the determination that the individual(s) is deceased. If it is apparent that an extensive scene investigation is warranted and the body will not be removed for some time, the ambulance should be allowed to return to service and then called back when it is time to transport the body.
- 3.2.4. Obviously, this policy will not encompass every situation that may arise where a standby ambulance may be needed. The supervisor in command of a given situation is ultimately responsible for making the final determination.



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Policy: Assisting Repossessors and Bail Bondsmen	Related Policies:	Section #: 1000 Operations
		Policy #: 1027
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: SDCL 32-3-72,58-22-4, State v. Shadbolt, State v. Casey, State v. Lawrence		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide guidance to members of the Sioux Falls Police Department regarding providing assistance to repossessors.

2. Policy:

- 2.1. Members of the Sioux Falls Police Department will assist repossessors within the guidelines of South Dakota Codified Law.

3. Procedure:

- 3.1. Persons who use self-help repossession of property may occasionally call for an officer to standby while they complete their task. Officers should not respond for such standby calls and should inform the reposessor that they will not do so. This is a civil matter in which the debtor has a right to peacefully object to repossession and the presence of an officer even if there just to keep the peace has occasionally been found by the courts to interfere with the debtor's right to object.

- 3.1.1. If called to the scene of a repossession in progress, the officer's job is to keep the peace.

- 3.1.2. Generally, keeping the peace will mean maintaining the status quo of the debtor in possession of the vehicle and the reposessor being required to leave. The reposessor can always try again at another time or can obtain a court order.
- 3.2. The South Dakota Legislature enacted SDCL 32-3-72 regarding repossessing of vehicles by businesses.
 - 3.2.1. The statute requires officers to provide limited information (license plate number and color of the motor vehicle) to those repossessing vehicles.
- 3.3. Officers should obtain positive identification and a copy of the contract for repossession from the reposessor.
- 3.4. Officers will complete the Release of Information Form. Attach the copy of the contract to the Release of Information Form and forward it to the Patrol Division Secretary for filing.
- 3.5. Provide the reposessor with the license number and color of the vehicle in question.
- 4. Bail Bonds
 - 4.1. On occasion members of this department will be called to assist bail bondsmen. Generally, no police assistance in these calls is necessary. However, we may be called to assist with keeping the peace. The only role of the Sioux Falls Department in these situations is to keep the peace. No other action should be taken unless there are new offenses committed. We may assist with transporting an individual to jail if the following conditions are met:
 - 4.1.1. Verify that the individual is a licensed bondsman or runner. If they are not, then they have no authority.
 - 4.1.2. Verify that there has been a new offense committed or that a bond violation has occurred. If neither exists, there is no statutory authority to make an arrest, regardless of what the bond paperwork says. Any bond contract must comply with state law. State law requires a violation of the bond condition before an arrest is allowed.
 - 4.1.3. When no new offense has occurred, officers should only be involved in transporting individuals who are disorderly or not otherwise able to be transported by the bail bondsman.



Sioux Falls Police Department

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Policy: Cellular Telephone and Electronic Device Searches	Related Policies:	Section #: 1000 Operations
		Policy #: 1028
		Effective: 3/2021
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: <i>Katz v. United States, United States v. Robinson, Arizona v. Gant, United States v. Finley, United States v. Ross, Florida v. Royer, SDCL 49-32-31.1</i>		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This purpose of this policy is to provide guidance to members of this agency as it relates to the search of cellular telephones and other electronic devices.

2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department that officers who conduct a search of an electronic device or cellular telephone do so within the framework and guidelines of the existing laws and statutes.

3. Definitions:

- 3.1. **Cellular Telephone** – A mobile radiotelephone that uses a network of short-range transmitters located in overlapping cells throughout a region, with a central station making connections to regular telephone lines. Also called mobile telephone. (As defined by Answers.com)
- 3.2. **Electronic Device** – An electronic communication device is any electronic device capable of transmitting signs, signals, writing, images, sounds, messages, data, or other information by wire, radio, light waves, electromagnetic means, or other similar means, including telephones, cellular phones, and computers. (as defined by SDCL 49-32-31.1)

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4. Procedure:

4.1. Searches Without A Warrant

“Our holding, of course, is not that the information on a cell phone is immune from search; it is instead that a warrant is generally required before such a search, even when a cell phone is seized incident to arrest.” *Riley v. California (2014)*

- 4.1.1. After the *Riley* case, the United States Supreme Court created greater protection for searches of cell phones and other electronic devices than are in place for other containers. While an officer, with probable cause, can seize and secure a cell phone or electronic device, the ability to search the contents without a warrant has been restricted. Thus, the policy of the Sioux Falls Police Department is to get a warrant to search the contents of a cell phone or electronic device except under the following exceptions.

4.2. Exigent Circumstances:

- 4.2.1. If the circumstances of a particular case cause the officer to reasonably believe an immediate warrantless search of the cell phone or electronic device is necessary “to prevent the imminent destruction of evidence in individual cases, to pursue a fleeing suspect,...[or] to assist persons who are seriously injured or are threatened with imminent injury,” a warrantless search of the contents (to the extent necessary to deal with the exigency) is allowed.

The basis to search the cell phone under this exception must be supported by the exigencies of that particular situation and not general exigencies that may be attributable to electronic data. In other words, there must be facts specific to your circumstance such that there is not time to get a warrant.

4.3. Consent to Search

- 4.3.1. Following a stop (pedestrian or vehicle), Law Enforcement Officers may request consent to search a cell phone or electronic device, just as seeking consent to search the person or other property.
- 4.3.2. The length of the stop must not be extended to request consent, unless during the stop the Law Enforcement Officer develops an articulable suspicion of criminal activity and there is reason to believe evidence of such criminal activity may be found on the phone or electronic device. (“An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop.” *Florida v. Royer.*)

Note: A consent search is one of the few instances in which neither a warrant nor probable cause is required. Instead the test is voluntariness of the consent. The fact that a person giving consent is in custody is only one of the factors considered in determining the voluntariness of the consent.

4.4. Search Warrant

4.4.1. If a cell phone or electronic device is seized but not searched under exigent circumstances, or with consent, any search of the device may be done only pursuant to a search warrant.

4.4.2. If a search warrant is to be obtained, an officer should take precautions to protect the contents of the cell phone or electronic device. The United States Supreme Court indicated that officers may protect the contents by powering the cell phone down and removing the battery, or by placing the cell phone or electronic device in a "Faraday bag." Accessing the phone for the limited purpose of putting the phone in "airplane mode" may be justified but should only be used as a last resort.

4.5. Permissible Scope of Search

4.5.1. The basis of the warrantless search determines the scope of the search. If searching under the exigency exception, an officer can only search those portions of the cell phone or electronic device needed to address the exigency present in that particular situation. If searching under consent, the officer may only search those portions of the cell phone or electronic device that a reasonable officer would believe he/she was given permission to search.

4.5.2. If the cell phone or electronic device requires a password to access it, or if an application or feature requires a password (e.g., voicemail, email), law enforcement cannot compel the owner or any other person to disclose the password.



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Policy: Traffic Violations – Citations – Warning Tickets – Parking Tickets	Related Policies:	Section #: 1000 Operations
		Policy #: 1029
		Effective: 3/2021
		Page 1 of 10
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Reference: SDCL 32-12-65.1; SDCL 32-12-67; City Ordinance 76.089		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to provide guidance regarding traffic citations, warning tickets and parking tickets for members of the Sioux Falls Police Department.

2. Policy:

- 2.1. Given the numerous traffic statutes and ordinances, officers of the Sioux Falls Police Department are given some discretion when issuing citations, warning tickets and parking tickets. This policy is not meant to cover all of these items, but act as a general policy covering the use of citations, warning tickets and parking tickets.

3. Procedure:

3.1. Citations/Summons/E-tickets

- 3.1.1. Whenever officers observe a violation, they should first determine whether they will need assistance and, if necessary, withhold stopping the vehicle pending arrival of officers whenever possible.
- 3.1.2. The decision the officer makes in regard to the action that will be taken should be based upon the seriousness of the violation and the circumstances under which it was committed.

- 3.1.3. The officer should be cautious in approaching the vehicle in every instance, and should be alert for other offenses. Officers will sign the summons in both spaces for City and State violations.
- 3.1.4. Whenever a citizen desires to make a citizen's arrest for a traffic violation, the officer should provide all necessary assistance. However, the complainant should understand that they must be able to identify the driver. If the citizen desires that court proceedings be initiated and the suspect cannot be located, a case report should be made and the Traffic Section investigator will notify the complainant when the City or State's Attorney has authorized a complaint. The citizen will be notified by subpoena when they are to appear in court. On the occasion where the suspect can be located and identified, a citation by the officer can be issued and a case report is not needed. An arrest report should be filled out with the witness information included.

3.2. Assignment of Traffic Citation Books / e-Tickets

- 3.2.1. State law requires the department to account for all traffic citation books that are printed.
- 3.2.2. Citation books are kept in the Records supply room.
- 3.2.3. A computerized log will be maintained listing the date of issue, the officer, the serial numbers of the citations, and the issuing supervisor.
- 3.2.4. If a citation or e-citation is "voided" for any reason, all copies must be turned in to the Records Section. Officers are required to account for any missing copies.

3.3. Reducing Actual Speed on Citations

- 3.3.1. Officers will not reduce the speed on citations by more than 10 mph. The violator's actual speed will be noted on a written citation in parenthesis in the violation section of the citation. The violator's actual speed will be noted in the "Actual MPH" field on an e-citation.

3.4. Insurance Compliance (Financial Responsibility)

3.4.1. When a motorist is stopped for any reason and cannot produce proof of insurance on the motor vehicle, it shall be handled in the following way:

3.4.1.1. **Owner is Driver:** Issue citation.

3.4.1.2. **Driver is Not Owner:** Get needed information and file a case report for follow-up only if the contact is a result of an accident or eluding violation.

3.4.1.3. **Owner is Passenger:** Issue citation to owner.

3.4.2. Enforcement Actions

3.4.2.1. Officers will ask drivers to see the required "Proof of Financial Responsibility" card issued by insurance companies for all vehicles registered in South Dakota at every accident scene and traffic stop.

3.4.2.2. On all accident reports and citations issued to drivers of vehicles registered in South Dakota, officers will note the insurance company and policy number covering that vehicle.

3.4.2.3. The VIN will be noted in all cases where the driver/owner cannot show proof of insurance.

3.4.2.4. Citations written in conjunction with an accident will have that fact along with the incident number noted on the citation. The reason for the initial stop will be briefly noted on insurance cites written in other cases.

3.4.2.5. If the vehicle is not currently insured or the driver cannot provide proof, the owner of the vehicle should be issued a citation for failure to show proof of financial responsibility.

3.4.2.6. If the owner of the vehicle is not present, prosecution will be pursued only if the vehicle is involved in an eluding situation or a collision of any kind.

3.4.2.7. When these circumstances occur, the officer will make a case report. Traffic Case Investigators will complete the necessary follow-up and forward the case to the State's Attorney's Office for issuance of a complaint against the vehicle's owner.

3.4.2.8. Warning tickets will not be issued for proof of financial responsibility violations.

- 3.4.2.9. Vehicles owned by federal, state, county or municipal governments and auto dealers are exempt from the above requirements.
- 3.4.2.10. Scooters and mopeds are required to be insured but the owner is not required to provide proof of insurance if stopped. A citation for no insurance could be issued if the owner of the scooter or moped admitted to not having insurance on the vehicle.
- 3.4.2.11. Out of state registered vehicles can be cited under SDCL 32-35-113, but only if you have information that they actually don't have insurance. (Due to the way the statute is written, they are required to be insured, but not required to carry proof of insurance or provide to proof to law enforcement.)
- 3.4.2.12. **WARNING TICKETS TO NON-OWNER DRIVERS WILL NOT BE WRITTEN.**

3.5. Warning Tickets

- 3.5.1. Warning tickets are generally used to require equipment violations to be fixed, and abandoned or junked vehicles to be removed from the streets. Courtesy warnings can be written for moving violations but should not be utilized when the violation requires something be fixed on the vehicle. Warrants may be issued for equipment violators and abandoned and junked vehicles towed if the proper remedial action is not taken by the violator. Warning ticket compliance dates may be extended only by Traffic Section personnel or Records Section staff. Oral warnings should be given only when neither a summons nor warning ticket is issued.
- 3.5.2. Warning tickets issued by department officers are filed by month and date in the Records section. When a warning ticket has been complied with, the hard copy is filed and the original removed. In cases where the ticket has not been complied with in the period of time allowed, a formal complaint for failure to comply is typed and signed by the issuing officer with a copy attached and forwarded to the court for issuance of a warrant. The remaining copy is retained in the file. All tickets complied with are purged from the file after one year. All warning tickets complied with are entered in the computer by Records Section personnel.
- 3.5.3. Warning Ticket Extension
 - 3.5.3.1. Extensions for warning tickets will be given by Traffic Officers or Records Section staff only. Extensions will be given only for valid, logical reasons, not as a matter of course. It will be up to the discretion of the officer contacted to determine if an extension is warranted. If a driver drives an

improperly equipped vehicle, it can be a hazard to other motorists and could be the direct cause of an accident. Officers should also check previous history of warning tickets on an individual, noting how many warning tickets were received and how many were complied with or went to a warrant. Officers should also consider the type of violation the warning ticket is for and determine if this type of violation warrants an extension.

- 3.5.3.2. Not more than two 1-week extensions will be given on any warning ticket. Extensions will be for seven calendar days. The final extension date will be for not more than 30 calendar days from original date of the warning ticket. If an extreme situation is presented that might warrant further extensions, approval must be given by the Traffic Sergeant, Support Services Lieutenant, or Operations Commander.

3.6. Muffler/Exhaust Violations

- 3.6.1. Citations issued for mufflers/exhaust violations do not require that the muffler/exhaust be repaired or replaced. A warning ticket does require repair or replacement. When such violations are observed, you should:

- 3.6.1.1. Issue warning ticket.
- 3.6.1.2. Allow five (5) but not more than ten (10) days to repair or replace system. **DO NOT** count weekend days in that time frame. If the muffler/exhaust warning is given utilizing an e-citation, the date to report to the Law Enforcement Center must be typed in the "Public Comments" section of the warning.
- 3.6.1.3. Require that the vehicle be brought to the Law Enforcement Center on a Wednesday from 1800 to 1900 for inspection. Exhaust system checks are scheduled for 1800–1900 hours on Wednesday of every week. A decibel meter is available for checking the noise level. A traffic officer will be assigned to handle the exhaust system checks during the appointed times.
- 3.6.1.4. Tell the offender that no extensions are granted and that an arrest warrant will be issued for failure to comply with a warning ticket if they fail to honor the assigned date.
- 3.6.1.5. Extensions can be granted **only** by the inspecting officer who follows strict criteria:
 - 3.6.1.5.1. Part on order verified by receipt.
 - 3.6.1.5.2. Reasonable effort to comply demonstrated.

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3.6.1.5.3. Illness or other acceptable unforeseeable reason for delay.

3.7. Parking Violations

- 3.7.1. Parking violations are classified as a meter or non-meter nature.
- 3.7.2. Meter violations are handled by the Parking Patrol personnel.
- 3.7.3. Non-meter and hazard violations may be handled either by the Parking Patrol personnel or police officers.
- 3.7.4. Complaints by citizens should be handled by police officers, except that if the complaint concerns overtime parking in a timed area, the matter should be referred to the Parking Patrol personnel.
- 3.7.5. Non-meter violations that are not traffic hazards should be given a parking ticket. If the violation is also a hazard, along with issuing a parking ticket, arrangements should be made for the vehicle to be towed following current towing procedures. If officers have written, or are in the process of writing, a parking ticket and decide it was in error, unjustified, or the operator arrives and agrees to move the vehicle, the officer may void the ticket and turn both copies into the Records Section marked "VOID."
- 3.7.6. During **snow removal operations**, the current snow emergency plan will be used as a guide for ticketing and towing vehicles.

3.7.6.1. Snow Emergency Plan

- 3.7.6.1.1. Once a snow alert has been declared by the Street Department, Emergency Snow Routes will be the first priority. All vehicles parked on an Emergency Snow Route before it has been plowed will be tagged and towed. Tickets for Emergency Snow Routes should be issued under City Ordinance 96.125.
- 3.7.6.1.2. After a snow alert has been declared, it is illegal for any vehicle to be parked on a north / south street in Zone 2 between 0800 and 1700 or on any street in Zone 3 until the street has been plowed from curb to curb. Vehicles parked in Zone 3 should be ticketed under City Ordinance 96.124. Vehicles parked on north / south streets in Zone 2 between 0800 and 1700 should be ticketed under City Ordinance 96.123.
- 3.7.6.1.3. Twenty-four (24) hours after being tagged any "snowbird" that has not been moved will be subject to being towed.

- 3.7.6.1.4. All parking tickets issued during a snow alert must have the specific ordinance noted on the ticket.
- 3.7.6.1.5. When ticketing or towing snowbirds officers shall use the car or body worn video recording system to document the scene prior to towing the vehicle.
- 3.7.7. Parking tickets may be issued and the violator's vehicle towed by police officers when they are parked in a fire lane that is properly marked on both public and private property. The signs must be red lettering on white background, of commercial grade, and must say "No Parking—Fire Lane—Tow Away Zone" and be close enough together that when standing by one you can easily read the next one.
- 3.7.8. Parking on Private Property
 - 3.7.8.1. City Ordinance 76.089 regulates parking on private property. This is a two-prong violation:
 - 3.7.8.1.1. Private property parking lot posted with language such as "No Parking" or "Permit Parking Only" and accompanied by applicable hours or days of week/hours are acceptable as there is no law requiring specific language or format, but such signs must be easily understood by a reasonable person. Violators of above ordinance should be issued a prohibited parking ticket and the vehicle may be towed. If the operator of the vehicle is present, a citation for violation of this ordinance should be issued to that person.
 - 3.7.8.1.2. Private property may have a "No Trespassing" sign and it may also contain notice of hours and days of the week. The signs must, as previously mentioned, be readily visible by a reasonable person. The "No Trespassing" language makes it a state law violation to enter or remain on the property, a Class II misdemeanor. If after verbal notice, the person refuses to leave, a Class I misdemeanor has occurred. In those cases, issue a citation for the Class II violation and persons committing the Class I violation should be lodged. Juveniles should be issued a summons for Class II violations and handled per juvenile policy on the Class I violation.
- 3.7.9. Handicapped Parking
 - 3.7.9.1. Parking tickets are no longer used. A summons will be issued to the registered owner of the vehicle in violation. The offense is a Class II misdemeanor. The fine can be found in the current bond schedule and

this amount is to be placed on the summons, as well as a court date and time. Court is at 9:00 AM, Monday through Friday.

3.7.9.2. The summons, along with a bond envelope, will be placed on the vehicle in an appropriate place.

3.7.9.3. Signs must be present that either displays a fine amount or no fine penalty displayed. There must be signs posted advising the vehicle driver that the stall is for handicapped persons. Handicapped symbols painted on blacktop/concrete surfaces are not sufficient and are not enforceable.

3.7.10. Issuing Parking Tickets to Towed Vehicles

3.7.10.1. A parking ticket will be issued whenever a vehicle is towed for an ordinance violation. This includes abandoned/junk vehicles, vehicles stalled in traffic, and vehicles parked in violation of the snow alert ordinance. The specific ordinance number will be noted on the remarks line of the ticket.

3.7.11. Parking Ticket Dismissal

3.7.11.1. Only the Chief of Police may authorize dismissal of a parking ticket received by officers while on duty and on official business.

3.7.11.2. The tickets will be signed by the officer receiving the ticket and forwarded to the Chief of Police.

3.7.12. Abandoned Vehicles

3.7.12.1. These normally occur as a result of a complaint from a citizen, or when necessary to remove a vehicle due to snow problems. When abandoned vehicles are located on city streets, a warning ticket should be issued. A check of registration information and a NCIC inquiry should be run on the vehicle identification number to see if the vehicle is reported stolen. Complete the warning ticket, including the registered owner's name and address. For location, use the specific address the vehicle is in front of, not just a hundred block. Mark the ground so the follow-up officer will have a guide to determine if the vehicle has been driven or simply rolled ahead on the street. At a minimum, the left rear tire should have chalk lines drawn on the ground directly behind and in front of the tire. If weather makes marking the ground unfeasible, noting the position of the valve stems on the left front and left rear tires on the warning ticket will suffice (example: Front valve stem 1 o'clock. Rear valve stem 5 o'clock).

- 3.7.12.2. Make an effort to contact the owner to have the vehicle moved. Note on the back of the warning ticket any action taken, what addresses were checked, or if the owner was contacted.
- 3.7.12.3. If there was a complaint on the vehicle, the responding officer will indicate an incident number in the appropriate line on the ticket. If it was an officer-initiated ticket, no incident number is necessary. Officers on Shift I and II will keep the original ticket for follow-up after 24 hours. Officers on Shift III will turn their original tickets in. Officers on Shift I will be assigned to follow-up on those tickets after 24 hours. If the follow-up officer finds the vehicle has been moved, he will indicate that on the back of the ticket. If the vehicle has not been moved, the follow-up officer will decide if the vehicle should be towed. If towed, the information of where it was towed to, date, time, and officer's name is written on the back of the ticket. Shift I does the follow-up for abandoned vehicle warning tickets issued on Shift III. This information is also forwarded to Metro Communications to be entered into the computer. If there has not been an incident number made during the initial tagging, the follow-up officer will contact Metro Communications for one, if the vehicle is towed.
- 3.7.12.4. Information relating to vehicles that are abandoned on private property should be referred to the Sioux Falls Health Department. Officers may be requested to stand by if the vehicle is towed by the Sioux Falls Health Department. Junked (unlicensed, inoperable) motor vehicles must be removed from the streets, not just moved to a different location on the streets.

3.7.13. Driving While Revoked / Suspended

- 3.7.13.1. Any driver stopped for Driving While Under Revocation (32-12-65.1) will be lodged. A case report and arrest form will be completed. Any driver found to be in possession of a revoked or suspended license will be issued a citation and will be required to appear in court. A case report will be completed and an arrest form with the "Disposition" field set as "Summoned/Cited" will be attached. Any driver found to be driving with a license status of "Suspended" may be issued a citation.
- 3.7.13.2. If the vehicle can be legally and safely parked and secured, the vehicle can be left at that point of the stop if the driver will sign a tow waiver form accepting full responsibility for the vehicle and its contents.

3.8. Summons and Court Scheduling and Appearances

3.8.1. Scheduling court appearances on citations should be done to minimize the impact on the violator if at all possible. When scheduling court times, the hierarchy rule will apply, that is the most serious violation will dictate the court time for any other citations issued. Officers should not schedule a violator for two separate court times based on the same incident.

3.8.2. Summonses (Citations)

3.8.2.1. A summons may be issued for petty offenses and certain traffic offenses, with no physical arrest occurring, according to procedures set out by state law.

3.8.2.2. Officers are to put the year of the vehicle in the "Year" section on citations.

3.8.3. Court Scheduling

3.8.3.1. When scheduling court times, the "Hierarchy Rule" will apply.

3.8.3.2. In multiple charge situations, the court time of the of the most serious charge will be the court time for all charges.

3.8.4. Bond

3.8.4.1. Personnel of this department will not accept any bail bonds. All bonding will be conducted by the Sheriff's Office.

3.8.4.2. Whenever a traffic citation is issued for a traffic violation that does not require a court appearance, the issuing officer can give the violator a bond envelope for mailing a POA to the court, if the citizen so desires.

3.8.4.3. If non-residents have been arrested for a minor offense, and it appears the subject can be relied upon to appear as directed, they can be released on their own personal recognizance with no money deposited as bond.



Sioux Falls Police Department

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Policy: Subpoenas and Court Appearances	Related Policies:	Section #: 1000 Operations
		Policy #: 1030
		Effective: 3/2021
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to give officers of the Sioux Falls Police Department guidelines for court appearances.

2. Policy:

- 2.1. Sioux Falls Police Department personnel will respond appropriately to all subpoenas and any other court-ordered appearances.

3. Procedure:

3.1. Court Appearances

3.1.1. Court subpoenas

- 3.1.1.1. Refer to **Section #3000, Policy #3050, Court Notifications**.
- 3.1.1.2. Officers and Detectives of this department will consider subpoenas they have received as a duty assignment. The Tardiness policy of this department applies to unexcused late or missed court appearances.

- 3.1.1.3. Officers and Detectives should make every effort to contact the prosecuting attorney prior to court if requested to do so on their subpoena.

3.1.2. Attire

- 3.1.2.1. The duty uniform will be worn by uniformed officers unless they are reporting to a jury trial. For jury trials, the Class A uniform will be worn by all uniformed officers unless otherwise requested by the prosecuting attorney.
- 3.1.2.2. Detectives will wear appropriate business casual attire unless reporting to a jury trial. For jury trials detectives will wear appropriate formal business attire.

3.1.3. Court Decorum and Preparation

- 3.1.3.1. Court testimony can be stressful. All members of this department who are testifying in court should be prepared for their testimony by reviewing their reports prior to testifying.
- 3.1.3.2. All members of this department will follow courtroom decorum. The Judge will be addressed as “Judge” or “Your Honor”. Sunglasses should not be worn on the head; cell phones should be silenced or in airplane mode, and gum should not be chewed while testifying. Remember that you are representing our department.
- 3.1.3.3. Personnel should not discuss case matters in the public areas of the courthouse. These matters are confidential and may be used by the defense attorneys if overheard. Officers shall not discuss the case matters if they are sequestered.

3.1.4. Out-of-Town Court

- 3.1.4.1. When an officer is subpoenaed to a court that requires out-of-town travel, the officer will notify their immediate supervisor as soon as possible and complete a departmental travel request, even if there are no expenses involved with the travel. The only exception is when an officer is subpoenaed to court in Lincoln County, SD.
- 3.1.4.2. Uniformed officers responding to Lincoln County Court should utilize a marked patrol vehicle if one is available. If one is not available, they should utilize a department unmarked vehicle for the travel.

- 3.1.4.3. Detectives responding to Lincoln County Court should utilize an unmarked department vehicle for their travel.
- 3.1.4.4. Uniformed officers and Detectives may utilize an unmarked department vehicle for court travel to out-of-town court other than Lincoln County.

3.1.5. Entering Court Time

- 3.1.5.1. It is the responsibility of the Officer or Detective to enter their court time into their Telestaff record per the Labor Contract. If they believe the court will occur at a time where their supervisor will not review it before the payroll review is conducted on Mondays, they should contact an on-duty supervisor to approve the entry.
- 3.1.6. Whenever an officer is served with legal papers involving police work or the police department, including requests for police records, that officer will notify their division commander and the department's legal advisor as soon as possible. Lawsuits against the department or the city must be served upon the City Finance Department. Under no circumstances should any employee accept service of civil or legal papers for another member of this department.



Sioux Falls Police Department

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Policy: UAS (Unmanned Aircraft Systems) Drone Response	Related Policies:	Section #: 1000 Operations
		Policy #: 1031
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct members of the Sioux Falls Police Department to act in compliance with recent guidance from the **FAA** (*Federal Aviation Administration*) pertaining to the handling of calls for service relating to *Unmanned Aircraft Systems*, here on out referred to as **UAS**.
- 1.2. While the vast majority of these devices are used for legal recreational purposes, it has become evident that certain activities surrounding their usage can be both dangerous and illegal. Recently the FAA has adopted new regulations for UAS operation in and around airports.

2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department to enforce city, state and federal laws pertaining to UAS operation. Employees will do so by fully investigating calls for service regarding the unlawful use of such devices.

3. Definitions:

- 3.1. If an officer is called to a report of a UAS infraction, the following guidelines will be adhered to:
 - 3.1.1. Locate and identify the UAS Operator.

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- 3.1.2. Confirm that a violation has occurred.
 - 3.1.3. Photograph and document any identifying registration or serial numbers related to the UAS.
 - 3.1.4. Submit a Case Report which will be forwarded to the local **TSA** (*Transportation Security Administration*).
 - 3.1.5. UAS will not be seized for evidentiary purposes.
- 3.2. These procedures are recommended for violations that do not create a significant threat to manned aircraft or public safety. In those cases, **TSA** should be contacted immediately (605-330-2537). At that time, a representative from TSA will determine if they will come out to take control of the investigation.



Sioux Falls Police Department

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Policy: Escorts / Parades	Related Policies:	Section #: 1000 Operations
		Policy #: 1032
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference: City Ordinance 96.180		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to assist officers of the Sioux Falls Police Department during escorts and parades.

2. Policy:

- 2.1. The Sioux Falls Police Department will provide traffic control for funeral processions, building moves and parades as staffing levels allow.

3. Procedure:

3.1. Escorts

- 3.1.1. Escorts are handled primarily by officers of the Traffic Section. Occasionally, shift officers may be called upon to lead a funeral escort. Marked police patrol units will lead the escort with headlights, emergency lights, and emergency flashers on to assure a steady and orderly procession.
- 3.1.2. Upon arrival at the cemetery, the escorting officer will secure the police vehicle to protect the procession, exit the police patrol car, assume a position of "attention," render the military hand-salute with the right hand for the hearse, pallbearers' cars, and the first few family vehicles in the procession. The officer

will assume a “parade rest” position, hands clasped behind the back, feet slightly apart, for the remainder of the procession.

3.2. Parades

- 3.2.1. Aside from funeral processions and brief escorts of hazardous loads that do not require permits, all requests for parades or processions should be referred to the Parks / Events Sergeant for review. Requests that rise to the level of a Special Event as defined in City Ordinance 96.180 will be referred to Sioux Falls Parks and Recreation to complete a Special Event Application. Requests that do not rise to that level will be reviewed, and if reasonable, will be issued an assembly permit from the Police Department. Arrangements should be made to have available the necessary personnel and equipment.



Sioux Falls Police Department

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Policy: Fugitives	Related Policies:	Section #: 1000 Operations
		Policy #: 1033
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy will provide assistance to members of the Sioux Falls Police Department in regards to fugitives from justice.

2. Policy:

- 2.1. The Sioux Falls Police Department will ensure that suspects wanted in connection with crimes in this city are reported as a fugitive from justice to NCIC to ensure that they can be made accountable for their actions.

3. Procedure:

- 3.1. If a person commits a felony in Sioux Falls and evades immediate apprehension, the State's Attorney will be notified and a warrant of arrest obtained. When sufficient identification characteristics are known and the State's Attorney has completed an extradition form, a notification of the warrant should be made to NCIC.
- 3.2. All law enforcement agencies in jurisdictions where it is suspected the fugitive may flee should be notified of the existing warrant. When the subject has been apprehended, NCIC shall be notified of the cancellation.

- 3.3. Fugitive felons from other jurisdictions may be arrested in Sioux Falls after it has been confirmed that an arrest warrant exists and that the originating agency will extradite the individual sought.
- 3.4. When time permits, a certified copy of the warrant should be obtained, or enough information obtained to secure a fugitive warrant. The person will be charged with being a Fugitive from Justice, not the charge from the other jurisdiction.

Sioux Falls Police Department

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Policy: 'Show Up' - Identifications	Related Policies:	Section #: 1000
		Policy #: 1035
		Effective: 3/2021
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to outline the manner in which criminal suspects will be subjected to 'Show Up' identification proceedings.

2. Policy:

- 2.1. It is the policy of this agency to respect the rights of all persons during any law enforcement operation in which witness identification will be conducted.

3. Definitions:

- 3.1 Show-Up/Drive-by: The process by which a complainant or witness is driven to a suspect who has been stopped in the area of a crime for purposes of excluding or verifying the suspect as the person responsible.

4. Procedure:

- 4.1. In all identification procedures, officers should take steps to ensure that the procedure is not suggestive by the manner in which it is carried out. Thus, officers should use caution as to the manner in which suspects are presented so that a suspect may not later claim that the officer influenced the witness' identification of the suspect.
- 4.2. Show-Up/Drive-by Identification: Although the United States Supreme Court has not affixed a duration of time within which these procedures are to be conducted,

generally this type of identification occurs within a short period of the crime and within a reasonable proximity (geographically) from the crime.

4.2.1. Unless an extreme emergency exists, the complainant or witness shall be taken to the location where the suspect has been stopped. The movement of the suspect to the witness' location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without identification, movement may be determined to have been an unlawful arrest.

4.2.2. To the extent that an officer may safely do so, the officer should take steps to minimize the suggestiveness of the identification. The following should be considered:

4.2.2.1. Have suspect standing outside of any law enforcement vehicle rather than in the vehicle;

4.2.2.2. Have the suspect standing without handcuffs or with handcuffs not visible to the witness;

4.2.2.3. The appearance that the suspect maintains his or her freedom will undercut suggestiveness;

4.2.2.4. If items taken or used in the crime have been recovered, do not allow the witness to view or become aware of the recovery until after the identification proceeding is complete; and

4.2.2.5. The witness' failure to recognize the subject stopped must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor. Additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification.