



Sioux Falls Police Department

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

Policy: Police Beats / Deployments	Related Policies:	Section #: 1000 Operations
		Policy #: 1001
		Effective: 4-01-2009
		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>		
Reference:		
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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.

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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 in four-wheel drive and chained police units 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. 6	41st Street and Marion Road
Station No. 7	Benson Road
Station No. 8	Madison Street and Kiwanis Avenue

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



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Policy: Search and Seizure - Residences	Related Policies:	Section #: 1000 Operations
		Policy #: 1002
		Effective: 4-01-2009
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<p><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></p>		
Reference: SDCL 23A-35-4, 23A-35-8, 23A-35-9, 23A-35-10		
Sensitivity Level: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct officers and supervisors with respect to home entries.

2. Policy:

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

3. Definitions:

- 3.1. **Consent:** The voluntary granting of permission for an officer to enter an area that is protected by the 4th Amendment, by a person who is either an owner or a third party with common authority over the premises.
- 3.2. **Dynamic Entry:** The utilization of a special team i.e. SWAT, ERU etc. when executing a high-risk warrant, entering to control a barricaded subject, or similar high risk event.
- 3.3. **Exigent Circumstances Entry:** Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
- 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.

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Probable cause consists of facts and circumstances sufficiently strong in themselves to lead a cautious officer to believe that a crime has been committed and that the place to be searched contains evidence of that crime. These facts and circumstances must be such that the officer can articulate them and must be of sufficient quality and quantity that they establish reasonable justification for the action taken.

- 3.5. **Search Incident to Arrest:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.

4. Procedure:

- 4.1. At the outset officers are directed that there are only four lawful methods upon which he or she may enter a person's dwelling. These methods are:

- 4.1.1. Warrant (arrest or search-with differing rules for each).

Searches should be conducted preferably, upon command of a valid search warrant.

- 4.1.2. Exigent Circumstances.

Upon sufficient probable cause to believe that a motor vehicle, which is not in a protected area, contains contraband or other items that could be evidence of a criminal offense. A search warrant is not needed if it can be shown that the vehicle is capable of going mobile at any time.

- 4.1.3. Consent.

With the consent of the persons in lawful possession, who are informed and understand their right not to consent, and who voluntarily waive this right. Consent to search forms are available for this purpose.

- 4.1.4. Incident to a lawful bona fide, full custody arrest.

Such search must be contemporaneous with the arrest, and is limited to the person(s) and the area within their immediate reach from where they could secure a weapon or destroy evidence of the offense. In the case of a vehicle from which the offender has been arrested, this includes all unlocked areas of the vehicle's interior, to include unlocked containers.

- 4.2. **Arrest Warrant-Felony or Misdemeanor:** An officer may enter the home of the subject of an arrest warrant in cases where the officer also has probable cause to believe the subject is home.

- 4.2.1. Knock and Announce Rules Apply

- 4.2.2. Search Incident to Arrest-3 Zones

- 4.2.2.1. Officers may, at the time of the arrest, search the room the subject is arrested in once a lawful arrest is made.

- 4.2.2.2. Officers may, at the time of arrest, also look into, but not go into, areas adjoining the room of arrest, from which an attack could be launched.
- 4.2.2.3. Officers may conduct a protective sweep, limited to those places where a person could be, in cases where the officers have reasonable suspicion to believe someone else on the premises poses a danger to the officer.
- 4.2.3. Officers must obtain a search warrant before entering the residence of a third party in order to search for the subject of an arrest warrant unless exigency or consent exists.
- 4.3. **Search Warrants-** Officers must have probable cause to believe that evidence of crime exists and must have probable cause to believe it will be located at the place to be searched.
 - 4.3.1. Knock and Announce Rules Apply: The officer executing a search warrant may break open any building, structure, or container or anything therein to execute the warrant if, after giving notice of his authority and purpose, he is refused admittance and
 - 4.3.1.1. The person or persons on the premises refuse to acknowledge the verbal notice or the presence of persons inside the building is unknown to the officer; or
 - 4.3.1.2. The building or property is unoccupied.
 - 4.3.1.3. Note: where the officer has reasonable grounds to believe that the announcement will place the officer in greater peril or lead to the immediate destruction of evidence, the officer may dispense with the knock and announce requirement.
 - 4.3.2. The search warrant itself must particularly describe the place to be searched and must also particularly describe the items to be seized.
 - 4.3.3. The scope of a search warrant is limited by information (i.e. information developed indicates that items are stored in a specific location). Scope may also be limited by the size of the item; (i.e. if looking for a stolen piano, one would not open a bureau drawer).
 - 4.3.4. All search warrants must be executed in a reasonable manner.
 - 4.3.4.1. Search warrants shall be executed within a reasonable time of issuance, not to exceed ten days.
 - 4.3.4.2. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed under oath by the officer.

- 4.3.4.3. An officer taking property under a warrant shall give to the person from whom or from whose premises the property was taken, a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed under oath by the officer.

- 4.3.5. Detention and Search of Persons on the Premises: When executing a search warrant, the officer may reasonably detain, and in some cases frisk any person in the place at the time under the following limitations (these limitations apply even in cases where the warrant calls for the “search of any person present”):
 - 4.3.5.1. Frisk: To protect him or herself from attack when the officer has reasonable suspicion based upon specific facts, to believe that the individual present is armed and poses a threat.
 - 4.3.5.2. Search: To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause, based upon specific facts, to believe that the person to be searched is in possession of said item.
 - 4.3.5.3. Detain: Officers may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where officers are executing a dangerous search warrant, all persons present may be handcuffed while officers conduct their search. If at anytime it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed.

- 4.4. **Consensual Entry / Search** - Officers may, without reasonable suspicion or probable cause, enter a dwelling based upon the consent of a person who appears to have authority over the premises.
 - 4.4.1. **NOTE: These provisions apply to Knock and Talk events**
 - 4.4.2. Consent must be voluntary
 - 4.4.3. Consent need not be in writing but written documentation will assist officers in proving that the consent was voluntary.
 - 4.4.4. Officers may not enter a dwelling in a case where a co-occupant is present and objecting to the entry.

- 4.4.5. The scope of a consensual entry and search rests with the consenting party who controls both how long the entry and search may last as well as what locations within the residence may be searched.
- 4.4.6. Officers should not rely on the consent of a juvenile under the age of 15.
- 4.5. Damage as a result of Execution of a warrant
 - 4.5.1. Any damage done during a search must be documented and photographed. To counter allegations of destruction of property, photos will be taken of the interior of residences and businesses before and after the execution of a search warrant.
- 4.6. Inventory Searches
 - 4.6.1. This department does not conduct routine “inventory searches” of impounded vehicles unless the vehicle is subject to forfeiture under state drug statutes. If that is the case, the inventory will be conducted by members of the Narcotics Unit of the Investigative Services Division.
- 4.7. Telephonic Search Warrants
 - 4.7.1. Telephonic Search Warrants may be obtained only if there is insufficient time to secure a traditional warrant by affidavit. Telephonic Search Warrants must be approved by a supervisor and will usually involve Investigative Services Division personnel.



Sioux Falls Police Department

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Policy: Search and Seizure – Strip Searches / Body Cavity Searches	Related Policies:	Section #: 1000 Operations
		Policy #: 1003
		Effective: 4-01-2009
		Page 1 of 2
<p><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></p>		
Reference:		
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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:

- 4.1. **Unless exigent circumstances are present**, strip searches shall be done only after a search warrant for the individual has been obtained.

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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—Marked Vehicles	Related Policies:	Section #: 1000 Operations
		Policy #: 1004
		Effective: 4-01-2009
		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>		
Reference:		
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1. Purpose:

- 1.1. This policy is created to establish guidelines for the use of the mobile 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 Recording System**—Any equipment used to capture both audio and/or video footage of calls for service.
- 3.2. **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.

4. Procedure:

- 4.1. Marked vehicles of the Sioux Falls Police Department Uniformed Services Division are equipped with the Panasonic Arbitrator Camera system.
- 4.2. Motorcycle officers are provided with microcassette recorders.
- 4.3. The primary purpose of this equipment is to document on-scene investigative procedures for later presentation in court as evidence.
- 4.4. Officers will log into the Arbitrator software at the beginning of their shift. In the login tab, officers will ensure that their shift hours, name, identification, and car assignment are correct.
- 4.5. Officers will activate both the audio and visual recording system while answering all calls for service, conducting traffic and pedestrian stops, and during Code 3 responses.
 - 4.5.1. Officers shall not deactivate the recording system at any time that an officer is making use of the emergency lights and siren.
 - 4.5.2. The audio/visual recording equipment will be activated whenever a contact turns into a verbal/physical confrontation.
 - 4.5.3. 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.
- 4.6. It is not necessary to activate the recording system during community policing contacts. However, recording will ensue if a contact escalates into a situation where police intervention may be needed.
 - 4.6.1. Officers should not assume that the primary officer or another officer that is already on the call is recording the situation.
- 4.7. Officers should refrain from "muting" their audio recording devices to minimize the appearance of impropriety.
- 4.8. It is strongly recommended that officers use their body mic to activate the video/audio recording system. This protocol will help ensure that officers have their body mics on their person and that a descriptive narrative is recorded.
- 4.9. After each incident is recorded, the officers will bookmark their video with the appropriate bookmark (i.e., Arrest, Camera Test, Case, Cite, 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.

- 4.9.1. 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 will be noted under the Case Info tab. Photos will be uploaded under the Property/Evidence tab of the incident report.
- 4.10. The bookmark system determines the retention period of the video file. All video, with the exception of video-marked camera test, will be retained at least 90 days. Video that captures an arrest will be retained for at least 180 days. Video that captures a citation will be retained for at least 90 days.
- 4.11. Officers shall upload their video at the end of their shift. Officers will not leave the video on the storage card for the next shift. If the video does not upload properly, a shift supervisor should be contacted before the end of the officer's shift to determine whether or not a manual upload is needed.
- 4.12. Vehicles in which the video system is not functioning should be used as a last resort. If the video 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.



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Policy: Emergency Vehicle Operations / Emergency Responses	Related Policies: Pursuit	Section #: 1000 Operations
		Policy #: 1005
		Effective: 4-01-2009
		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>		
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.

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- 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 Rural/Metro 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:

- 4.2.1.1. Time of day and day of the week
 - 4.2.1.2. Lighting conditions

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- 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.

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Policy: Stop, Arrest and Search of Persons	Related Policies:	Section #: 1000 Operations
		Policy #: 1006
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<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: 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 pat-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. Unless the provisions of §22-18-5 (restraint or correction of a child) apply, a law enforcement officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, any person, without a warrant, at any time that the opportunity presents itself, if the officer has probable cause to believe that:
 - 4.6.1. An order has been issued under chapter 25-10 (protection from domestic abuse) protecting the victim and the terms of the order prohibiting acts or threats of abuse or excluding the person from a residence have been violated; or
 - 4.6.2. An order has been issued under chapter 22-19A (stalking) protecting the victim and the terms of the order prohibiting acts of stalking or physical injury have been violated; or
 - 4.6.3. The person is eighteen years or older and within the preceding forty-eight hours has been assaulted by:
 - 4.6.3.1. That person's spouse;
 - 4.6.3.2. That person's former spouse;
 - 4.6.3.3. The mother or father of that person's child; or

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- 4.6.3.4. Any person eighteen years of age or older with whom that person resides or has formerly resided
 - And the officer believes:
 - 4.6.3.4.1. An aggravated assault has occurred;
 - 4.6.3.4.2. An assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or
 - 4.6.3.4.3. An attempt by physical menace has been made to put another in fear of imminent serious bodily harm.
- 4.6.4. NOTE: Nothing in this section relieves an officer of the responsibility of obtaining a warrant before entering a dwelling unless the officer has exigency or consent.
- 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. They will make out the arrest report, attach it to the

warrant, send the arrest report and warrant to the State's Attorney's Office, and remove the active warrant from the computer. They will also send copies of the warrant and arrest reports to the Records Section.

- 4.8.4. If the officer picks up an arrest warrant from the courts, the Sheriff's Office must be notified of the warrant. Officers may serve the warrant and make out the arrest reports, but they **must** be turned in at the Sheriff's Office, not the Records Section. The Records Section **does not** forward warrant arrest information to the State's Attorney's Office or the courts.
- 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.
 - 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 (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. (For search incident to arrest in home-see home search policy-for incident to arrest search in vehicle see motor vehicle contacts policy)
- 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:

- **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 Search: In order to conduct a strip search of an individual two threshold issues must be met:
- 4.15.1. The person must first be arrested based upon probable cause to believe that person has or is committing a crime.
 - 4.15.2. Field: The officer must have probable cause to believe that the arrestee is concealing evidence, contraband, or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases, the officer must seek a private area to conduct the search, which is out of view of the public and other persons.
 - 4.15.3. Booking: Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband.

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- 4.15.4. Cross-gender strip searches are prohibited unless exigent circumstances exist that would justify such a search.
- 4.15.5. In all cases where a strip search has been conducted, the officer will document the following:
 - 4.15.5.1. The offense the suspect was arrested.
 - 4.15.5.2. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person.
 - 4.15.5.3. The manner in which the search was conducted.
 - 4.15.5.4. The persons who were present during the search.
 - 4.15.5.5. The location where the search occurred.
 - 4.15.5.6. The items that were recovered as a result of the search.
- 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 Arrest Report using the information provided by the off-duty officer. All necessary information will be obtained and a Case Report completed by the shift 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

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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 make out an Arrest Report and have the citizen sign it. All citizen arrests require a Case Report made out by the officer.
- 4.21.4. When there has been no apprehension, and the citizen intends to follow through to court, a Case Report will be taken. **Arrest 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

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

Policy: Transport of Prisoners / Persons in Custody	Related Policies: 904 Handcuffs	Section #: 1000 Operations
		Policy #: 1007
		Effective: 4-01-2009
		Page 1 of 7
<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:		
Sensitivity Level: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy establishes guidelines for the reasonable and safe transportation and restraint of prisoners.

2. Policy:

- 2.1. Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this agency to establish uniform procedures that provide adequate safety and security of prisoners, transporting officers, and the public during prisoner transport.

3. Definitions:

- 3.1. **CONTRABAND** – Articles or substances prohibited from the possession of prisoners.
- 3.2. **HANDICAPPED PRISONER**-A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.
- 3.3. **PRISONER** – A persons who has been arrested and taken into custody.
- 3.4. **PROPER SEARCH** – The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband,

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such as narcotics, narcotic paraphernalia, and implements, which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this agency's policy on searches.

- 3.5. **RESTRAINING DEVICES** – Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.
- 3.6. **SECURITY HAZARD** – Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by agency personnel to provide proper protection for and security of the prisoner.
- 3.7. **TRANSPORTING OFFICER** – an agency employee who is responsible for transporting a prisoner from one point to another.

4. Procedure:

The general procedure for a person that is taken into physical custody is outlined below.

4.1. TRANSPORTATION OPERATIONS:

4.1.1. VEHICLE INSPECTION:

- 4.1.1.1. At the beginning and end of each shift, all vehicles regularly used for prisoner transport, shall be inspected by the agency member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband.
- 4.1.1.2. Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.

4.1.2. RESTRAINING DEVICES:

- 4.1.2.1. Officers shall use only those restraining devices for which they have been trained.
- 4.1.2.2. With few exceptions, all prisoners shall be handcuffed, double locked, and checked for proper application, with their hands behind their back.
- 4.1.2.3. Officers shall document, in their report that “subject was handcuffed, checked for fit, and double-locked.”
- 4.1.2.4. Officers may use discretion in restraining persons or using other restraining devices in specific cases such as:

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- 4.1.2.4.1. Obvious state of pregnancy;
- 4.1.2.4.2. Prisoner has a physical handicap;
- 4.1.2.4.3. Prisoner has injuries that could be aggravated by standard handcuffing procedures;
- 4.1.2.4.4. Elderly; and Very young persons.
- 4.1.2.4.5. All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle. If officers are unable to securely fasten with a seatbelt alternate means of transportation should be utilized (example ambulance).
- 4.1.2.4.6. Leg irons, hobbles, or flex-cuffs may be applied to the ankles of a prisoner who violently resists arrest, is an escape risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public.
- 4.1.2.4.7. Upon arrival at the Minnehaha County Jail, the handcuffing policies set forth by the Minnehaha County Sheriff's Office will be complied with.

4.1.3. TRANSPORT:

- 4.1.3.1. Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.
- 4.1.3.2. Officers receiving custody of a prisoner from another officer will search the prisoner before placing the prisoner in the police patrol vehicle. If possible, the search should be done in front of the video camera.
- 4.1.3.3. The transporting officer shall conduct a pat-down frisk for seizing any weapons or tools of escape. The officer shall conduct a further search incident to the arrest for seizing weapons, contraband, or evidence of the crime.
- 4.1.3.4. When transporting a person of the opposite sex, the arresting officer will request a cover unit. The cover unit will stay in visual contact with the transporting officer and his prisoner at least until they reach the booking area of the County Jail.
- 4.1.3.5. In the event that the transporting officer and prisoner are of the opposite sex, the transporting officer may conduct a limited pat-down frisk for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer is advised to use the back of his/her hand or some object such as a pen.
- 4.1.3.6. When possible and practicable, an agency member of the opposite sex should be requested for these types of searches.

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- 4.1.3.7. Any search shall be documented by the transporting officer.
- 4.1.3.8. Prior to transporting a prisoner, the transporting officer shall notify the dispatcher:
 - 4.1.3.8.1. Identity of the prisoner (adult or juvenile and male or female);
 - 4.1.3.8.2. Arrest location and destination; and
 - 4.1.3.8.3. Vehicle odometer mileage; and
 - 4.1.3.8.4. Vehicle odometer mileage at time of arrival at the intended destination.
- 4.1.3.9. Prisoners shall be transported in the following manner:
 - 4.1.3.9.1. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear, right-side seat. The transporting officer(s) shall be positioned in the front seat.
 - 4.1.3.9.2. During transportation, the Plexiglas shield will be in the “up” or closed position.
 - 4.1.3.9.3. Throughout the transport, the police patrol vehicle’s in-car camera will be activated and directed at the prisoner.
 - 4.1.3.9.4. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
 - 4.1.3.9.5. All prisoners being transported shall wear properly fastened seat belts.
 - 4.1.3.9.6. Prisoners shall not be transported in a reclined position.
 - 4.1.3.9.7. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
 - 4.1.3.9.8. Prisoners shall not be left unattended while being transported.
 - 4.1.3.9.9. Unless approved by a supervisor, no stops will be made while transporting a prisoner.
 - 4.1.3.9.10. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.

4.1.3.10. SPECIAL TRANSPORT SITUATIONS

- 4.1.3.10.1. Juveniles will be processed according to the procedures outlined under “Juveniles” in this manual.
- 4.1.3.10.2. When prisoners are law enforcement officers, their department or agency should be notified immediately.
- 4.1.3.10.3. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summons emergency medical support to examine the prisoner prior to transport.
- 4.1.3.10.4. If emergency hospital treatment is necessary, the prisoner and at least one officer shall be transported by the ambulance to the hospital. The officer shall remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.
- 4.1.3.10.5. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner shall be transported in an agency vehicle.
- 4.1.3.10.6. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
- 4.1.3.10.7. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer shall:
 - 4.1.3.10.7.1. Maintain a constant view of the prisoner;
 - 4.1.3.10.7.2. Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
 - 4.1.3.10.7.3. Guard against any injury to the officer and all medical staff;
 - 4.1.3.10.7.4. Ensure that the prisoner does not have contact with visitors;
 - 4.1.3.10.7.5. Notify hospital security of the presence of a prisoner within the hospital;

- 4.1.3.10.7.6. Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and
- 4.1.3.10.7.7. Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.
- 4.1.3.10.7.8. Whenever a prisoner is to be transported and has been involved in the following types of incidents special safety considered shall be adhered to:
 - 4.1.3.10.7.8.1. When the prisoner:
 - 4.1.3.10.7.8.1.1. Was involved in a violent struggle during apprehension,
 - 4.1.3.10.7.8.1.2. Was subjected to the use of a chemical agent, neck restraint hold, multiple body weight control, or impact strikes to the body,
 - 4.1.3.10.7.8.1.3. Is highly intoxicated on either alcohol or drugs or a combination.
 - 4.1.3.10.7.8.1.4. Is secured by maximal restraints, four point restraints, or a hobble tool, or
 - 4.1.3.10.7.8.1.5. Evidences a difficulty in breathing, **the transporting officers shall:**
 - 4.1.3.10.7.8.1.5.1. Ensure that the prisoner remains in a seated, upright position.
 - 4.1.3.10.7.8.1.5.2. One officer shall maintain constant visual and audible observation of the prisoner.
 - 4.1.3.10.7.8.1.5.3. If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support, and
 - 4.1.3.10.7.8.1.5.4. Shall advise the detention staff accepting the prisoner of all of the above circumstances

4.2. Documentation

- 4.2.1. All items taken from a prisoner shall be documented and left with the booking facility unless those items are evidence. All evidentiary items must be tracked and placed into the property room.



Sioux Falls Police Department

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Policy: Miranda Warnings	Related Policies:	Section #: 1000 Operations
		Policy #: 1008
		Effective: 6-01-2009
		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>		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <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.

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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.

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.



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Policy: Pursuit	Related Policies: Response to Resistance	Section #: 1000 Operations
		Policy #: 1009
		Effective: 3-01-2010
		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>		
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		
Sensitivity Level: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy will establish guidelines for officers to follow while attempting to apprehend a fleeing vehicle.

2. Policy:

- 2.1. When operating an emergency vehicle in pursuit, the officer shall weigh the risks of pursuit with the nature of the offense. When the risks of a high-speed pursuit outweigh the significance of apprehension, the pursuit shall be ended. Nothing in this policy is intended to eliminate the duty of officers to pursue and arrest violators of the law.

3. Definitions:

- 3.1. **Pursuit** – is an active effort by a sworn officer, operating a marked or unmarked police unit dedicated to the Uniformed Services Division, utilizing emergency equipment (emergency lights and siren), to apprehend the occupants of a fleeing vehicle who are resisting apprehension by maintaining or increasing speed, disobeying traffic laws, or are deliberately refusing to yield to the officer's emergency vehicle.

3.2. Roadblock –

- 3.2.1. A “fixed” roadblock is a stationary point where marked police patrol vehicles are placed in such a manner that would likely stop a fleeing vehicle’s occupants from continuing to elude arrest.
- 3.2.2. A “rolling” roadblock is a method of stopping a fleeing vehicle by placing marked police patrol cars in such close proximity to the offending vehicle, that when the police patrol units reduce speed, the offending vehicle is slowed to a gradual stop.

4. Procedure:

In all cases, officers shall consider the following general guidelines when engaging in pursuits:

4.1. General Guidelines:

- 4.1.1. Officers will not engage in a pursuit when the police vehicle is occupied by a prisoner, civilian observer, police explorer, or any other person not a sworn officer or reserve officer.
- 4.1.2. Officers involved in a pursuit will maintain continuous and coherent communications with Metro Communications.
- 4.1.3. Generally, there will be only two police vehicles engaged in the actual pursuit.
- 4.1.4. Marked police patrol cars will take over from motorcycle units that have initiated a pursuit.
- 4.1.5. Other units may act in a traffic control capacity, stopping traffic, and clearing intersections in the path of the pursuit, when possible.
- 4.1.6. Pursuing vehicles will have their emergency lights and siren activated during the pursuit. “If either is not working on a vehicle involved in a pursuit, that officer will terminate his participation in the pursuit immediately.”
- 4.1.7. Unmarked police vehicles, except those that are fully equipped with emergency lights and siren, and private vehicles will not be used as pursuit vehicles. They may follow a suspect at a reasonable speed until marked units arrive.
- 4.1.8. Officers engaged in a **pursuit** shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or

expressway designated for one-way traffic. When a *fleeing* vehicle goes the wrong way against traffic, the primary officer shall:

- 4.1.8.1. Parallel the vehicle in the correct lane of traffic.
- 4.1.8.2. Notify dispatch of a wrong way driver.
- 4.1.8.3. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction.
- 4.1.8.4. Have communications notify Department of Transportation to activate reader boards to advise motorists of a wrong way driver.

4.2. Voluntary Termination of a pursuit

- 4.2.1. In most cases, where apprehension is not made quickly and at a reasonable speed, discontinuing the pursuit may be the most intelligent action for the officer to take.
- 4.2.2. The following factors shall be taken into consideration when deciding to terminate a pursuit:
 - 4.2.2.1. If the violator can be identified to the point where later apprehension can be accomplished, the seriousness of the violation does not warrant continuing.
 - 4.2.2.2. If visual contact is lost for more than a few seconds. (Officer may continue to look for the suspect, but at a reduced speed without emergency lights and siren.)
 - 4.2.2.3. The officer knows the suspect and the pursuit is for a nonviolent felony or misdemeanor.
 - 4.2.2.4. The distance between the officer and the violator is such that continuing the pursuit would require speeds endangering the officer and the public.
 - 4.2.2.5. There is a clear and unreasonable hazard to officers, the violator, or the public. These unreasonable hazards include speeds that dangerously exceed normal flow of traffic, or when vehicular or pedestrian traffic necessitates erratic maneuvering exceeding the capabilities of the vehicle or driver.
 - 4.2.2.6. Environmental conditions such as rain, snow, ice, darkness, road conditions, time of day, or type of neighborhood.

- 4.2.2.7. When the officer is unfamiliar with the area and unable to notify a Metro Communications operator of the location and direction of travel.
 - 4.2.2.8. The pursuing unit loses radio contact with Metro Communications.
- 4.3. Supervising a Pursuit
- 4.3.1. Shall be the responsibility of Shift Sergeants or the Shift Commander.
 - 4.3.2. Supervisors:
 - 4.3.2.1. Shall evaluate the circumstances, decide whether to allow the pursuit to continue, then monitor and evaluate its progress. They may order termination of the pursuit at any time.
 - 4.3.2.2. Will not engage in the pursuit unless they are the primary or secondary unit. They will move in the direction of the pursuit and take supervisory control of the pursuit.
 - 4.3.2.3. Will decide if more than two units will engage in the pursuit based on the seriousness of the violation and number of occupants of the pursued vehicle, location, and availability of backup units not engaged in the pursuit.
 - 4.3.2.4. Will maintain pursuit discipline.
 - 4.3.2.5. Will request a dedicated radio channel for the pursuit if necessary.
 - 4.4. When a pursuit that begins in Sioux Falls enters another jurisdiction, the primary unit will advise Metro Communications. The primary unit should advise Metro Communications if this is a notification only or if assistance is being requested. If more than one of the other jurisdiction's units gets involved in the pursuit, the supervisor will have our units stop the active pursuit. The supervisor will determine if one of our units should continue in the direction of the pursuit at a reduced speed.
 - 4.5. If another jurisdiction becomes involved in a pursuit within the city of Sioux Falls, the following guidelines should be observed:
 - 4.5.1. Sioux Falls units will not become involved in the pursuit, unless specifically requested to do so by the pursuing agency, and the request is approved by a supervisor.
 - 4.5.2. The direction of the pursuit shall be monitored and units in the path of the pursuit may block or stop traffic at intersections, only to facilitate the safe passage of the pursuit.

4.6. Required Documentation:

4.6.1. Each officer involved in a pursuit will fill out the necessary information and narrative on the department's administrative reporting software following the event.

4.6.2. The administrative report will then be forwarded to the supervisor involved for his review. Once completed with all the required reports, it will be forwarded to the officer's quadrant lieutenant and to the Assistant Chief through the Chain of Command. In addition, the sergeant completing the administrative report will send an email to the officer's squad sergeant and lieutenant advising them of the administrative report.

4.7. Ramming, rolling or fixed roadblocks and the use of firearms are considered as use of deadly force, which is governed by the Response to Resistance policy of the Sioux Falls Police Department.

4.8. Roadblocks (Rolling or Fixed) – Because of the inherent dangers associated with the use of roadblocks, the following policy will be adhered to.

4.8.1. Should be considered only when deadly force would be justified.



Sioux Falls Police Department

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Policy: Towing of Vehicles	Related Policies:	Section #: 1000 Operations
		Policy #: 1010
		Effective: 4-01-2009
		Page 1 of 5
<p><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></p>		
Reference: <i>Sioux Falls Revised City Ordinance Chapter 2 Article VI</i>		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <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 and a Tow Release Form will be required to cover the vehicle from the towing agency.
 - 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. DWI Tows

- 3.2.1. Vehicles towed pursuant to a DWI arrest should be held a minimum of eight hours before being released to the individual arrested for DWI.
- 3.2.2. If after eight hours, an officer has reasonable suspicion to believe that this individual is still under the influence of alcohol or drugs, the officer should not release the vehicle to that person.
- 3.2.3. If the registered owner of the vehicle was not the person arrested for DWI, and the registered owner is sober, the vehicle can be released to that person prior to the passage of eight hours.

3.3. Duty Tows

- 3.3.1. 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.

- 3.3.2. 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.
- 3.3.3. If a vehicle is being towed because of a custodial arrest, the duty tow will be used.
- 3.3.4. 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 vehicles being held for Traffic Section or Investigative Services Division follow-up officers.

3.4. Police Holds

- 3.4.1. The contract towing agencies will place a “hold” on a vehicle towed by the department when requested.
- 3.4.2. This “hold” will mean that a vehicle will not be released until a Tow Release Form is obtained from the Police Department.
- 3.4.3. 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.
 - 3.4.3.1. Unless there are exigent circumstances, vehicles will not be held past the seven-day period.
- 3.4.4. The reason for a “hold” being placed on a towed vehicle must be based upon evidentiary requirements.
 - 3.4.4.1. 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.
 - 3.4.4.2. Under no circumstances will a vehicle be seized and held solely for purposes of gaining cooperation of a reluctant suspect or witness.
- 3.4.5. Evidentiary requirements are:
 - 3.4.5.1. When the vehicle itself must be preserved as evidence due to a fatal accident, high property damage, hit and run accident, or stolen vehicle.
 - 3.4.5.2. 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.

- 3.4.6. 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.
- 3.4.7. 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.
- 3.4.8. Notification to the registered owner must be made as soon as the vehicle can be released to avoid large storage fee accrual.
- 3.4.9. 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.
- 3.4.10. If a letter is sent, a copy of the letter should become a document to the case.
- 3.4.11. 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.
- 3.4.12. 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.

3.5. Towing for Narcotics Violations

- 3.5.1. 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.
- 3.5.2. If the arresting officer has conducted a thorough search of the passenger compartment following the arrest, a “hold” is recommended only if:
 - 3.5.2.1. A felony amount of marijuana is seized that may lead to vehicle forfeiture proceedings by the Attorney General’s Office.
 - 3.5.2.2. 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.
 - 3.5.2.3. 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.

3.6. Tow Release

- 3.6.1. The Information Desk Officer will enter tow releases into the computer.
- 3.6.2. This is done by using the impounded vehicles option in New World.
- 3.6.3. Officers must be sure to check for holds before releasing a vehicle.

3.7. Proof of Ownership

- 3.7.1. Question about proof of vehicle ownership, in most cases, should be resolved at the scene.
- 3.7.2. 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.

3.8. Disputes About Towed Vehicles

- 3.8.1. 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.
- 3.8.2. 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.
- 3.8.3. Upon completion of the informal hearing, the Uniformed Services Division Commanders or designee shall communicate the department’s decision to the registered owner.
- 3.8.4. 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 Sioux Falls Revised Ordinances, Chapter 2, Article VI.



Sioux Falls Police Department

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Policy: Installation, Use and Maintenance of Tracking Devices	Related Policies:	Section #: 1000 Operations
		Policy #: 1013
		Effective: 03-22-2013
		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>		
Reference: SDCL 23A-35-2; 23A-35-3; 23A-35-4.3(f)		
Sensitivity Level: <input type="checkbox"/> Public <input checked="" type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy establishes guidelines for members of the Sioux Falls Police Department regarding the installation, use, and maintenance of tracking devices.

2. Policy:

- 2.1. The Sioux Falls Police Department will protect and serve the constitutional rights of all citizens as related to the installation, use, and maintenance of tracking devices.

3. Definitions:

- 3.1. **Tracking Device** – As used in this section the term tracking device means an electronic or mechanical device which permits the tracking of the movement of a person or object.

4. Procedure:

- 4.1. **Contents** - A search warrant for a tracking device may be issued by any magistrate authorized in SDCL 23A-35-2 for the installation, use, and maintenance of a tracking device. There must be probable cause to search and seize property as set forth in this chapter and that such installation and use of this device will lead to the discovery of evidence under SDCL 23A-35-3. The tracking device warrant must identify the person or property to be tracked, designate the magistrate to whom it must be returned, and specify a reasonable length of time that the device may be used. The time may not

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exceed 45 days from the date that the warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable period not to exceed 45 days each. The warrant must command the officer to complete any installation authorized by the warrant within a specified time no longer than 10 days.

- 4.2. **Scope** - Any tracking device warrant issued under this section may authorize the use of the tracking device within the jurisdiction of the magistrate, and outside that jurisdiction if the tracking device is installed within the magistrate's jurisdiction. The executing officer must perform any installation authorized by the warrant during the daytime, unless the magistrate for good cause expressly authorizes installation at another time.
- 4.3. **Return** - The tracking device warrant must command the executing officer to return the warrant to the magistrate designated in the warrant. The officer executing a tracking device warrant must enter on the return the exact time and date the device was installed and the period during which it was used.
- 4.4. **Service** - Within 10 days after the use of the tracking device has ended, the officer executing a tracking device warrant must serve a copy of the warrant on the person who was tracked or whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked; or by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location and by mailing a copy to the person's last known address. Upon request of the state, the judge may delay notice for reasons set forth in 23A-35-4.3(f).
- 4.5. **Sealing of Contents of Warrant** - With respect to the issuance of any warrant under this section, a judge may, upon a showing of good cause, seal the contents of a warrant and supporting documents until the termination of an investigation, an indictment or information is filed, or as otherwise ordered by the court for purpose of preventing (1) endangerment of life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence, (4) intimidation of potential witnesses; or (5) if failure to seal would otherwise seriously jeopardize an investigation or unduly delay a trial.