



# Sioux Falls Police Department

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

Policy: <b>Civil Defense Riders –          Police Explorers</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1501
		Effective: 4-01-2009
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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:		
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 to establish guidelines regarding the police reserve officer program and the police explorer scout program.

2. Policy:

- 2.1. The Minnehaha County Police Reserve Officer Program and Sioux Falls Police Explorer Scout Post are volunteer organizations that act in support of the police function of the Sioux Falls Police Department. The Sioux Falls Police Department will support both of these organizations by providing training and direction. Members of both of these organizations will be allowed to assist the Sioux Falls Police Department in their role of serving the community.

3. Procedure:

3.1. Police Reserve Program

- 3.1.1. Police Reserve Officers are under the direction of the Minnehaha County Office of Emergency Management, but are available to assist the department in emergencies and special situations.
- 3.1.2. The reserve officers go through an application process, and background checks are conducted by the Minnehaha County Sheriff’s Office.

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- 3.1.3. Training of 120 hours is mandated by the Law Enforcement Standards and Training Commission.
- 3.1.4. The training is done locally by the Minnehaha County Sheriff's Office and other task-specific agencies.
- 3.1.5. Reserve officers are required to put in a minimum of eight (8) hours of duty per month with a police officer, in addition to meetings and training sessions conducted through the Minnehaha County Office of Emergency Management. A sign-in sheet is maintained with the Uniformed Services Division to record their duty time.
- 3.1.6. Except in emergencies, reserve officers will work under the direct supervision of a police officer, although in traffic and crowd control situations, several reserve officers may be under the supervision of a single police officer.
- 3.1.7. To avoid unnecessary interference with the reserve officer's regular employment, officers should avoid listing reserve officers as witnesses for court appearances unless their testimony is absolutely necessary for the successful prosecution of the case.
- 3.1.8. At the discretion of the police officer supervising the reserve officer, they may operate department vehicles, the radio, and assist with reports.
- 3.1.9. Reserve officers are *not* allowed to operate computer terminals.

## 3.2. Police Explorer Program

- 3.2.1. The Sioux Falls Police Explorer Post, #504, is a sanctioned unit of the Boy Scouts of America's Learning for Life program. The post is chartered annually through the Boy Scouts.
- 3.2.2. Police Explorers are under the control of the explorer post advisors when participating in sanctioned meetings or events. The explorers are under the functional control of the Uniformed Services Division shift supervisors when participating in the ride-a-long program.
- 3.2.3. Explorers go through an application process and are screened by the post advisors.
- 3.2.4. Explorers receive a condensed version of recruit officer training to include self-defense, CPR /First-Aid / AED, ten codes, phonetic alphabet, scenario training, traffic stops and firearms familiarization.
- 3.2.5. During a ride-a-long explorers should work under the direct supervision of a police officer. Explorers are not allowed to operate police vehicles while

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participating in a ride-a-long. In the event the supervising police officer is dispatched to a known high-risk call, the explorer will be kept away from the situation to minimize the risk.

- 3.2.6. At the discretion of the supervising police officer explorers may operate the radio.
- 3.2.7. Explorers may not operate the computer terminals.



# Sioux Falls Police Department

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Policy: <b>Jurisdiction</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1502
		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:		
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 define the limits of authority granted to police officers of the City of Sioux Falls.

2. Policy:

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

3. Procedure:

- 3.1. Officers have police powers while in fresh pursuit for a misdemeanor committed within their jurisdiction, which extends to any part of South Dakota.
- 3.2. If in fresh pursuit for a felony committed within their jurisdiction, officers retain their police powers in Minnesota and Iowa.
- 3.3. Officers have citizen's arrest as an option when they are not in their own jurisdiction.
- 3.4. Officers may be called upon to assist officers from other jurisdictions handling matters within the city.

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- 3.5. Persons arrested within the city limits of Sioux Falls, Minnehaha County, South Dakota, will be sent to court in Sioux Falls.
- 3.6. Persons arrested within the city limits of Sioux Falls, Lincoln County, South Dakota, will be sent to court in Canton.
- 3.7. The arresting officer must make a notation on the arrest report in the "Arrested At" section and also on the jail booking sheet whether the arrest occurred in Minnehaha County or Lincoln County.



# Sioux Falls Police Department

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Policy: <b>Fugitives</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1503
		Effective: 7-01-2009
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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:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

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

2. Policy:

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

3. Procedure:

- 3.1. If a person commits a felony in Sioux Falls and evades immediate apprehension, the State’s Attorney will be notified and a warrant of arrest obtained. When sufficient identification characteristics are known and the State’s Attorney has completed an extradition form, a notification of the warrant should be made to NCIC.
- 3.2. All law enforcement agencies in jurisdictions where it is suspected the fugitive may flee should be notified of the existing warrant. When the subject has been apprehended, NCIC shall be notified of the cancellation.
- 3.3. Fugitive felons from other jurisdictions may be arrested in Sioux Falls after it has been confirmed that an arrest warrant exists and that the originating agency will extradite the individual sought.

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- 3.4. When time permits, a certified copy of the warrant should be obtained, or enough information obtained to secure a fugitive warrant. The person will be charged with being a Fugitive from Justice, not the charge from the other jurisdiction.



# Sioux Falls Police Department

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Policy: <b>Summons / Court Scheduling and Appearances</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1506
		Effective: 6-01-2009
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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>		
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## 1. Purpose:

- 1.1. This policy is created to give officers of the Sioux Falls Police Department direction regarding summonses (citations) and court scheduling.

## 2. Policy:

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

## 3. Procedure:

### 3.1. Summonses(Citations)

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

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

- 3.1.2.1. This information will be of more assistance to officers, prosecutors, the Clerk of Courts office and judges than the present practice of putting in the year of registration.

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- 3.1.3. Officers are also reminded that they are to include the VIN information on no insurance citations so that the court clerks and judges are able to determine if the person had insurance on a particular vehicle at the time of the citation.

### 3.2. Court Scheduling

- 3.2.1. When scheduling court times, the “Hierarchy Rule” will apply.
- 3.2.2. All court times will be set for the most serious offense.
- 3.2.3. In multiple charge situations, the court time of the most serious charge will be the court time for all charges.

### 3.3. Court Appearances

- 3.3.1. When an officer is subpoenaed to a court that requires out-of-town travel, the officer will notify their immediate supervisor as soon as possible and complete a departmental travel request, even if there are no expenses involved with the travel. The only exception is when an officer is subpoenaed to court in Lincoln County, SD.
- 3.3.2. In these cases, the duty uniform will be worn by uniformed officers and the department will furnish a vehicle for travel.
  - 3.3.2.1. Uniformed officers will use a marked police patrol vehicle if one is available. The Investigative Services Division will be contacted for a vehicle in no marked are.
- 3.3.3. Detectives will wear the same clothing as prescribed for court in Sioux Falls, and will use Investigative Services Division vehicles for travel.
- 3.3.4. When the officer returns and puts in for court time (which will include travel time from the department), all mileage and/or subpoena fees will be turned in to the Administrative Assistant.
- 3.3.5. This travel policy covers only those cases arising from duties as a Sioux Falls police officer.
- 3.3.6. Whenever an officer is served with legal papers involving police work or the police department, including requests for police records, that officer will notify their division commander and the department’s legal advisor as soon as possible. Lawsuits against the department or the city must be served upon the City Finance Department. Under no circumstances should any employee accept service of civil or legal papers for another member of this department.

### 3.4. Bond

- 3.4.1. Personnel of this department will not accept any bail bonds.
- 3.4.2. All bonding will be conducted by the Sheriff's Office.
- 3.4.3. 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.
- 3.4.4. 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.



# Sioux Falls Police Department

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Policy: <b>Out of City Travel</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1507
		Effective: 6-01-2009
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Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy will provide a guide to employees of the Sioux Falls Police Department regarding out of city travel.

2. Policy:

- 2.1. With the exception of Minnehaha County and Lincoln County, all out-of-city travel requires a travel request.

3. Procedure:

- 3.1. A travel request must also be submitted for all seminars and training sessions regardless of where they are held.

- 3.2. Due to the nature of police work and the emergency situations sometimes encountered, such prior request and approval are sometimes impossible or inappropriate. The following will govern out-of-city travel:

- 3.3. Uniformed Services Division Units

- 3.3.1. Uniformed Services Division units may leave the city while in pursuit of vehicles, when called outside the city limits to assist other law enforcement agencies adjacent to the city of Sioux Falls, or when performing necessary incidental duties as authorized by a supervisor.

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3.3.2. In all instances, Metro Communications is to be notified when a police patrol vehicle must leave the city limits.

#### 3.4. Investigative Services Division Units

3.4.1. As a general guideline, Investigative Services Division personnel will notify their supervisor prior to traveling outside of the city, even when a travel request is not required. All travel requests will include a description of the school/training to be attended or an interoffice explaining the reason for travel.

#### 3.5. Other Units

3.5.1. Other units may travel outside the city limits when necessary to conduct investigations, to interview suspects or witnesses, to conduct surveillance, to process crime scenes, to testify in court, or to meet area investigators, as per their division standard operating procedures.

#### 3.6. Travel in Department Vehicles

3.6.1. All requested travel by department employees will be in department vehicles unless a department vehicle is not available, or travel expenses are being reimbursed by another government entity.

3.6.2. In those instances, an employee may request to drive their personal vehicle with mileage costs reimbursed by the city or other government entity as appropriate.

3.6.3. If the employee is going to be traveling in other than a department vehicle, that fact must be noted on the travel request form.



# Sioux Falls Police Department

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Policy: <b>NCIC (National Crime Information Center) Hits</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1508
		Effective: 6-01-2009
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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 regarding the use of the NCIC computer system for members of the Sioux Falls Police Department.

2. Policy:

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

3. Procedure:

3.1. Inquiries

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

3.2. NCIC Hits

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

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

### 3.2.3. Person

- 3.2.3.1. If the “hit” is on a person, and confirmation can be obtained, the person will be transported to jail and held pending court appearance and possible bonding.
- 3.2.3.2. The detaining officer will ensure that confirmation is obtained.

### 3.2.4. Vehicle

- 3.2.4.1. If the “hit” involves a vehicle with no suspects involved, the vehicle will be towed to a secure area.
- 3.2.4.2. The Vehicle Identification Number (VIN) will be run on all vehicles, as well as the license number, because some states allow duplicate license numbers.
- 3.2.4.3. If the “hit” is on a vehicle with a suspect involved, and there is no specific want or warrant on the occupants, the case will have to be investigated as to the occupant’s involvement in the case.

### 3.3. Reports

- 3.3.1. In all cases where action is taken against a person pursuant to an NCIC “hit,” the jail staff will do the arrest reports and case reports, just as they do on other warrants.
- 3.3.2. If action is taken against a vehicle or other object, Sioux Falls Police Department Officers will do any needed reports.

### 3.4. Confirming NCIC hits for other agencies.

- 3.4.1. At times other agencies will contact us either directly or more likely through Metro Communications, to verify hits they have received on property we have entered into NCIC. If the hit is valid the other agency may be able to make an arrest. If they are actually holding a suspect while waiting for confirmation, this has to be confirmed in a timely matter or they may have to release the suspect.
- 3.4.2. During regular business hours this will be handled by the Investigative Services Division unless the entry is so new that the reports are not yet available to detectives. When detectives are unavailable, it will be the Uniform Services

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Division supervisors' responsibility to handle these confirmations. The following will need to be done by the supervisor to validate the hit.

- 3.4.2.1. Look up the case and verify that the property is still valid as stolen. Verify from reports that the property has not been recovered or otherwise should have been removed from NCIC. (An example where it should have been removed would be where a civil situation has come to light as noted in a report, but the property has not been cancelled in NCIC.) Review the case carefully. Multiple items taken at the same time may show that some have been cancelled and others are still valid.
- 3.4.2.2. Verify the property listed on the hit is a match with our case. Verify the serial number or other identifying marks listed as well as the make and model.
- 3.4.2.3. Confirm the hit. If there are questions, the confirming supervisor may need to make direct contact with someone from the requesting agency. In either case, a message will be sent from Metro Communications to the requesting agency stating the hit is either confirmed or unable to confirm.
- 3.4.2.4. Complete a supplement with the details. If known, contact information for the requesting agency, suspect information, and any arrests or property seizures should be included for detective follow up.



# Sioux Falls Police Department

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<b>Policy:</b> <b>News / Information Releases</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1509
		<b>Effective:</b> 4-01-2009
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<b>Reference:</b>		
<b>Sensitivity Level:</b> <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

### 1. Purpose:

- 1.1. This policy is created as a guide for the release of information by the Sioux Falls Police Department.

### 2. Policy:

- 2.1. Information obtained by the Sioux Falls Police Department in reference to law enforcement activities can be sensitive in nature. The Sioux Falls Police Department must balance the public's right / need to know against the integrity of investigations or operations of the department when releasing information.

### 3. Procedure:

- 3.1. Incidents under investigation but not referred for follow up
  - 3.1.1. The supervisor in charge at the scene is authorized to release information as provided by the following guidelines.
    - 3.1.1.1. Case information may be released to other criminal justice agencies with a need and right to know.

- 3.1.1.2. Information on crimes for publication by news media should be limited to:
  - 3.1.1.2.1. The crime committed, where, when, and that it is being investigated.
  - 3.1.1.2.2. Name, age, residence, family status, and occupation of persons arrested.
    - 3.1.1.2.2.1. The identify of persons under 18 years of age may not be released to the media except by court order if that person has been arrested or received a summons to appear in court, **except** in cases involving traffic laws, hunting, and fishing laws that are class 2 misdemeanors, and case to be heard by a magistrate.
  - 3.1.1.2.3. An arrest, including time, place, resistance, pursuit, use of weapons, and investigating agencies.
  - 3.1.1.2.4. Requesting assistance from citizens (as in locating wanted or lost persons) and to warn of public danger.
  - 3.1.1.2.5. Matters of public record.
  - 3.1.1.2.6. Mug shots can be released only when the subject of the mug shot is an escapee from a penal institution or is a fugitive from justice.
- 3.1.1.3. Whenever a news release is made, it shall be typed on the department News Release Form and emailed to all preselected and programmed news agencies.
- 3.1.1.4. Copies of news releases must be sent to the department's Press Release email group.
- 3.1.1.5. Any person may be given information permitted for publication by the news media if they specifically request it.
- 3.2. Do not allow deliberate posing of suspects/defendants for photos.
- 3.3. Only one person should give news releases to ensure that what is told can be accounted for, and case investigations can be controlled.
- 3.4. Release of any information regarding child abuse cases is not allowed by state law. They are strictly confidential.
- 3.5. News releases must become part of a case.

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- 3.6. Every news release must show the name of the author and be reviewed and cosigned by a supervisor.
- 3.7. Information relating to open cases not involving traffic accidents should be released only by the guidelines established by the Investigative Services Division Commander.
- 3.8. Any reporters seeking information at the scene should be referred to the supervisor in charge, or the Public Information Officer if present.
- 3.9. Traffic accident facts on the accident report may be released to the news media, to all involved parties or to their representatives by the investigating officer, or the Records Section who may also sell them a copy.



# Sioux Falls Police Department

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<b>Policy:</b> <b>Assisting Repossessors and Bail Bondsmen</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1510
		<b>Effective:</b> 9-01-2009
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<b>Reference:</b> SDCL 32-3-72,58-22-4, State v. Shadbolt, State v. Casey, State v. Lawrence		
<b>Sensitivity Level:</b> <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 guidance to members of the Sioux Falls Police Department regarding providing assistance to repossessors.

2. Policy:

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

3. Procedure:

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

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

3.1.2. Generally, keeping the peace will mean maintaining the status quo of the debtor in possession of the vehicle and the reposessor being required to leave. The reposessor can always try again at another time or can obtain a court order.

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3.2. The South Dakota Legislature enacted SDCL 32-3-72 regarding repossessing of vehicles by businesses.

3.2.1. The statute requires officers to provide limited information (license plate number and color of the motor vehicle) to those repossessing vehicles.

3.3. Officers should obtain positive identification and a copy of the contract for repossession from the reposessor.

3.4. Officers will complete the Release of Information Form. Attach the copy of the contract to the Release of Information Form and forward it to the Patrol Division Secretary for filing.

3.5. Provide the reposessor with the license number and color of the vehicle in question.

#### 4. Bail Bonds

4.1. On occasion members of this department will be called to assist bail bondsmen. Generally no police assistance in these calls is necessary. However, we may be called to assist with keeping the peace. The only role of the Sioux Falls Department in these situations is to keep the peace. No other action should be taken unless there are new offenses committed. We may assist with transporting an individual to jail if the following conditions are met:

4.1.1. Verify that the individual is a licensed bondsman or runner. If they are not, then they have no authority.

4.1.2. Verify that there has been a new offense committed or that a bond violation has occurred. If neither exists, there is no statutory authority to make an arrest, regardless of what the bond paperwork says. Any bond contract must comply with state law. State law requires a violation of the bond condition before an arrest is allowed.

4.1.3. When no new offense has occurred, officers should only be involved in transporting individuals who are disorderly or not otherwise able to be transported by the bail bondsman.



# Sioux Falls Police Department

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Policy: <b>Ambulance Standbys</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1511
		Effective: 7-01-2009
		Page 1 of 2
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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 to address the issue of when it will be appropriate to have an ambulance standby on a call being handled by the Sioux Falls Police Department.

## 2. Policy:

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

## 3. Procedure:

### 3.1. Generally

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

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

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

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

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

### 3.2. Specifically

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



# Sioux Falls Police Department

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Policy: <b>Accidents other than Traffic</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1512
		Effective: 7-01-2009
		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 officers of the Sioux Falls Police Department guidance in calls for service relating to injury caused in an accidental manner other than in a traffic collision.

2. Policy:

- 2.1. The Sioux Falls Police Department will investigate all “accident” calls for service to determine whether the actions of the person(s) involved are of a criminal or intentional nature that may be subject to criminal prosecution.

3. Definitions:

- 3.1. **Firearms Accidents** – Firearms accidents include the negligent discharge of a firearm, the accidental shooting of another individual, or the accidental shooting of one’s self.
- 3.2. **Home Accident** – Home accidents are accidents that occur in the home or on its grounds and serious bodily injury has occurred. Examples of these accidents would include drowning, falls, serious burns, poisonous gas, accidental explosions, mechanical suffocation, serious cuts, or amputations, etc.
- 3.3. **Occupational Accidents** – Occupational accidents are accidents that occur in the workplace or while the victim is performing the duties of their occupation and

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serious bodily injury has occurred. Some types of these accidents would include falls, serious burns, amputations, being crushed by falling objects or machinery, etc.

- 3.4. **Public Accident** – An accident that occurs in a place other than at a residence or in the workplace and serious bodily injury has occurred. Examples of these accidents would include drowning, falls, serious burns, amputations, etc.

#### 4. Procedure:

- 4.1. In all cases, the officer's main responsibility is to determine that the incident is an accident and not the result of a criminal or intentional act.
- 4.2. A case report should be made to document the accident. If it is determined, at a later date, that the accident was actually the result of a criminal or intentional act, the information in the case report will be used to initiate a criminal investigation.
- 4.3. In the case of occupational accidents, the Occupational Safety and Health Administration (OSHA) also will use the report to assist in their investigation of the incident.
- 4.4. In the case of firearms accidents, a case report should be made to document that an injury has occurred or the property of another person has been damaged. If only the property of the person who caused the negligent discharge is damaged, then officers do not need to make a Case Report. A check of the firearm's serial number should be made through NCIC to verify that the firearm is not stolen.



# Sioux Falls Police Department

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Policy: <b>Cellular Telephone and Electronic Device Searches</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1513
		Effective: 11-01-2011
		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: <i>Katz v. United States, United States v. Robinson, Arizona v. Gant, United States v. Finley, United States v. Ross, Florida v. Royer, SDCL 49-32-31.1</i>		
Sensitivity Level: <input type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

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

2. Policy:

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

3. Definitions:

3.1. **Cellular Telephone** – A mobile radiotelephone that uses a network of short-range transmitters located in overlapping cells throughout a region, with a central station making connections to regular telephone lines. Also called mobile telephone. (As defined by Answers.com)

3.2. **Electronic Device** – An electronic communication device is any electronic device capable of transmitting signs, signals, writing, images, sounds, messages, data, or other information by wire, radio, light waves, electromagnetic means, or other similar means, including telephones, cellular phones, and computers. (as defined by SDCL 49-32-31.1)

#### 4. Procedure:

##### 4.1. Searches Without A Warrant

“[W]arrantless searches — i.e., ‘searches conducted outside the judicial process, without prior approval by judge or magistrate’ — ‘are per se unreasonable . . . subject only to a few specifically established and well-delineated exceptions.’” *Katz v. United States* (1967)

- 4.1.1. Like any other search, a cell phone search can usually only be done with probable cause, and it **must** fit within one of these exceptions to be constitutional if done without a warrant.

##### 4.2. Incident to Arrest:

- 4.2.1. When subject has been arrested, cell phones and electronic devices (pagers, electronic notebooks, etc.) that are found on the arrestee’s person may be searched contemporaneously with the arrest as a search incident to arrest.

“The authority to search the person incident to a lawful custodial arrest, while based upon the need to disarm and to discover evidence, does not depend on what a court may later decide was the probability in a particular arrest situation that weapons or evidence would in fact be found upon the person of the suspect.” *United States v. Robinson* [upholding the search of a crumpled cigarette pack found on arrestee].

- 4.2.2. Cell phones or electronic devices which are located within the passenger compartment of an automobile in which the arrestee has been an occupant may be seized and searched incident to arrest, but only if it is reasonable to believe that evidence of the offense of arrest might be found on the phone. *Arizona v. Gant* (2009).

- 4.2.3. A search of a vehicle incident to arrest is limited to the passenger compartment of the vehicle.

- 4.2.4. A majority addressing the issue have agreed with the 5<sup>th</sup> Circuit Court of Appeals decision in *United States v. Finley* (2007), where the court held that a warrantless cellular phone search incident to defendant’s arrest on drug charges was lawful because the cell phone was “immediately associated with [defendant’s] person.”

Note: The probable cause needed for this search is that required to make the arrest — once that is established, a search of the device retrieved from the person of the arrestee or the passenger compartment of the car (as limited by reason to

believe evidence of the crime for which arrest occurs will be found on the device) is allowed.

#### 4.2.5. Time of Search Incident to Arrest

- 4.2.5.1. Cell phones and electronic devices seized incident to arrest should be searched contemporaneously with the arrest and at the arrest location if possible

Because the justification of the search is the arrest, the search should coincide with the arrest, if possible. (“It is the fact of the lawful arrest which establishes the authority to search . . .” *United States v. Robinson.*)

- 4.2.5.2. A delay in the search may result in the loss of stored information, as subsequent calls or texts may replace older information; some devices have time-based delete features which may be active; remote access to the device may allow deletion of stored information following the arrest.
- 4.2.5.3. A delayed search of the device may be done only if there is a compelling reason to not search the phone at the place of arrest (e.g., officer safety) **and** the phone was located on the arrestee’s person. The search must still be performed within a reasonable period of time from the arrest and seizure.
- 4.2.5.4. Law Enforcement Officers should be able to articulate reasons for the delayed search.

#### 4.3. Automobile Exception

- 4.3.1. If Law Enforcement Officers have probable cause to believe an operable vehicle contains fruits or evidence of a crime, they may search the entire vehicle including the trunk.

“If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.” *United States v. Ross.* [Emphasis added.]

- 4.3.2. If there is probable cause to believe that evidence of the crime may be contained on the device, the device may be searched

#### 4.4. Consent to Search:

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

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

#### 4.5. Search Warrant

- 4.5.1. If a cell phone or electronic device is seized but not searched contemporaneously with arrest, probable cause, or consent, any subsequent search may be done only pursuant to search warrant.
- 4.5.2. Permissible Scope of Search
  - 4.5.2.1. So long as one of the exceptions to the warrant requirement is met, the scope of the search is not limited to any particular area. The phone’s contact list (address book), call history, text messages, and photographs are all subject to search.
  - 4.5.2.2. However, if the phone requires a password to access it, or if an application or feature requires a password (e.g., voicemail, email), law enforcement cannot compel the phone’s owner or any other person to disclose the password.



# Sioux Falls Police Department

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Policy: <b>Interpreters</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1514
		Effective: 6-01-2009
		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:		
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 guidance to members of the Sioux Falls Police Department in the use of interpreters.

2. Policy:

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

3. Procedure:

- 3.1. Metro Communications has contact numbers for Lutheran Social Services if officers require a foreign language interpreter to respond to the scene of an incident or to the Jail or Law Enforcement Center to assist in an interview.
- 3.2. All officers have been provided a "Quick Reference" card from Language Line Services explaining the procedure for contacting foreign language interpreters by telephone when circumstances make that an appropriate option.
- 3.3. Communications Services for the Deaf will supply sign language interpreters.

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



# Sioux Falls Police Department

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<b>Policy:</b> <b>Traffic Violations – Citations –</b> <b>Warning Tickets – Parking</b> <b>Tickets</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1515
		<b>Effective:</b> 7-01-2009
		Page 1 of 9
<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>		
<b>Reference:</b> SDCL 32-12-65.1; SDCL 32-12-67; City Ordinance 76.089		
<b>Sensitivity Level:</b> <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 guidance regarding traffic citations, warning tickets and parking tickets for members of the Sioux Falls Police Department.

2. Policy:

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

3. Procedure:

3.1. Citations/Summons/E-tickets

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

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- 3.1.3. The officer should be cautious in approaching the vehicle in every instance, and should be alert for other offenses. Officers will sign the summons in both spaces for City and State violations.
- 3.1.4. Officers are to put the **year of the vehicle** in the “Year” section on citations. This information will be of more assistance to officers, prosecutors, the clerk’s office and judges than the present practice of putting in the year of registration
- 3.1.5. If a summons is voided, **all** copies must be turned into the Records Section.
- 3.1.6. Whenever a citizen desires to make a citizen’s arrest for a traffic violation, the officer should provide all necessary assistance. However, the complainant should understand that they must be able to identify the driver. If the citizen desires that court proceedings be initiated and the suspect cannot be located, a case report should be made and the Traffic Section investigator will notify the complainant when the City or State’s Attorney has authorized a complaint. The citizen will be notified by subpoena when they are to appear in court. On the occasion where the suspect can be located and identified, a citation by the officer can be issued and a case report is not needed. An arrest report should be filled out with the witness information included.

### 3.2. Assignment of Traffic Citation Books / e-Tickets

- 3.2.1. State law requires the department to account for all traffic citation books that are printed.
- 3.2.2. Citation books will be kept in the shift supervisor’s office.
- 3.2.3. A computerized log will be maintained listing the date of issue, the officer, the serial numbers of the citations, and the issuing supervisor.
- 3.2.4. If a citation is “voided” for any reason, all copies must be turned in to the Records Section. Officers are required to account for any missing copies.
- 3.2.5. The above sections apply to the “e-Tickets” process as well. The “how to guide” for the APS system can be found on InSite.

### 3.3. Reducing Actual Speed on Citations

- 3.3.1. Per policy set by our magistrates, officers will not reduce the speed on citations by more than 10 mph. The violator’s actual speed will be noted in parenthesis in the violation section of the citation.

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### 3.4. Insurance Compliance (Financial Responsibility)

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

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

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

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

### 3.4.2. Enforcement Actions

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

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

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

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

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

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

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

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

- 3.4.2.9. Vehicles owned by federal, state, county or municipal governments and auto dealers are exempt from the above requirements.
- 3.4.2.10. Scooters and mopeds do not require insurance or proof thereof. Only motor vehicles of a type subject to the laws regarding registration need to have insurance.
- 3.4.2.11. Out of state registered vehicles can be cited under SDCL 32-35-113, but only if you have information that they actually don't have insurance. (Due to the way the statute is written, they are required to be insured, but not required to carry proof of insurance or provide to proof to law enforcement.)
- 3.4.2.12. **WARNING TICKETS TO NON-OWNER DRIVERS WILL NOT BE WRITTEN.**

### 3.5. Warning Tickets

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

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Officers should also check previous history of warning tickets on an individual, noting how many warning tickets were received and how many were complied with or went to a warrant. Officers should also consider the type of violation the warning ticket is for and determine if this type of violation warrants an extension.

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

### 3.6. Muffler/Exhaust Violations

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

- 3.6.1.1. Issue warning ticket.
- 3.6.1.2. Allow five (5) but not more than ten (10) days to repair or replace system. **DO NOT** count weekend days in that time frame.
- 3.6.1.3. Require that the vehicle be brought to the Law Enforcement Center on a Wednesday from 1800 to 1900 for inspection. Exhaust system checks are scheduled for 1800–1900 hours on Wednesday of every week. A decibel meter is available for checking the noise level. A traffic officer will be assigned to handle the exhaust system checks during the appointed times.
- 3.6.1.4. Tell the offender that no extensions are granted and that an arrest warrant will be issued for failure to comply with a warning ticket if they don't show up.
- 3.6.1.5. Extensions can be granted **only** by the inspecting officer who follows strict criteria:
  - 3.6.1.5.1. Part on order verified by receipt.
  - 3.6.1.5.2. Reasonable effort to comply demonstrated.
  - 3.6.1.5.3. Illness or other acceptable unforeseeable reason for delay.

### 3.7. Parking Violations

- 3.7.1. Parking violations are classified as a meter or non-meter nature.

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- 3.7.2. Meter violations are handled by the Parking Patrol personnel.
- 3.7.3. Non-meter and hazard violations may be handled either by the Parking Patrol personnel or police officers.
- 3.7.4. Complaints by citizens should be handled by police officers, except that if the complaint concerns overtime parking in a timed area, the matter should be referred to the Parking Patrol personnel.
- 3.7.5. Non-meter violations that are not traffic hazards should be given a parking ticket. If the violation is also a hazard, along with issuing a parking ticket, arrangements should be made for the vehicle to be towed following current towing procedures. If officers have written, or are in the process of writing, a parking ticket and decide it was in error, unjustified, or the operator arrives and agrees to move the vehicle, the officer may void the ticket and turn both copies into the Records Section marked "VOID."
- 3.7.6. During **snow removal operations**, the current snow emergency plan will be used as a guide for ticketing and towing vehicles.
  - 3.7.6.1. Snow Emergency Plan
    - 3.7.6.1.1. Once a snow alert has been declared by the Street Department, Emergency Snow Routes will be the first priority. All vehicles parked on an Emergency Snow Route before it has been plowed will be tagged and towed. Tickets for Emergency Snow Routes should be issued under City Ordinance 96.125.
    - 3.7.6.1.2. After a snow alert has been declared, it is illegal for any vehicle to be parked on a north / south street in Zone 2 between 0800 and 1700 or on any street in Zone 3 until the street has been plowed from curb to curb. Vehicles parked in Zone 3 should be ticketed under City Ordinance 96.124. Vehicles parked on north / south streets in Zone 2 between 0800 and 1700 should be ticketed under City Ordinance 96.123.
    - 3.7.6.1.3. Twenty four (24) hours after being tagged any "snowbird" that has not been moved will be subject to being towed.
    - 3.7.6.1.4. All parking tickets issued during a snow alert must have the specific ordinance noted on the ticket.
    - 3.7.6.1.5. When towing snowbirds make use of your video recording system to document the scene prior to towing the vehicle.

3.7.7. Parking tickets may be issued and the violator's vehicle towed by police officers when they are parked in a fire lane that is properly marked on both public and private property. The signs must be red lettering on white background, of commercial grade, and must say "No Parking—Fire Lane—Tow Away Zone" and be close enough together that when standing by one you can easily read the next one.

3.7.8. Parking on Private Property

3.7.8.1. City Ordinance 76.089 regulates parking on private property. This is a two-prong violation:

3.7.8.1.1. Private property parking lot posted with language such as "No Parking" or "Permit Parking Only" and accompanied by applicable hours or days of week/hours are acceptable as there is no law requiring specific language or format, but such signs must be easily understood by a reasonable person. Violators of above ordinance should be issued a prohibited parking ticket and the vehicle may be towed. If the operator of the vehicle is present, a citation for violation of this ordinance should be issued to that person.

3.7.8.1.2. Private property may have a "No Trespassing" sign and it may also contain notice of hours and days of the week. The signs must, as previously mentioned, be readily visible by a reasonable person. The "No Trespassing" language makes it a state law violation to enter or remain on the property, a Class II misdemeanor. If after verbal notice, the person refuses to leave, a Class I misdemeanor has occurred. In those cases, issue a citation for the Class II violation and persons committing the Class I violation should be lodged. Juveniles should be issued a summons for Class II violations and handled per juvenile policy on the Class I violation.

3.7.9. Handicapped Parking

3.7.9.1. Parking tickets are no longer used. A summons will be issued to the registered owner of the vehicle in violation. The offense is a Class II misdemeanor. The fine can be found in the current bond schedule and this amount is to be placed on the summons, as well as a court date and time. Court is at 9:00 AM, Monday through Friday.

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

3.7.9.3. Signs must be present that either displays a fine amount or no fine penalty displayed. There must be signs posted advising the vehicle driver

that the stall is for handicapped persons. Handicapped symbols painted on blacktop/concrete surfaces are not sufficient and are not enforceable.

### 3.7.10. Issuing Parking Tickets to Towed Vehicles

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

### 3.7.11. Parking Ticket Dismissal

- 3.7.11.1. Only the Chief of Police may authorize dismissal of a parking ticket received by officers while on duty and on official business.
- 3.7.11.2. The tickets will be signed by the officer receiving the ticket and forwarded to the Chief of Police.

### 3.7.12. Abandoned Vehicles

- 3.7.12.1. These normally occur as a result of a complaint from a citizen, or when necessary to remove a vehicle due to snow problems. When abandoned vehicles are located on city streets, a warning ticket should be issued. A check of registration information and a NCIC inquiry should be run on the vehicle identification number to see if the vehicle is reported stolen. Complete the warning ticket, including the registered owner's name and address. For location, use the specific address the vehicle is in front of, not just a hundred block. Mark the tires so the follow-up officer will have a guide to determine if the vehicle has been driven or simply rolled ahead on the street. At a minimum, the left rear tire will be marked across the tread in the "8:00" and "4:00" area. If weather permits, mark the tire with a small arrow straight down and put a corresponding mark on the street itself.
- 3.7.12.2. Make an effort to contact the owner to have the vehicle moved. Note on the back of the warning ticket any action taken, what addresses were checked, or if the owner was contacted.
- 3.7.12.3. If there was a complaint on the vehicle, the responding officer will indicate an incident number in the appropriate line on the ticket. If it was an officer-initiated ticket, no incident number is necessary. Officers on Shift I and II will keep the original ticket for follow-up after 24 hours. Officers on Shift III will turn their original tickets in. Officers on Shift I will

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be assigned to follow-up on those tickets after 24 hours. If the follow-up officer finds the vehicle has been moved, he will indicate that on the back of the ticket. If the vehicle has not been moved, the follow-up officer will decide if the vehicle should be towed. If towed, the information of where it was towed to, date, time, and officer's name is written on the back of the ticket. Shift I does the follow-up for abandoned vehicle warning tickets issued on Shift III. This information is also forwarded to Metro Communications to be entered into the computer. If there has not been an incident number made during the initial tagging, the follow-up officer will contact Metro Communications for one, if the vehicle is towed.

- 3.7.12.4. No tow release is needed under normal abandoned vehicle circumstances. If there are substitute plates on the vehicle or questionable ownership, the tow company should be advised that a release is needed and the information noted in the Impounded Vehicle File.
- 3.7.12.5. Information relating to vehicles that are abandoned on private property should be referred to the Sioux Falls Health Department. Officers may be requested to stand by if the vehicle is towed by the Sioux Falls Health Department. Junked (unlicensed, inoperable) motor vehicles must be removed from the streets, not just moved to a different location on the streets.

### 3.7.13. Driving While Revoked / Suspended

- 3.7.13.1. Any driver stopped for Driving While Under Revocation (32-12-65.1) will be lodged. A citation will be issued for driving while suspended and possession of a revoked or suspended license. Individuals cited for driving while suspended or possession of a revoked or suspended license will be required to appear in court.
- 3.7.13.2. If the vehicle can be legally and safely parked and secured, the vehicle can be left at that point of the stop if the driver will sign a tow waiver form accepting full responsibility for the vehicle and its contents.



# Sioux Falls Police Department

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

Policy: <b>Transporting Civilians</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1516
		Effective: 5-01-2009
		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 establishes the circumstances in which civilians (non-sworn officers) may be transported in a vehicle owned or leased by the Sioux Falls Police Department.

## 2. Policy:

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

## 3. Procedure:

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

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



# Sioux Falls Police Department

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Policy: <b>Escorts / Parades</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1517
		Effective: 7-01-2009
		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 assist officers of the Sioux Falls Police Department during escorts and parades.

2. Policy:

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

3. Procedure:

3.1. Escorts

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

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## **3.2. Parades**

- 3.2.1. Aside from funeral processions and brief escorts of hazardous loads that do not require permits, all requests for parades or processions should be referred to the Traffic Section so a written application may be made. Upon receipt of the application, the Traffic Section should evaluate the needs for the procession relative to other existing conditions prior to approval. Arrangements should be made with the Street department for required barricades and for cleaners if animals are involved. The applicant should be advised of an assembling and dispersing area. Arrangements should be made to have available the necessary personnel and equipment.



# Sioux Falls Police Department

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<b>Policy:</b> <b>Open Doors and Windows</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1518
		<b>Effective:</b> 7-01-2009
		Page 1 of 1
<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>		
<b>Reference:</b>		
<b>Sensitivity Level:</b> <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This procedure is created to assist officers of the Sioux Falls Police Department in their response to open doors and windows.

2. Policy:

- 2.1. When officers are dispatched to, or discover, open windows or doors at a premises, and the circumstances are suspicious due to the time of day, location of premises, day of the week, etc., the officers should treat it as they would a burglary in progress.

3. Procedure:

- 3.1. Normally a case report is not taken unless it is evident a crime has been committed or attempted.
- 3.2. The reporting officer would classify the case report with the appropriate case classification that corresponds with the crime that is being reported.



# Sioux Falls Police Department

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Policy: <b>Public Health Investigations</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1519
		Effective: 7-01-2009
		Page 1 of 3
<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 City Ordinance 38-76; 38-77</i>		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. There are a variety of public health complaints that are fielded by members of the Sioux Falls Police Department. This policy will assist officers in providing guidance to members of the public.

2. Policy:

- 2.1. It is the mission of the Sioux Falls Police Department to provide a service to our customers. In order to accomplish this mission, it is the policy of the department that employees will try to mitigate complaints of a public health nature by either making a referral to the appropriate agency dealing with the complaint or taking some kind of action on their own.

3. Procedure:

3.1. Public Health

- 3.1.1. Calls for service that have complaints about numerous junked vehicles on someone's property; excessive garbage or refuse at a residence; numerous pets and pet waste; substandard housing; etc., are all considered issues of public health.

- 3.1.2. A case report can be completed if the officer would like follow-up or an investigation by the appropriate agency that monitors public health violations. A copy of the case report will be forwarded to the appropriate agency by the Investigative Services Division. Officers can fill out the Health Department Nuisance Complaint Form in lieu of a case report to the Health Department. Officers may also use that complaint form to report violations they observe while on duty.

### **3.2. Animal Complaints**

- 3.2.1. Animal Control Officers will handle most of the animal complaints received during the hours they are on duty. After hours, they will respond only to emergency calls.
- 3.2.2. Police Department officers will be dispatched on animal complaints such as barking dogs when Animal Control units are out of service.
- 3.2.3. In cases of animal bites and stray animals, citizens should be referred to Animal Control so that the animal can be captured and held for observation. When someone has been attacked by a vicious animal or there is a threat to life by a vicious animal, the threat should be neutralized and medical attention rendered.
- 3.2.4. Officers may also be requested to assist Animal Control in providing protection of life and property in cases of livestock at large.

### **3.3. Snow Complaints**

- 3.3.1. Generally speaking, violators will be ticketed for:
  - 3.3.1.1. Intentionally depositing or blowing snow from sidewalks onto public streets after plowing of those streets has been completed.
  - 3.3.1.2. Intentionally depositing or blowing snow from driveways and parking lots onto public streets or sidewalks, before and after plowing of the streets.
  - 3.3.1.3. Piling of snow in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic. (Common sense must be used for extreme violations and consideration made due to the total amount of snow accumulation, etc.)
- 3.3.2. The Community Development Department's Parking Patrol will investigate and enforce complaints of snow removal from the sidewalks. The Police Department will continue to respond to the other complaints.

3.3.3. Persons who can be charged for these violations include: property owners, tenants, persons in possession of the property, and any person who removes snow and deposits it in a way constituting a violation. Violations are listed in City Ordinances 38-76 and 38-77.

3.4. **Weed Complaints**

3.4.1. Complaints are to be directed to the Parks and Recreation Forester.



# Sioux Falls Police Department

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Policy: <b>Medical Emergencies</b>	Related Policies:	Section #:
		1500 Miscellaneous
		Policy #: 1520
		Effective: 7-01-2009
		Page 1 of 1
<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:		
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 guidance to officers of the Sioux Falls Police Department when responding to medical emergency calls for service.

### 2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department that members of this agency will provide basic first aid and or CPR as needed to preserve human life. Considerations as to a crime scene are of a secondary concern to providing basic life support efforts.

### 3. Procedure:

- 3.1. If the officer(s) is the first to arrive, the officer will perform basic first aid or CPR as needed. Once medical responders arrive, the officer(s) will turn the care of the victim over to medical personnel.
- 3.2. The officers will remain on the scene to keep any bystanders from interfering with medical personnel.
- 3.3. The officers need to keep in mind that the scene of the medical emergency may be the scene of a crime as well.
- 3.4. At the completion of the medical emergency, a medical emergency form needs to be completed by one of the responding officers.

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# Sioux Falls Police Department

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Policy: <b>911 Hang Ups</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1521
		Effective: 7-01-2009
		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 assist officers of the Sioux Falls Police Department when they are dispatched to a "911 Hang Up" call for service.

### 2. Policy:

- 2.1. More often than not, a 911 hang-up call may indicate that there is a problem at the residence or business from which the call was made from. Officers will conduct an investigation of the location of the 911 call to ensure that if there are any parties in need of police assistance that the necessary action is taken to assist the caller.

### 3. Procedure:

- 3.1. Upon arrival, officers should approach the residence or business from a few houses or storefronts away on foot. Officers should be looking for any indication of criminal activity or a disturbance of some kind.
- 3.2. If contact cannot be made immediately after knocking on the door, the officers should have Metro Communications call the residence or business and attempt to make contact with someone in the residence or business.
  - 3.2.1. If contact is made, the officers will perform a cursory search of the residence or business for any injured or distressed persons. Officers should also be looking for any outward signs of a struggle or other criminal activity.

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- 3.3. If the officers fail to establish phone contact with someone inside the location, they will contact a supervisor for permission to enter the residence or business. The supervisor should be given as much information as possible about the circumstances surrounding the call and the observations the officers have made since arrival on scene.
- 3.4. Upon supervisor approval, the officers will enter the residence using the least destructive means available to them. Most often the supervisor will advise the officers to contact a locksmith via Metro Communications. The officers on scene should check exterior doors to see if they are unlocked before a locksmith is contacted.
- 3.5. If, upon arrival, the officers have exigent and articulate reasons as to gaining immediate entry to the residence or business, they may use force to gain entry into the residence or business. If force is used to gain entry, a supervisor must be contacted to document any damage caused to the residence or business.
- 3.6. Once entry is made, the officers shall perform a search of the location to locate possible victims or persons who may be hiding within the location.
- 3.7. If no one is in the location when officers make entry, the officers should leave a business card or note in a conspicuous location that indicates to the resident the fact that the police had made entry to their residence or building. The business card or note should include the incident number and also indicate why entry was made and have contact information available to the resident should the resident wish to inquire more details about the entry of their residence or business.



# Sioux Falls Police Department

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Policy: <b>Warrant Services</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1522
		Effective: 7-01-2009
		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 assist officers of the Sioux Falls Police Department during the course of serving warrants of arrest.

### 2. Policy:

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

### 3. Procedure:

#### 3.1. Adult Warrants

- 3.1.1. When an officer encounters an adult with an outstanding warrant for their arrest, the officer must confirm that warrant through Metro Communications. Once the warrant is confirmed, the adult can be transported and lodged in the Minnehaha County Jail.
- 3.1.2. Warrants from outside Minnehaha County must be confirmed through Metro Communications with the County Sheriff or the agency where the warrant was issued.

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

## 3.2. Juvenile Warrants

- 3.2.1. Juvenile warrants are treated exactly as adult warrants. The only difference is that juveniles are lodged in the JDC. When a warrant arrives at the sheriff's office, they send a letter to the juvenile informing them of the warrant. Letters are only sent out when the warrant is for a warning ticket violation, minor traffic offense, and failure to pay fines of \$200 or less. This procedure is the same for adults. The juvenile is requested to contact the sheriff's office warrant deputy to make arrangements for a court appearance.
- 3.2.2. When an officer encounters a juvenile with an outstanding warrant for their arrest, the officer must confirm that warrant through Metro Communications. Once the warrant is confirmed, the juvenile can be transported and lodged in the JDC per the warrant. The JDC takes custody of the juvenile, accepts bond money, contacts parents/guardians, and advises the sheriff's office of the warrant service and the court date. If the juvenile's parent/guardian does not have a telephone, officers may need to assist with parent/guardian notification.
- 3.2.3. When a warrant of arrest is issued for a juvenile and that juvenile turns eighteen (18) prior to the warrant being served, that warrant is put into the adult warrant files at the sheriff's office by their warrants section. When you encounter an adult with a warrant issued for them as a juvenile, no matter the offense, the confirmed warrant is served and that individual is to be lodged at the Minnehaha County Jail.
- 3.2.4. Occasionally a Circuit Court Judge, who by law is an intake officer, will order a juvenile to be taken into custody. We treat those as a court order and comply by lodging the juvenile.



# Sioux Falls Police Department

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Policy: <b>Traffic Collision Investigations</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1524
		Effective: 7-01-2009
		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:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy directs officers of the Sioux Falls Police Department during the investigation of traffic collisions.

2. Policy:

- 2.1. The Sioux Falls Police Department will investigate all traffic collisions to determine if a violation of State Law or City Ordinance exists as a cause of the collision.

3. Definitions:

- 3.1. **No Report Accident** – A no report accident is an accident that occurs on private property except in cases where personal injury has occurred or where the accident has occurred on a public roadway but the damage and / or injury requirements for a state reportable accident are not met, unless a citation for a moving violation is issued.
- 3.2. **Short Form Accident** – Where the accident occurred on a public roadway but the damage and/or injury requirements for a State Reportable Accident are not met and the officer deems it prudent to document said accident.

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- 3.3. **State Reportable Accident** – If the accident occurred on a public roadway and there is \$1,000 or more damage to a single vehicle, or \$2,000 combined damage if other property or vehicles are involved.

4. Procedure:

- 4.1. General Accident Investigations Procedures

The following procedures should be followed at all traffic accident scenes when applicable:

- 4.1.1. Prevent the accident from becoming more serious.

- 4.1.2. Protect:

- 4.1.2.1. And care for the injured until help arrives.
- 4.1.2.2. Others from dangers of the accident.
- 4.1.2.3. Against additional loss of property.
- 4.1.2.4. The scene.

- 4.1.3. Summon necessary assistance.

- 4.1.4. Investigate the accident.

- 4.1.4.1. Complete the appropriate reports based on accident conditions
- 4.1.4.2. Make Physical arrests and / or issue citations as needed
- 4.1.4.3. Attach damage tags
- 4.1.4.4. Arrange for tows if needed.
- 4.1.4.5. All accidents involving police vehicles will be investigated by a Shift Supervisor and a Traffic Section officer if available. An accident report will be completed.

- 4.1.5. Normally, the Highway Patrol will investigate accidents on the interstate highways, even when inside the city limits, but may be assisted by City officers, if the Highway Patrol requests assistance.

- 4.2. Non Reportable Accidents

- 4.2.1. No accident report is necessary in reference to accidents on private property except in cases where personal injury has occurred or where the accident has

occurred on a public roadway but the damage and / or injury requirements for a state reportable accident are not met. Unless a citation for a moving is issued.

- 4.2.2. License plates of the vehicle(s) involved will be logged with Metro Communications.
- 4.2.3. The officer will make sure that the drivers fill out and exchange the Accident Information Exchange Forms. If there is no report completed, then the “exchange only no report” box on the exchange form will be checked.
- 4.2.4. Necessary damage tags will be filled out and issued.
- 4.2.5. Metro Communications will be informed of the exact location of the accident.
- 4.2.6. If the accident is hit and run, the reporting officer will complete a short form accident report and a case report if any follow-up is possible by the Traffic Section.

#### 4.3. Injury and Fatality Accidents

- 4.3.1. In serious injury accidents, a traffic unit will be dispatched if available and will initiate follow-up investigation upon arrival.
- 4.3.2. In fatal accidents, or where there is a high probability of a fatality, a Traffic Supervisor will be called out and a Uniformed Services Division Commander notified.
- 4.3.3. Crime Lab personnel will respond to all fatalities.
- 4.3.4. In the case of fatality accidents, a Traffic Section Supervisor will notify the State Department of Transportation. The Traffic Section Supervisor, PIO, or Shift Supervisor will make a news release. Names will not be given until next-of-kin are notified.

#### 4.4. Hit and Run Accidents

- 4.4.1. The Metro Communications operator should obtain as much information as possible concerning the description of the hit and run driver and vehicle, and broadcast to all units. The officer, upon arrival at the scene, should broadcast additional information useful to the search.
- 4.4.2. Hit and run cases should be handled in the same manner as other traffic accidents.
- 4.4.3. A case report is required when there is physical evidence, witnesses, or any other leads. If the hit and run suspect is located and the appropriate

enforcement is taken and no further follow-up by investigators is required (i.e., release a towed vehicle), no case report is needed. The officer will be sure to notify the victim of the results of their investigation and if any further follow-up will be done by investigators.

- 4.4.4. Hit and Run/Failure to Report citations require a mandatory court appearance. Powers of Attorney (POA) are not accepted.

#### 4.5. Reports

- 4.5.1. A state accident report will be filled out if the accident occurred on a public roadway and there is \$1,000 or more damage to a single vehicle, or \$2,000 combined damage if other property or vehicles are involved.

- 4.5.1.1. If the accident occurred on private property and there is any personal injury, a Short Form Accident Report will be filled and classified as "Off Roadway." However, all fields on the accident report will be filled out and the officer will document in the narrative the injuries and put for "Local Use Only" in the narrative.

- 4.6. The Traffic Section will monitor vehicle repair shops to ensure receipt of damage tags when vehicle repairs are made, and to be notified by the shops of repairs requested by citizens who do not have tags.



# Sioux Falls Police Department

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Policy: <b>Recording of Law Enforcement Activity</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1525
		Effective: 12-12-2012
		Page 1 of 5
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Guarded <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct members of the Sioux Falls Police Department with respect to the proper law enforcement response to citizens who are filming officers.

2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department to uphold the Constitutional Rights of all persons. This policy includes ensuring the First, Fourth, and Fifth Amendment rights of individuals to document the conduct of members of this agency through video and audio recording are facilitated.

3. Definitions:

- 3.1. **Legal Presence/Lawful Presence** – Any area where a person has the legal right to be thus, private property owned or occupied with permission of the property owner; public buildings such as stores, malls etc. and public areas such as streets, sidewalks etc.
- 3.2. **Recording Device** – Any device capable of recording audio or video to include but not limited to cameras (still and video); recorders; cellular devices, PDAs, tablets, or any other device capable of such recording.

- 3.3. **Enforcement Action** - Includes but is not limited to arrest; detention; seizure of recording equipment; deletion of video/audio; damaging the equipment; threatening, intimidating, discouraging, or coercive conduct aimed at ending the recording; blocking or otherwise obstructing the ability to record without a proper law enforcement objective such as an open air crime scene where it is necessary to block the view for the integrity of the investigation.
- 3.4. **Designated First Amendment/Safety Zone** – A geographic area designated for demonstrations/protests balancing the right to protest with the right of citizens not involved in the protest to safely travel through the area. Such areas are sometimes designated for purposes of controlling the safety of all persons during large scale demonstrations/protests.

#### 4. Procedure:

- 4.1. Members of the Sioux Falls Police Department shall not prohibit the recording of law enforcement activity or take enforcement action under circumstances where the person making the recording has legal presence in the area where they are standing.
- 4.2. Recording law enforcement action from an area where the subject is lawfully present does not constitute an offense.
- 4.3. Officers shall not take enforcement action by way of intimidation or coercion to end the recording; by obstructing the ability to record from an area of lawful presence; or by discouraging the person from continuing the recording.
- 4.4. Every person has a First Amendment right to observe and record law enforcement officers in the discharge of their public duties.
- 4.5. Recording law enforcement officers engaged in public duties is a form of speech through which private individuals may gather and disseminate information of public concern, including the conduct of law enforcement officers.
- 4.6. Members of this agency should be aware that the First Amendment gives no heightened protection to members of the press, thus, members of the public have the same rights to recording as would a member of the press.
- 4.7. If someone at a demonstration is filming officer conduct no enforcement action will be taken irrespective of pre-established demonstration/safety zones unless it can be established that they are a threat to security.
- 4.8. All persons also have a First Amendment right to verbally challenge and criticize an officer who is making an arrest. Such a challenge includes the right to document the officer's actions through audio and visual recording.

- 4.9. Obstruction/Hindering/Interference type charges against a person recording are generally inappropriate except:
- 4.9.1. When the person, through their actions puts the officer's safety, the suspect's safety, or the public's safety at risk. Some court decisions have indicated that without physical action or a threat toward an officer no arrest will be justified.
  - 4.9.2. The recorder enters a clearly marked crime scene without authorization.
  - 4.9.3. The recorder enters an area which is closed to the public and clearly marked due to an ongoing emergency i.e. SWAT scene; fire scene etc.
  - 4.9.4. The recorder enters private property which is not open to the public without the authorization of the owner / occupier of said property. In such a case, the officer should determine the wishes of the owner / occupier before taking significant enforcement action such as an arrest. Where an arrest is indicated, the officer must follow the legal mandates of arrest, for example a required warning in a trespass case.
- 4.10. When confronted with a person who the officer perceives as bordering on a lawful obstruction or hindering charge, the officer shall, where practical and feasible, inform the subject that their actions are interfering with the officer's duties and ask them to move to a less-intrusive position where they can continue to record but will not interfere.
- 4.11. When an officer is considering taking enforcement action such as an arrest or the seizure of a recording device, the officer shall call a supervisor for direction.
- 4.12. Seizing, Manipulating, Erasing, Deleting or Inspecting Devices or Recordings:
- 4.12.1. Officers and supervisors are advised that there is a heightened reasonableness requirement when officers seek to seize items protected by the First Amendment as is the case when dealing with recordings under this policy. Thus, more facts and circumstances and a greater government interest must be present before officers and supervisors should consider such a seizure.
  - 4.12.2. Officers shall not erase, delete, or otherwise corrupt a recording held by an individual.
  - 4.12.3. The seizure of a recording device or the recording itself constitutes a seizure under the Fourth Amendment and unless one of the warrant exceptions i.e. consent or exigency applies, the seizure must be supported by a warrant.

4.12.4. If the officer has reason to believe that the person intends to publicly broadcast the recording, the seizure of the equipment and the tape even with a warrant may violate the Privacy Protection Act 18 U.S.C. 2000a which provides: 42 U.S.C. sec. 2000 (aa):.... “Notwithstanding any other law, it shall be unlawful for a government officer or employee, in connection with the investigation or prosecution of a criminal offense, to search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication, in or affecting interstate or foreign commerce...”

4.12.5. In all cases prior to a lawful seizure, officers should consider seeking the consensual cooperation of the individual in possession of the recording and where possible record the consent.

4.12.5.1. Consent must be voluntary on the part of the individual and must not be the result of duress or coercion.

4.12.5.2. Officers should attempt to have the exchange in seeking consent recorded even if it is done on the recording device at issue.

4.12.6. An officer considering such action shall notify a supervisor before such action is taken unless there is a life threatening emergency.

4.12.7. Exigency for purposes of this section would include:

4.12.7.1. Recordings of violent criminal acts where the recording is essential to the identification and apprehension of the criminals and law enforcement has no other immediate means of making the identification; and

4.12.7.2. The officer reasonably believes that a failure to immediately view or preserve the recording will lead to the destruction or loss of this evidence; and

4.12.7.3. Cooperation through consent cannot be obtained from the subject in possession of the recording.

4.13. Supervisory Responsibility: where resources allow a supervisor shall respond to the scene where an officer is considering taking significant enforcement action against a person in possession of a recording of a law enforcement event.

- 4.13.1. As with an officer, a supervisor who reasonably believes that the person's conduct is approaching the level of a criminal offense, the supervisor shall seek the voluntary cooperation of the person to move to a location where their actions will not interfere but they will still be able to record the event.
  - 4.13.2. The supervisor will seek the consent of the individual holding the recording / recording device to obtain a copy of the recording or to allow law enforcement to otherwise preserve this recording.
  - 4.13.3. In cases where consent cannot be obtained and no life-threatening emergency is on-going, the supervisor shall contact the City Attorney's Office for advice.
  - 4.13.4. A warrant shall be obtained unless an exception to the warrant requirement can be met.
  - 4.13.5. If the person holding a recording indicates an intent to publicly broadcast the recording, the supervisor, in consultation with the City Attorney's Office should consider the impact of the Privacy Protection Act upon any seizure of the recording.
- 4.14. Where a seizure of the device or recording is authorized by law the agency shall:
- 4.14.1. Only maintain custody of the device as long as necessary to seize the necessary recording from the device by a person who has the technical certifications to support the admissibility of the recording into evidence.
  - 4.14.2. The items shall be returned to its lawful possessor within 72 hours, unless otherwise ordered by the City Attorney's Office and authorized by the court.
  - 4.14.3. Upon return of the device to its rightful possessor, the recording itself shall be left intact.
- 4.15. Crimes Unrelated to Filming a Law Enforcement Event
- 4.15.1. This policy does not impact the ability of officers to seize recordings of evidentiary value when conducting investigations of criminal activities. For example: A subject is arrested for rape where the victim indicates the crime was filmed and when arrested the suspect has a video camera in his backpack. The rules of search incident to arrest or warrant related searches of this camera are unaffected by this policy.



# Sioux Falls Police Department

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

<b>Policy:</b> <b>Sioux Empire Law Enforcement          Chaplain’s Corps (SELECC)</b>	<b>Related Policies:</b>	Section #: 1500 Misc
		Policy #: 1528
		Effective: 02-01-2017
		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>		
<b>Reference:</b> South Dakota Codified Law (SDCL) 26-11-5.1; 32-23-21		
<b>Sensitivity Level:</b> <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 to members of the Sioux Falls Police Department when utilizing the Sioux Empire Law Enforcement Chaplain’s Corps (SELECC).

2. Policy:

- 2.1. SELECC shall exist to provide chaplain services, both personal and professional, to all law enforcement personnel and their families within the Sioux Empire.
- 2.2. SELECC is not a church. This is a service organization and we are not in the business of seeking converts to any particular church group or denomination. SELECC is non-denominational in emphasis, providing unrestricted service regardless of personal faith or beliefs.
- 2.3. It is our mission, while in contact with the community, to care for the troubled and those who have endured loss, been victimized by the events and tragedy that have left them abandoned, helpless, and without hope.
- 2.4. We provide professional training for our chaplains and consistent care and counseling for our officers.
- 2.5. Members of the Chaplaincy Program may not, without prior approval of the Chief of Police, discuss with the media or other unauthorized persons cases in which they may become involved or have personal knowledge.

### 3. Definitions:

- 3.1. **Chaplain's Board**—The daily operation of the ministry shall be under the direction of the Chaplain's Board in cooperation with the law enforcement liaisons.
- 3.2. **Chaplains**—A chaplain is a properly trained pastor or lay minister who desires to serve the needs of the law enforcement community. Chaplains will receive their training from an organization endorsed by the SELECC and the law enforcement agencies served.
- 3.3. **Liaisons**—A liaison is a representative from a law enforcement agency served by the Sioux Empire Law Enforcement Chaplaincy.

### 4. Procedure:

#### 4.1. Qualifications

- 4.1.1. A law enforcement chaplain must never have been convicted of a felony criminal offense, a misdemeanor crime of violence, or offenses involving moral turpitude.
- 4.1.2. A law enforcement chaplain should be an ecclesiastically certified person in good standing and endorsed for law enforcement chaplaincy by a recognized religious body. Chaplains should have ministry experience.
- 4.1.3. A law enforcement chaplain should have a specialized interest in law enforcement chaplaincy by training, working experience, and appointment.
- 4.1.4. A law enforcement chaplain should be able and willing to be carefully screened by a local law enforcement chaplaincy committee and/or appointed authorities.
- 4.1.5. A law enforcement chaplain should be available to serve on a 24-hour call basis, determined and governed by the SELECC Chaplain's Board.
- 4.1.6. A law enforcement chaplain should manifest a broad base of experience and professional ministry, emotional stability, and personal flexibility.
- 4.1.7. A law enforcement chaplain should be tactful and considerate in approaching all people regardless of race, sex, creed, or religion.

#### 4.2. Activation and Utilization

- 4.2.1. Chaplains may be contacted by using the Chaplain on-call calendar located on InSite or by using the Sioux Empire Chaplains App.

- 4.2.2. Chaplains may be called out during any incident where the supervisor believes their presence would be of benefit. Examples include, but are not limited to, homicide scenes, completed suicides, unattended deaths, death notifications, lengthy standoffs, and scenes of civil unrest.
- 4.2.3. At no time are chaplains to be used as law enforcement officers. Nor should they be considered cover officers. Chaplains are not armed.
- 4.2.4. Chaplains are encouraged to complete at least one shift ride along every other month. All policies regarding civilian riders should be followed when hosting a chaplain.

#### 4.3. Uniform and Identification

- 4.3.1. Chaplains will wear a solid black shirt with the word "CHAPLAIN" embroidered on the left chest and/or on the back of the shirt.
- 4.3.2. During cold weather, chaplains will wear a black jacket with the word "CHAPLAIN" embroidered on the left chest and on the back.
- 4.3.3. All chaplains have been issued City of Sioux Falls identification cards and are expected to display them when performing their duties.