



# Sioux Falls Police Department

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

<b>Policy:</b> <b>Civil Defense Riders –</b> <b>Police Explorers</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1501
		<b>Effective:</b> 6/2020
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
<b>Policy Owner:</b> USD		
<b>Reference:</b>		
<b>Sensitivity Level:</b> <input checked="" type="checkbox"/> Public <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.
- 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.

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- 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 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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<b>Policy:</b> <b>Internet Postings / Social Networking</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1502
		<b>Effective:</b> 6/2020
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
<b>Policy Owner:</b> ASD		
<b>Reference:</b>		
<b>Sensitivity Level:</b> <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

**1. Purpose:**

1.1. The purpose of this policy is to direct the employees of this agency with respect to the use of the internet and social networking sites as a medium of communication impacting this agency.

**2. Policy:**

2.1. The internet, blogs, Twitter, social networking sites and any other medium of electronic communication shall not be used in a manner which negatively impacts the mission and function of this agency and the City of Sioux Falls.

2.2. It is essential for every employee of this agency to recognize that the proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual officers and this agency to carry out the law enforcement function.

2.3. Therefore, any matter which brings individual employees or the department into disrepute has the corresponding effect of reducing public confidence and trust in our agency, thus, impeding our ability to work with and serve the public. Professionalism is the most significant factor in high level performance which in turns builds the public confidence and trust.

2.4. While employees have the right to use personal/social networking pages or sites, as employees of this agency, they are public servants who are held to a higher standard than that of the general public, with regard to standards of conduct and ethics. As such, the policy of this department is to maintain a level of professionalism in both on-

duty and off-duty conduct that fulfills the mission of our department. Any publication, through any medium which is potentially adverse to the operation, morale, or efficiency of the Sioux Falls Police Department will be deemed a violation of this policy.

### 3. Definitions:

- 3.1. **Blog** – A self published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “Web log.”
- 3.2. **Page** – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- 3.3. **Post** – Content an individual shares on a social media site or the act of publishing content on a site.
- 3.4. **Profile** – Information that a user provides about himself or herself on a social networking site.
- 3.5. **Social Media** – A category of internet based resources that integrate user generated content and user participation. This includes social networking sites (Facebook, My Space), micro blogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, YouTube), wikis, and (Wikipedia), blogs and news sites.
- 3.6. **Social Networks** – Online platforms where users can create profiles, share information and socialize with others using a range of technologies.
- 3.7. **Speech** – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

### 4. Procedure:

#### 4.1. Personal Use

- 4.1.1. Department personnel are free to express themselves as private citizens on social media sites to the degree that:
  - 4.1.1.1. Their speech does not impair working relationships of this department for which confidentiality is key.
  - 4.1.1.2. Impede the performance of duties, impair discipline and harmony among coworkers.
  - 4.1.1.3. Negatively affect the public perception of the department.
- 4.1.2. As public employees, department personnel are cautioned that speech on duty or off duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – is not protected speech under the First Amendment and may be the basis for discipline if deemed detrimental to the department.
- 4.1.3. Employees are prohibited from posting, or in any other way broadcasting, without prior departmental approval, anything that would be detrimental to the

mission and function of the Sioux Falls Police Department. This includes anything of a sexually graphic or violent nature.

4.1.4. Employees may elect to identify themselves as an employee of this agency on social networking sites or other mediums of communication. Employees should not post anything that would portray the department in a negative manner or be detrimental to the mission and function of the department. This shall include but not be limited to:

4.1.4.1. Accounts of events which occur within the Sioux Falls Police Department.

4.1.4.2. Any other material, text, audio, video, photograph, or image which would be identifiable as belonging to the Sioux Falls Police Department.

#### 4.2. Personal Safety

4.2.1. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore adherence to the department's code of conduct is required in the personal use of social media.

4.2.2. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.

4.2.3. Department personnel should be aware that privacy settings and social media sites are constantly in flux and they should never assume that personal information posted on such sites is protected.

4.2.4. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

#### 4.3. Administrative Investigations:

4.3.1. Employees who are subject to administrative investigations may be ordered to provide the department with access to the social networking site when the subject of the investigation is directly, narrowly, and specifically related to the allegation being investigated.



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<b>Policy:</b> <b>Out of City Travel</b>	<b>Related Policies:</b>	<b>Section #:</b> 1500 Miscellaneous
		<b>Policy #:</b> 1503
		<b>Effective:</b> 6/2020
		Page 1 of 2
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
<b>Policy Owner:</b> ASD		
<b>Reference:</b>		
<b>Sensitivity Level:</b> <input checked="" type="checkbox"/> Public <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

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adjacent to the city of Sioux Falls, or when performing necessary incidental duties as authorized by a supervisor.

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>News / Information Releases</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1504
		Effective: 6/2020
		Page 1 of 5
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i></p>		
Policy Owner: ASD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <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 and the limitations/restrictions in the law.

3. Procedure:

- 3.1. State Law requires certain information to be released to the public (including media). In part, SDCL 23-5-11 states "...Information, if maintained, about calls for service revealing the date, time, and general location and general subject matter of the call is not confidential criminal justice information and shall be released to the public unless the information contains criminal intelligence, identity information that would jeopardize an ongoing investigation, or identity information associated with a mental health or a chemical dependency or abuse intervention."

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- 3.2. According to SDCL 27A-12-25.1, any information acquired by a peace officer while investigating mental illness, mental health, or 24-hour holds is confidential and shall not be released to the public.
- 3.3. Release of any information regarding child abuse cases or children placed in protective custody are not allowed by state law. They are strictly confidential.
- 3.4. Any reporters seeking information at the scene should be referred to the supervisor in charge, or the Public Information Officer if present.
- 3.5. A supervisor or the Public Information Officer (PIO) is authorized to release information on crimes or calls for service for media provided by the following guidelines:
  - 3.5.1.1. Matters of public record.
  - 3.5.1.2. Requesting assistance from citizens (as in locating wanted or lost persons) and to warn of public danger.
  - 3.5.1.3. The type of crime committed, where, when, and that it is being investigated.
  - 3.5.1.4. If an adult arrest is made, the arrestee's name, age, city/state residence of arrestee, charges, where, and when the arrest occurred are all permitted.
  - 3.5.1.5. 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.
  - 3.5.1.6. Do not allow deliberate posing of suspects/defendants for photos.
  - 3.5.1.7. Names of people taken to Detox or the Sobering Center will not be released.
  - 3.5.1.8. Only one person should give interviews or news releases to ensure that what is told can be accounted for and case investigations can be controlled.
  - 3.5.1.9. Specific amounts of money taken during a robbery will not be released.
  - 3.5.1.10. If specifically requested, any person may be provided the same information that is permitted for media.
  - 3.5.1.11. Whenever a news release is made, it shall be typed on the City's News Release template and emailed to Police Department Press Release (Group). See section 3.12

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- 3.5.1.12. Information relating to open cases not involving traffic accidents should be released only by the guidelines established by the Investigative Services Division Commander.
  - 3.5.1.13. 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.
- 3.6. **Juveniles:** Any information contained on a juvenile arrest report is confidential and, according to an opinion from the juvenile court, may not be released without a court order.
- 3.6.1. Confidential juvenile information includes: Specific location of arrest, age, gender of juvenile suspect, arrest charges, or details on what happened.
  - 3.6.2. SDCL 23-5-11 requires basic information about calls for service to be released to the public (see 3.1). Very basic details on calls can be released without giving specific juvenile arrest details.
  - 3.6.3. The only exception to releasing a juvenile name/photo is if the juvenile is a missing person-endangered. Information may be released on social media if it fits this exception
- 3.7. Investigative Services Division
- 3.7.1. Follow-up releases on continuing investigations will generally be made by the Investigative Services Division.
  - 3.7.2. News releases pertaining to on-going criminal investigations will be handled by the PIO, the Unit or Section Supervisors, or the Division Commander.
  - 3.7.3. A copy of all news releases will become part of the Case File and to the appropriate groups.
  - 3.7.4. News releases will be emailed according to section 3.9.
  - 3.7.5. When appropriate and necessary, the department's Public Information Officer shall be utilized when disseminating case information to the public.
- 3.8. Social Media
- 3.8.1. Only officers that have received social media training and are in good standing within the department will be permitted to use the department's social media accounts.

- 3.8.2. All posts, regardless of the account, will end with / [badge #] to show ownership (example: /000).
- 3.8.3. Information on crime released on social media will be limited to:
  - 3.8.3.1. Date, time, general location, and general subject matter can be released on social media unless it would jeopardize any on-going investigation (see also 3.1).
  - 3.8.3.2. While State Law outlines what information is public record, **no specific address** will be released on social media.
  - 3.8.3.3. Names of victims, suspects, or those arrested will **not** be posted on social media until after the next police media briefing, unless otherwise approved by the PIO or the Chief's designee.
  - 3.8.3.4. Suspect name/photo may be posted if the subject is an escapee, fugitive from justice, or a danger to the public.
- 3.8.4. If Investigative Services needs help from the public identifying an unknown suspect, that photo and limited details of the crime may be released on social media.
  - 3.8.4.1. If that unknown suspect is later found to be a juvenile, the post/tweet and photo will be deleted from social media accounts.
- 3.8.5. The fact that an arrest occurred, including time, place, resistance, pursuit, use of weapons, and other investigating agencies may be released.
- 3.8.6. Requesting assistance from citizens and information to warn the public of danger may be released.
- 3.8.7. Name and photo of a missing person may be released.
- 3.8.8. Do not release any information about confessions made by suspects.
- 3.8.9. If there is any follow-up by Investigative Services, or if the matter is an on-going investigation, consult with ISD *before* releasing information on social media.

### 3.9. News Release Instructions

- 3.9.1. The new templates will all be stored in one place on InSite's main page.
- 3.9.2. Open InSite, go to Support Services > General Templates.
  - 3.9.2.1. Click on the News Releases folder

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- 3.9.2.2. Select News Release. Fill out the document.
  - 3.9.2.3. Every news release must show the name of the author and date issued.
  - 3.9.2.4. Save the release on your computer or H drive
  - 3.9.2.5. Copy the release beginning with “For Immediate Release” and ending after the “###”.
- 3.9.3. On the InSite page:
- 3.9.3.1. Click on Email Templates folder and select News-Release.
  - 3.9.3.2. An alert will pop up at the bottom of your screen, select ‘Save’, and then ‘Open’.
  - 3.9.3.3. A new email window will open with the News Release template in the body of the email.
  - 3.9.3.4. Highlight the “>” symbol under the blue bar in the body of the email
  - 3.9.3.5. Paste the body of the news release you copied earlier.
- 3.9.4. Attach the saved News Release Word document to the email.
- 3.9.5. In the email subject line, add the title of the News Release.
- 3.9.6. Address email to Police Department Press Release (Group).



# Sioux Falls Police Department

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Policy: <b>Recording of Law Enforcement Activity</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1505
		Effective: 6/2020
		Page 1 of 6
<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>		
Policy Owner: ASD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. The purpose of this policy is to direct members of the Sioux Falls Police Department 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.

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# Sioux Falls Police Department

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

Policy: <b>Use of Naloxone</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1506
		Effective: 6/2020
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: ISD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

## 1. Purpose:

- 1.1. This policy is created to establish guidelines and regulations governing the utilization of Naloxone by trained personnel with the Sioux Falls Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses or when symptoms are identified due to an absorption or inhalation accident by Sioux Falls Police Department personnel.

## 2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department that members of this agency are required to be trained in the use of Naloxone. For those trained personnel, authorization to possess and administer Naloxone is authorized through the Medical Director for the Sioux Falls Police Department. SDCL 34-20A-101, 102, 103, 104, and 105.

## 3. Training:

- 3.1. All participating Sioux Falls Police Department and Crime Lab personnel will receive initial training that shall include:

1. The signs and symptoms of an opioid overdose;
  2. The protocols and procedures for administration of an opioid antagonist;
  3. The signs and symptoms of an adverse reaction to an opioid antagonist;
  4. The protocols and procedures to stabilize the patient if an adverse response occurs;
  5. Opioid antagonist duration;
  6. The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim.
  7. The procedures for storage, transport, and security of the opioid antagonist; and
  8. The method of opioid antagonist administration being taught.
- 3.2. All participants shall be trained every three years on Naloxone administration.
- 3.3. Upon successful completion of Naloxone training, a qualified physician selected by the Sioux Falls Police Department and under agreement with Sioux Falls Police Department shall prescribe Naloxone for the trained personnel. A designated officer with the Sioux Falls Police Department Training Section will maintain training/administrative records for all personnel and update these records as training events occur.

4. Procedure:

- 4.1. Active response of EMS and make the scene safe.
- 4.2. Assess the victim
  1. Conscious or easily roused – if yes, do not give Naloxone.
  2. Not conscious, abnormal breathing with pulse – if yes, give one dose of Naloxone in a nostril.
  3. Not conscious, abnormal breathing with NO pulse – if yes, notify dispatch and administer one dose of Naloxone in a nostril.

#### 4.3. Monitor victim

1. Breathing improves within one minute – if yes, place in recovery position and reassess frequently.
2. Breathing does not improve within 2-3 minutes – if yes, administer second dose of Naloxone in the other nostril.

#### 4.4. Infants and children

1. Children or adolescents five years or older should receive the same dose as adults.
2. Infants and children less than five years or less than or equal to 40 pounds, the employee should consult EMS.

4.5. Upon arrival of EMS/ambulance, give responding emergency services personnel a full report of victim assessment, use of Naloxone, and victim's response to the use of Naloxone.

#### 5. Maintenance/Replacement

- 5.1. Naloxone kits shall be carried and/or kept in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
- 5.2. Naloxone must be stored in a temperature controlled area within the range of 59°F to 77°F. It may be stored for short periods between 39°F to 104°F.
- 5.3. A routine inspection of the Naloxone kit shall be the responsibility of the personnel assigned the equipment to ensure the kit's condition and it is within the expiration date.
- 5.4. Used, lost, damaged, or expired Naloxone kits shall be reported through the chain of command for replacement.
- 5.5. Expired Naloxone will be properly disposed of according to agency standards and/or FDA policy.

#### 6. Documentation

- 6.1. Following a Naloxone administration, Sioux Falls Police Department personnel shall submit a Medical Emergency form to Records. The form should be used to record the initial encounter with the patient, a summary line to include "Naloxone Administered", patient presentation, route (intranasal), dose that was administered, and the patient's response to the Naloxone administration.



# 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
		Miscellaneous
		Policy #: 1507
		Effective: 6/2020
		Page 1 of 3
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
<b>Policy Owner:</b> USD		
<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"/> 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.

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 person(s) 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 using the on-call phone number (978-6920, Opt. 5), 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.



# Sioux Falls Police Department

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

Policy: <b>Deaf and ‘Hard of Hearing’</b>	Related Policies: Americans with Disabilities	Section #: 1500 Miscellaneous
		Policy #: 1509
		Effective: 09/2020
		Page 1 of 4
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

1.1. It is the purpose of this policy to provide officers of the Department with guidance on effective communication during police contacts with the deaf or hard of hearing.

2. Policy:

2.1. Most officers will have encounters with persons who are deaf or affected by significant hearing loss—whether that be as victims, witnesses, or suspects. To ensure effective communication with persons who are deaf and hard of hearing, and to conform to provisions of federal and state law, officers shall follow the guidelines provided in this policy.

3. Definitions:

3.1. **Lip reading:** Also referred to as speech reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.

3.2. **Sign language:** American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language.

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3.3. **Auxiliary aids and services:** As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or who have hearing loss. They include, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the deaf (TDDs) also called text telephones (TTs) or teletypewriters (TTYs), telephone handset amplifiers, assistive listening systems, videotext displays, and hearing assistance dogs.

4. Procedure:

4.1. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person is hard of hearing, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers should be alert to indications that a person may be deaf or hard of hearing. Such indications include but are not limited to the following:

- The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability
- Failure of persons to respond to spoken commands or signals
- Use of signs, hand signals, or gestures in an attempt to communicate
- Display of cards by the person noting his or her hearing disability
- Inability or difficulty of a person to follow verbal instruction or requests for information
- A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
- Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols

4.2. When dealing with persons who are, or who are suspected of being, deaf or hard of hearing, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.

4.3. Once someone is identified as a deaf or hard of hearing, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, lip reading, reading and note writing, or speech.

4.4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not

rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.

- 4.5. Officers shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately paced conversational tone. Shouting or using exaggerated mouth movements interfere with the ability to lip-read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, and so on.
- 4.6. Officers shall be aware that not all words can be accurately interpreted by lip reading. Therefore, communication of a critical nature (e.g., Miranda warnings) shall be reinforced by other means of communication, such as sign language, or written communication.
- 4.7. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
- 4.8. Highly stressful situations, background noise, multiple speakers, and complex information and instructions can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
- 4.9. Deaf or hard of hearing persons may require additional time to understand and respond to commands, instructions, and questions. The need for use of a sign language interpreter is governed generally by the length, importance, and complexity of the communication.
  - In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a notepad and pencil may provide effective communication.
  - A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the deaf or hard of hearing suspect.
  - If probable cause to make an arrest must be established through questioning or interrogation of a deaf or severely hard of hearing person and effective communication cannot be reached, a sign language interpreter shall be requested.
  - Upon arrest, a qualified sign language interpreter is required prior to interrogation or the taking of statements per SDCL 19-3-10 to effectively communicate with a person who uses sign language.

- This department shall maintain a list of available speech language interpreters as qualified by the National Registry of Interpreters for the Deaf and ensure their familiarity with common and essential forms of police communication for interrogation and related purposes.
- 4.10. Recognizing some persons need their hands free in order to effectively communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, all essential effective communication with the suspect should be completed prior to their application if possible.
  - 4.11. Persons who are severely deaf or hard of hearing may have reduced verbal communication skills and incoherent speech. They may also have difficulty with equilibrium. These signs may resemble that of an intoxicated person. As such, officers shall use caution when administering physical (outside) standardized field sobriety tests (walking and balancing) to such persons. Officers should consider the wellbeing and safety of the subject above the need to administer physical sobriety tests. Utilizing the HGN tests in conjunction with blood and breath testing are recommended methods for intoxication and impairment testing in such cases.
  - 4.12. Some deaf and hard of hearing hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.
  - 4.13. Officers shall ensure deaf and hard of hearing persons who are arrested and transported to a booking site have their communication devices with them. Such devices shall be kept by arrestees and maintained by booking authorities in good working order.



# Sioux Falls Police Department

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Policy: <b>Persons with Disabilities</b>	Related Policies:	Section #: 1500 Miscellaneous
		Policy #: 1510
		Effective: 09/2020
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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>		
Policy Owner: ASD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

1.1. This policy is created to provide guidance to members of the Sioux Falls Police Department with respect to contacts with persons who have disabilities.

2. Policy:

2.1. It is the policy of this department to provide police services in an equal and impartial manner. This policy includes providing police services to those who have disabilities that officers either observe or become aware of based upon the circumstances presented or information obtained. This department shall take steps to protect persons with disabilities from inequitable treatment based on their disability and to avoid furthering any injury or disability based on the police contact where such accommodation can occur without jeopardizing the safety of all persons involved in the event.

3. Definitions:

3.1. **ADA (Americans with Disabilities Act):** Federal Civil Rights Law protecting individuals with disability.

- 3.2. **Recognized Disability/Protected Person under ADA:** Any person who has a physical or mental impairment that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, breathing, learning, and working. A person who associates with a disabled person is also protected under the act.
- 3.3. **Other disabilities:** Injury, Illness, Mental, or Emotional state that would render a person more vulnerable to police actions such as use of force, incarceration, or restraint.

4. Procedure:

- 4.1. **Arrest - Minor Crimes:** When dealing with a person who is protected under the ADA officers should consider whether the suspected conduct is a manifestation of the person's disability. In cases where the conduct is, a manifestation of the disability officers should consider a medical or mental health referral as opposed to arrest.
- 4.2. **Use of Force:** In determining the appropriate level of force to be used to control a situation involving a person that the officer suspects has a disability with a recognized or other disability, officers should consider whether the particular control or restraint tactic is more dangerous or unreasonable in light of the particular person's disability.
- 4.3. In cases where an officer becomes aware, through information or observations, of a disability, officers should take steps to accommodate that disability where they are able to do so without jeopardizing the subject, the officer, or any other person present.
  - 4.3.1 Handcuffing or other restraints-where handcuffing or other restraints may cause further injury of an existing disability and there is no imminent threat, officers should seek assistance from a supervisor to determine if there is an appropriate method of restraint that will accommodate the disability without jeopardizing safety.
- 4.4. **Mobility:** Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- 4.5. **Visually Impaired:** When dealing with a person who is visually impaired it is important for officers to identify themselves verbally and state clearly and completely any directions or instructions including any information that is posted visually which cannot be seen by the person who is visually impaired.
  - 4.5.1. Officers should read in its entirety, and fully any document that a visually impaired person is required to sign as the result of a law enforcement action.

4.5.2. Before taking photos or fingerprints of a visually impaired person, officers shall describe the activity to the visually impaired person so that they know what to expect.

4.6. **Deaf or Hard of Hearing:** Officers are required by the ADA to ensure effective communication with the deaf or hard of hearing.

4.6.1. Agencies should have one person capable of sign language on call. In accordance with recommendations by the United States Department of Justice, this may be accomplished by contracting with a sign language interpreter for response on an as needed basis.

4.7. **Other Disability:** In any case where an officer becomes aware of an injury, illness or disability which may render the activity, tactic or restraint to be undertaken more dangerous to the individual, the officer shall notify a supervisor and in conjunction with supervisory support take reasonable steps to accommodate the injury or disability.