



ROOM A | 130 6TH STREET WEST
COLUMBIA FALLS, MT 59912

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**CITY COUNCIL REGULAR MEETING
AGENDA
MONDAY, AUGUST 19, 2024
COUNCIL CHAMBERS CITY HALL**

FINANCE COMMITTEE – 6:30 P.M

(Barnhart, Lovering, Piper)

Contact City Clerk Barb Staaland by 6:00 PM on Monday, August 19, 2024 to obtain the ZOOM meeting invite by calling (406) 892-4391 or by email: staalandb@cityofcolumbiafalls.com

REGULAR MEETING – 7:00 P.M.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CONSENT AGENDA:

1. Approval of August 19th Claims: \$100,553.43
2. Approval of Payroll Claims for August 16, 2024 - \$125,076.57
3. Approval of August 5th Regular Council Meeting Minutes

VISITORS/PUBLIC COMMENT (Items not on agenda)

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

4. Public Hearing - Conditional Use Permit - Drive-Thru Coffee Stand

The Columbia Falls City Planning Commission held a public hearing for the following item at their regular meeting on Thursday, August 8, 2024 at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 19, 2024 starting at 7:00 p.m. in the same location.

Conditional Use Permit – Drive-Thru Coffee Stand: Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave

WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

A. Adopt Staff Report CCU-24-01 as Findings of Fact

B. Approve Conditional Use Permit (Final Action - Resolutions)

5. 24-25 Fiscal Year Preliminary Budget Hearings Continued:

The City Council will continue the Public Hearing on the 24-25 Fiscal Year budget until final adoption by resolution. During the public hearing on Monday, August 19th, the City Council will review the Taxable Value and Mill Levy for the 24-25 FY. The Mill Levy will be set by Resolution at the next regular City Council meeting, Tuesday, September 3, 2024.

UNFINISHED BUSINESS:

NEW BUSINESS:

- 6.** Request for approval and execution of Ben Billingsley, City Manager contract
- 7.** Request for approval and execution of Comprehensive Affordable Housing Study and Analysis Contract (SB 382) MDOC Grant Funds and City Funds: Department of Commerce: \$30,000 Grant and City Matching Funds \$27,100
- 8.** Request for Approval and Execution of Consultant Services Agreement – RAISE Grant - Request for Council Approval Subject to FHWA Approval.
- 9.** Recommendation to Award Skate Park Bid to Dreamland and Authorize City Manager to execute the contract, notice of award, and notice to proceed. Total bid cost of \$589,000 for 10,000 sq ft.

ORDINANCES / RESOLUTIONS:

- 10.** **Resolution #1927** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, ADOPTING AN UPDATED POLICE POLICY MANUAL FOR COMPLIANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS
- 11.** Resolution #1928 - Canceling the November 4, 2024 General Election of Local Government Study Commission Members and Appointing Members by Acclamation
- 12.** Resolution #1929- A Resolution of the City Council Approving an Application for a Conditional Use Permit #CCU-24-01 for a coffee drive-thru at 262 1st Ave WN.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

CITY MANAGER REPORT

CITY ATTORNEY REPORT

MISCELLANEOUS

- [13.](#) Police Activity Report July 2024
- [14.](#) Fire Department Activity Reports July, 2024
- [15.](#) Correspondence

ADJOURN

Next Scheduled Meetings:

City Council – Regular Meeting, **Tuesday, September 3rd, 2024** – 7:00 PM

Planning Commission – TBD

08/15/24
14:36:02

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 08/16/24 to 08/16/24

Page: 1 of 3
Report ID: P130

Item No.2.

Total for Payroll Checks

	Employee	Employer	Amount
COMA HOURS (Comp Time Accumulated)	6.76		
COMP HOURS (Comp Time Used)	13.00		393.19
OTHE HOURS (Other Time Used)	80.00		3,461.60
OVER HOURS (Overtime)	110.00		5,034.98
OVID HOURS (STEP overtime)	10.00		409.65
REG HOURS (Regular Time)	3,436.25		97,523.57
SFTO HOURS (Shift Sup/FTO - \$1.5/hour)	84.00		126.00
SHFN HOURS (Shift B)	312.00		624.00
SICK HOURS (Sick Time)	21.00		587.22
VACA HOURS (Vacation Time Used)	99.32		2,785.36
GROSS PAY	110,945.57	0.00	
NET PAY	79,274.97	0.00	
NET PAY (CHECKS)	4,640.67		
NET PAY (DIRECT DEPOSIT)	74,634.30		
AFLAC-POSTTAX	118.17	0.00	
AFLAC-PRETAX	243.64	0.00	
CHILD SUPPORT P	206.76	0.00	
CITY OF CF ELEC	1,948.00	0.00	
CITY OF COLUMBI	20.00	0.00	
FIT	7,960.28	0.00	
FLEX ALLEGIANCE	616.00	32.50	
FOP	495.00	0.00	
HEALTHINS/PRE	3,228.30	28,840.90	
MEDICARE	1,536.96	1,536.96	
MT ST FIRE ASSO	110.36	0.00	
MUTUAL OF OMAHA	286.30	0.00	
NATIONWIDE/CITY	0.00	1,086.91	
NATIONWIDE/EMP	200.00	0.00	
P.E.R.S.	3,829.74	4,396.87	
PERS RETIREE	0.00	116.10	
PERS/FURS	1,180.92	1,584.86	
PERS/POLICE	2,657.40	4,254.82	
SIT	2,758.00	0.00	
SOCIAL SECURITY	3,949.77	3,949.77	
TEAMSTERS DUES	325.00	0.00	
UNEMPL. INSUR.	0.00	492.06	
VEBA	0.00	1,964.68	
WORKERS' COMP	0.00	3,592.01	
BECU	712.27	0.00	
CHARLES SCHWAB	1,814.27	0.00	
FIRST INTERSTAT	1,219.95	0.00	
FREEDOM BANK	3,777.18	0.00	
GLACIER BANK KA	8,429.88	0.00	
GLACIER BANK MS	3,242.28	0.00	
GLACIER BANK/CF	20,489.93	0.00	
GLACIER BANK/WF	2,091.47	0.00	
NAVY FEDERAL CR	1,999.43	0.00	
PARKSIDE CR U	12,218.77	0.00	

8/16/24
Payroll
\$125,074.57
Boris Stanland

08/15/24

14:36:02

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 08/16/24 to 08/16/24

Page: 2 of 3
Report ID: P130

REGIONS BANK	1,978.78	0.00
STOCKMAN BANK	1,255.07	0.00
USAA FEDERAL	1,550.16	0.00
USBANK.	895.61	0.00
WELLS FARGO	2,262.93	0.00
WELLS FARGO, TX	2,036.21	0.00
WFISH CR UNION	8,660.11	0.00
FIT/SIT BASE	97,041.57	0.00
MEDICARE BASE	105,996.54	0.00
PERS BASE	95,111.48	0.00
SOC SEC BASE	63,705.91	0.00
UN BASE	109,345.57	0.00
WC BASE	109,130.71	0.00

Total 51,848.44
Total Payroll Expense (Gross Pay + Employer Contributions): 162,794.01

Check Summary

Payroll Checks Prev. Out.	\$75,752.58
Payroll Checks Issued	\$7,638.32
Payroll Checks Redeemed	\$75,149.15
Payroll Checks Outstanding	\$8,241.75
Electronic Checks	\$117,438.25

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Social Security	7,899.54	7,899.54		212260
Medicare	3,073.92	3,073.92		212260
P.E.R.S.	8,226.61	8,226.61		212270
Unempl. Insur.	492.06		2,566.02	212210
Workers' Comp	3,592.01		18,573.86	212220
FIT	7,960.28	7,960.28		212260
SIT	2,758.00	2,758.00		212260
AFLAC-PRETAX	243.64	487.28		212230
NATIONWIDE/EMP	200.00	200.00		212280
Teamsters dues	325.00	650.00		212310
PERS/Police	6,912.22	6,912.22		212240
TEAMSTERS INIT	0.00			212310
NATIONWIDE/CITY	1,086.91	1,086.91		212280
AFLAC-POSTTAX	118.17	236.34		212230
PERS/FURS	2,765.78	2,765.78		212275
MT ST FIRE ASSO	110.36	110.36		212315
HEALTHINS/PRE	32,069.20		64,138.40	212400
VEBA	1,964.68		3,929.36	212286
CITY OF COLUMBI	20.00	20.00		212450
UNUM LIFE INS.	0.00		143.05	212400
FLEX ALLEGIANCE	648.50	648.50		212285
CHILD SUPPORT P	206.76	206.76		212330
CFP ASSOCIATION	0.00			212325
FOP	495.00	495.00		212335
CITY OF CF ELEC	1,948.00	1,948.00		212450
PERS RETIREE	116.10	116.10		212270

08/15/24

14:36:02

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 08/16/24 to 08/16/24Page: 3 of 3
Report ID: P130

MUTUAL OF OMAHA	286.30	286.30	572.60	212400
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Total Ded.	83,519.04	52,205.85	45,801.60	89,923.29
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**** Carried Forward column only correct if report run for current period.

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD AUGUST 05, 2024**

Mayor Barnhart called the meeting to order at 7:00 p.m.

ROLL CALL: Councilor King, Councilor Lovering, Councilor Piper, Councilor Price, Councilor Robinson and Mayor Barnhart. Absent: Councilor Shepard.

Also present: Acting City Manager Peters, City Clerk Staaland, City Attorney Breck, Fire Chief Weeks and Sergeant Rice.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Robinson made motion to approve the agenda, seconded by Councilor Lovering and the motion carried.

CONSENT AGENDA: Councilor Piper motioned to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, King, Lovering, Piper, Price and Barnhart.

Approval of August 5th Claims- \$156,108.05

Payroll Claims for July 19, 2024

Payroll Claims for August 2, 2024

Approval of July 15 Regular City Council Meeting Minutes

July 23, 2024, Special Council Meeting Minutes

APPOINTMENTS:

Approval of appointment - Probationary Volunteer Firefighter Jeremiah Jost

Fire Chief Weeks said Mr. Jost was a member of his local volunteer fire department in Canada and has since moved to Columbia Falls. Mr. Jost has attended several trainings as an observer and is believed to be a great addition to the department. Fire Chief Weeks and City Manager Peters recommend approval of Mr. Jost as Probationary Volunteer Firefighter.

Councilor King motioned to appoint Jeremiah Jost as Probationary Volunteer Firefighter, seconded by Councilor Piper and the motion passed unanimously.

City Clerk Staaland administered Oath of Office to Mr. Jost.

Oath of Office - Probationary Police Officer Hilary Naleway

City Clerk Staaland administered Oath of Office to Ms. Naleway.

Appointment of Sergeant Brandon Rice as Acting Chief of Police

Councilor Lovering made motion to appoint Sergeant Rice to Acting Chief of Police, seconded by Councilor Piper and the motion carried unanimously.

VISITORS/PUBLIC COMMENT (Items not on agenda)

Casey and Kristi Masters said they are in attendance to speak about getting an apron to their parking area at their business on 1st Ave W. Mr. Masters said before the new sidewalks went in there was an apron in place

but now there is not, and they would like to have it reinstated. City Manager Peters said it's a matter of figuring out what the cost would be to cut in an apron at this point. In looking at where the apron was, legally we could not put it back in place due to it being too close to the existing building said Peters. It would have to be moved down approximately ten feet, which will take away a portion of on-street parking. Kristi Masters said without access we lose parking in the parking lot. Ms. Master is concerned about coming in the parking lot from the alley especially in the winter months with snow removal, as well as being assessable to the handicap ramp. Peters said he would converse with the engineer of the project.

Steve Osborne, 134 1st Ave E. expressed his concerns with the new infrastructure pertaining to the new sidewalks. The last rainstorm flooded his yard, flower beds, garden and rock wall. This will cause him to have added expenses to repair damaged landscaping. Mr. Osborne would like to have his drywell system to be for his use. The new drywell that was installed is close to his house and he fears water may get into his basement.

Mayor Barnhart said he was aware of concerns that came with the sidewalk project, but the engineers assured us that what was installed would work. Councilor Piper said he has pictures of the water that was in the Osbornes yard and it's clear the drywell does not drain properly. City Manager Peters said staff has been over to the property and there were still some felt covers over the grates, which assisted in the drainage issue. It is definitely on the radar, and we are researching what can be done, said Peters.

Mayre Flowers with Citizens for a Better Flathead and Coalition for a Clean CFAC said they recently sent a letter to EPA and is having difficulty on who to contact at the city to send emails to. The city website does not allow for attachments and some email that was sent did not go through. She would like to send emails to council members individually and would like to meet with Mayor Barnhart to discuss unnecessary misunderstandings. Acting City Manager Peters said all public correspondence still goes through the City Clerk Staaland as listed on the city website. City Attorney Breck said the public meeting rules don't allow council members to meet with individuals to discuss council or city business. They are required to address any city issues or comments in a public meeting. Ms. Flowers asked if the council could not sit down with CFAC officials for a discussion. City Attorney Breck said mayor and council can be a part of a committee on which government officials sit and talk about those items. It is completely different than meeting with individuals discussing city business. Mayor Barnhart requested City Attorney Breck provide Ms. Flowers with MCA code on specific item. Mayor Barnhart said staff did receive approximately 75 emails from citizens in the last couple days and didn't seem to have a problem.

Matt Hutchinson, 227 7th St. E. during the summer months the traffic increases around town and with that comes additional traffic violations. Mr. Hutchinson asked if council would entertain an old police car parked in town like Lakeside had. Acting Police Chief Rice said he will look into the legalities of Mr. Hutchinson's request. Mayor Barnhart said the city has requested with MDT to get the speed limit signs reduced.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearings - Planning Commission/Council - CUP Coffee Drive Thru

The Columbia Falls Planning Commission will hold a public hearing for the following item at their regular meeting on Thursday, August 8, 2024, at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on **Monday, August 19, 2024**, starting at 7:00 p.m. in the same location.

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:

Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Continuation of Preliminary Budget Hearings 2025 Fiscal Year

Review of 2025 fiscal year debt service expenditures.

City Manager Peters discussed the 24-25 FY Total Debt Service. The WWTP project was approved for \$750,000., a state revolving loan fund. Loan A - \$367,500 would be forgiven by the State, Loan B - \$387,500- is at 2.5%. The City does not anticipate drawing any funds until the last quarter of 2025 based on WWTP phase 2 project schedule and therefore has not included debt payment in the 24-25 FY preliminary budget.

The City has 3 types of debt as noted above. SID (Special Improvement Debt) is paid for the specific properties within the SID and through a very lengthy legal process. The SID's included water and sewer main extensions, service lines and street upgrade.

Revenue bonds in the enterprise fund are subject to reserves and debt capacity. The City Council has approved a rate study for both Water and Sewer Enterprise Funds. The rates were last increased with the adoption of the 2018 Preliminary Engineering Reports that included the Well Project completed in 2020 and the WWTP Improvements currently underway.

Also as noted, SID 34, SID 36 and Water 2005 Revenue bonds are all paid off in the 2024-25 FY.

NEW BUSINESS:

Request for approval of Interim City Manager Employment Agreement

City Manager Peters said as the Acting City Manager he would like to request an agreement with Council to maintain his current salary, insurance benefits and 9.07% contribution to a retirement account through his separation date of September 2, 2024. The salary and city contribution to a deferred compensation account would not be an increase in pay or benefits as it is consistent with his current compensation.

Councilor Piper motioned to approve the Interim City Manager Employment Agreement, seconded by Councilor King and the motion carried unanimously.

Authorize Mayor Barnhart signing a letter to EPA re: Record of Decision on behalf of City Council

Mayor Barnhart said the letter was posted on the agenda on the city website. Mayor Barnhart read the letter for visitors in attendance. Mayor Barnhart added the City Clerk has presented council with 75 emailed letters that were received after the agenda was posted.

Shirley Folkwein, 285 Shooting Star Dr. with the Coalition for a Clean CFAC, said based on your letter to the EPA, we all want to see the CFAC site cleaned up. Ms. Folkwein said the EPA has provided the Coalition and the community with a technical consultant through the TASC program. This program is encouraging us to take a deep dive and look for critical gaps in information within the technical documents that were compiled in

support of the proposed cleanup plan. They will be providing a vital community learning process and additional dialogue so the community will feel heard prior to the ROD being issued.

The Coalition for a Clean CFAC urges council to vote against the letter to the EPA this evening. They would like to engage with council to move toward a decision that will affect health and the environment for years to come said Folkwein.

Peter Metcalf, 234 1st Ave E., Board Member for the Coalition for a Clean CFAC, said he concurs with Ms. Folkwein. Tonight's decision is easy, council either endorses the letter to be sent to the EPA or they can stand with the community and give them a few more months to do more work. Mr. Metcalf believes moving forward with the ROD only serves in the interest of Glencore. It is important to understand that once the ROD is in place it is difficult to change, said Metcalf. We need more time; this is not a short-term thing; it will continue afterwards. Mr. Metcalf asked council to stand with the community and give them a few more months for a better outcome.

Glen Wehe, 267 Rogers Road said in the letter it states the City's concern has always been that of providing safe, clean drinking water to our community. Has anyone considered the possibility that the cleanup the EPA is proposing could make a difference to existing wells and water supply? Mr. Wehe would like to speak against the letter and urge council to take a pause.

Mayre Flowers with Citizens for a Better Flathead and Coalition for a Clean CFAC said she concurs with prior speakers this evening. Ms. Flowers would like council to postpone sending the letter to the EPA and support the Coalition in moving forward. This is an opportunity to build community engagement, which is important to the community. Now that people are engaged, give us more time before you send this letter, said Ms. Flowers. It may enhance and streamline the process moving forward.

Shayna Kyle, 640 Martini Lane, agrees with the previous speakers.

Darin Fisher, 303 3rd Ave E., thanked Mayor and Council for being at the forefront since 2015; there have been several meetings over the years. Fisher said he finds it frustrating that there were so many meetings that included a cleanup plan in 2023, three months of public comments, a paid advisor interrupting the comments and multiple meetings that were not well attended. In 2024 the Coalition for a Clean CFAC implied council hasn't paid attention in the past and wants us to step up and pay attention, when council has been involved from the beginning. Fisher said he has been to multiple meetings and supports the letter in moving forward.

Dee Fleming, 24 Diane Rd. said she feels they need more time to study the superfund site. There are several chemicals, and some have not been tested and monitored. We need to plan for the whole region and asked for more time before sending the letter to the EPA.

Ms. Flowers handed City Clerk Staaland 7 additional public comment letters.

Councilor King motioned to authorize Mayor Barnhart signing letter to EPA re: Record of Decision on behalf of City Council, seconded by Councilor Robinson.

Councilor Lovering said she feels comfortable sending the letter, since she has been involved from 2014 forward. The community and the Coalition may have more power than council does. Lovering does not believe

the letter will make a difference but supports the process of moving forward. The county commissioners haven't listened to council yet, and we are not sure they will. With that said she is comfortable with the years she has put in and would like to see the ROD.

Councilor Price said if the council doesn't matter why send the letter, why not keep our original stance. If we as a council feel the need to send the letter, we need to remember we are the voice of the people, and this letter needs to reflect that. Price said she is not in favor of sending the letter.

Councilor Robinson asked Ms. Folkwein how many more months they needed. Ms. Folkwein said when we met with the legislative Environmental Quality Council, they submitted a letter to the EPA requesting delay in the decision making until March of 2025. Folkwein said they are not saying to hold off for another 2 years they are working with the technical assistant and scheduling a public meeting on August 20th, September and another in October. Robinson believes the letter is not going to make a difference as the commissioner's haven't played a part so far. She is concerned with citizens being involved and how they feel and would entertain postponing the letter until after the 1st of the year.

Councilor King said she was dismayed by some of the emails. King would like to move forward with the letter and get the ROD. This didn't just start; it has been going on since 2015 said King.

Council Piper said council has been discussing this for 9 years and it's time to move forward with the letter and get the ROD.

Mayor Barnhart said it sounds like the Coalition has it all handled, and it doesn't make a difference what council does. How much power does City Council have, the site isn't even in our jurisdiction. Yet it took council to bring it to the forefront to get the process started; now the Coalition wants us to slow down. The information has been out there for years, the Coalition has the professional help they need, getting additional money from EPA to pay people to go over the same thing that has already looked at. There is a definite road to get the superfund site moving forward, they showed us the steps, and this was the EPA rules said Barnhart. Mayor Barnhart said he wanted it hauled away until he received more information. We made a decision and want it cleaned up; we have put this off long enough, it's time to move forward. Mayor said he appreciates the Coalition for the work they have done and encourages them to continue.

Council voting is as follows. Ayes: King, Lovering, Piper, Robinson and Barnhart. Nays: Price.

Authorize Mayor to Sign Matching Funds Commitment Letter - MCR Grant (Housing Study)

City Manager Peters said we have to do our housing study and have projected a \$15,000 match from the city, which came in higher than projected. This letter represents the City's firm commitment to providing the matching funds for the Housing Study in the amount of \$27,100.

Councilor Robinson made motion to approve the matching funds commitment letter for the Housing Study, seconded by Councilor King and the motion carried.

After reviewing the project scope city administration determined that it was prudent to have engineering oversight of the project to ensure construction was completed as designed and to specs.

City Manager Peters said in reviewing the project we thought it would be in the best interest of the city to have experts on site to ensure it is built as specified by standards.

Councilor Lovering moved to authorize the City to sign the agreement with WGM Group for engineering services, seconded by Councilor Piper and the motion carried unanimously.

Review and request for approval of City Attorney Contract Amendment

City Attorney Breck said they would like a modification to the current City Attorney contract. Since the signing of the Contract in December 2023, there has been confusion related to the language regarding additional compensation. The current language gives two hourly rates of \$205.00 and \$250. for differing types of work, but neither reflects what we believe we agreed to, which was to be compensated at the same rate as defense counsel for MMIA, at an hourly rate of \$225. By eliminating the two amounts and agreeing on the single MMIA rate of \$225. per hour for addition duties will eliminate confusion. Mayor Barnhart asked when MMIA last increased their rates. Breck believes 4 or 5 years ago. Mayor said the last contract was in December 2023 and now we want to match MMIA. Mayor said most of the work done is under contract, and asked how often the city needs to pay above the existing contract. Breck said it's a matter of what Stephanie has worked on with personnel. Mayor asked if the rest of the contract will stay in place. City Attorney Breck said that is correct.

Councilor Lovering motioned to approve the City Attorney Contract Amendment, seconded by Councilor Robinson and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper inquired about the yellow paint on the curbs by Posh Nails. City Manager Peters said the paint sprayer is now operational, and staff will get it scheduled along with the crosswalks before school starts. Piper asked if there was any movement with DOT on turning lights. Peters said there has been no word, but we are on their radar. Piper said he likes the idea of an old police car in town. Acting Police Chief Rice said on special events we have additional patrol on each shift.

Piper said 2nd Street E. was a mess after the rainstorm and the drywells need to be addressed.

Piper thanked Peters for stepping in as Acting City Manager.

Councilor King inquired about knap weed in town. Peters said weed letters have been sent out and the county has been helping with spraying.

King said she will be absent from the 9/02/24 council meeting.

Councilor Price inquired about the new location of the Community Market. Acting Police Chief Rice said there are some parking issues on 11th Street and on Veterans Drive but no other issues have come up. Price asked Rice if he believes it's a better location this year versus last year. Rice said it is a better location, with additional parking and a crosswalk to get across the highway. The person that was in the incident was not at a crosswalk and they were on the side street.

Councilor Lovering said since the recent paving in front of her house the rainwater is running into her yard. The project seemed to be rushed and no consideration of where the water would be going. We need to be careful of how we engineer water drainage said Lovering.

Lovering said the post office property looks terrible, from landscaping to the pot holes in the parking lot. Lovering understands understaffing and they may not have available funds for upkeep. Can the city reach out to the owner of the property and ask them to address it? Mayor concurred with Lovering on contacting the property owner.

Mayor Barnhart said Councilor Shepard has mentioned water not draining properly in his neighborhood. The city has done some work and more may be needed.

Mayor Barnhart asked how they city is doing on hiring a Public Works Director. Acting City Manager Peters said we are still in the process.

Mayor Barnhart inquired where the city is on the contract with the potential City Manager. City Attorney Breck said Deputy Attorney Breck is reviewing the contract with Mr. Billingsley. Mayor Barnhart said we need to get it on the agenda and will need it in advance.

CITY MANAGER REPORT

City Manager Peters said staff has looked at several areas around town with the drainage issues. These are long-term projects, and the city will need to find a starting point.

Peters said he was finally able to get in touch with Kenny from Fish Wildlife and Parks and Kenny said they stocked the pond in late June. He asked us to let him know if we receive reports of no fish.

The graffiti from city property has been removed. The county has been notified of the graffiti on the Red Bridge and they will address it.

The preconstruction meeting on WWTP looks like a good group out of Washington.

Heritage days was a big success with no issues or concerns from the Police Department.

The hiring process for the new Chief of Police is in the works, staff have narrowed it down to seven candidates. We are hoping to start interviews around the 21st of August. The Public safety committee can participate on the interview panel if they wish.

The owner of the old Bothe and Lauridsen building has asked if the city will maintain the monument area and help with watering expenses and lawn care. Peters said the city can help with that under beatification of city owned property. The city will maintain the lawn and pay 80% of water usage during the summer months. Staff has looked at 5th Ave. W. between 13th St. and 10th which is closed temporarily because it is deteriorating, and the estimates came back well above what the city estimated. Peters said we may have to put the project on hold at this time. The city has had some phone calls on a shared sidewalk on 4th St. and 2nd Ave W. the city is interested but will evaluate water drainage.

City Clerk Staland is looking into new microphones for the council chambers to ensure better reception during zoom meetings.

The stop signs are going up at the school zone and the majority will be up before school starts.

MISCELLANEOUS

Fire Chief Weeks said the Fire Department has been busy this month. The ISO results should be here within the next couple of months. Councilor Price asked if we are still in stage 1 fire restrictions. Chief Weeks replied yes, the county is. Councilor King congratulated the Fire Department on another successful pancake breakfast. Councilor Lovering said community members have commented on the quick response time to the fire at the High School. Chief Weeks stated we have a great group of volunteers and paid staff at this time.

Acting Police Chief Rice said the Police Department is keeping very busy as well and doing a great job.

ADJOURN: Councilor Lovering motioned to adjourn at 8:53 p.m., seconded by Councilor Piper and the meeting adjourned.

Mayor

City Clerk

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

Item No.4.

The Columbia Falls Planning Commission will hold a public hearing for the following item at their regular meeting on Thursday, August 8, 2024 at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday, August 19, 2024 starting at 7:00 p.m. in the same location.

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:

Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 16th day of July, 2024

Clint Peters

Clint Peters, Interim City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Publish: Daily Interlake Tuesday, July 23, 2024

**CONDITIONAL USE PERMIT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION**

Item No.4.

**COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CCU-24-01
For Jacqueline Smith and Carl Morsette for a Drive Thru Coffee Stand at 262 1st
Ave WN, Columbia Falls**

July 1, 2024

A report to the Columbia Falls City Planning Commission and the Columbia Falls City Council regarding a request to permit a conditional use for a drive-thru espresso stand within the Columbia Falls Zoning Jurisdiction. The Conditional Use request is scheduled for a public hearing before the Planning Commission on August 8th, 2024 at 6:00 PM and the City Council on August 19, 2024 at 7:00 p.m. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

BACKGROUND INFORMATION

A. PETITIONERS

Jacqueline Smith and Carl Morsette
262 1st Ave WN
Columbia Falls, MT 59912

B. PETITIONER'S TECHNICAL ASSISTANCE

Same

C. LOCATION/DESCRIPTION

Subdivision Name:	Third Addition to Columbia Falls	Block: N/A		Lot: 2-4	
Tracts	N/A				
Section:	8	Township:	30N	Range:	20W
Address	262 1 st Ave WN, Columbia Falls				

D. REQUEST

A Conditional Use Permit to establish a drive-thru espresso business located on property zoned CB-2 (General Business) and currently containing the applicants home and their Glacier Grappling Gym. The drive-thru building will be approximately 10 feet by 12 feet or 120 square feet in size and connect to City of Columbia Falls sewer and water infrastructure.

Figure 1

**E. REASON FOR REQUEST**

Drive-thru espresso businesses are only permitted in this zone as a conditional use.

F. EXISTING LAND USE

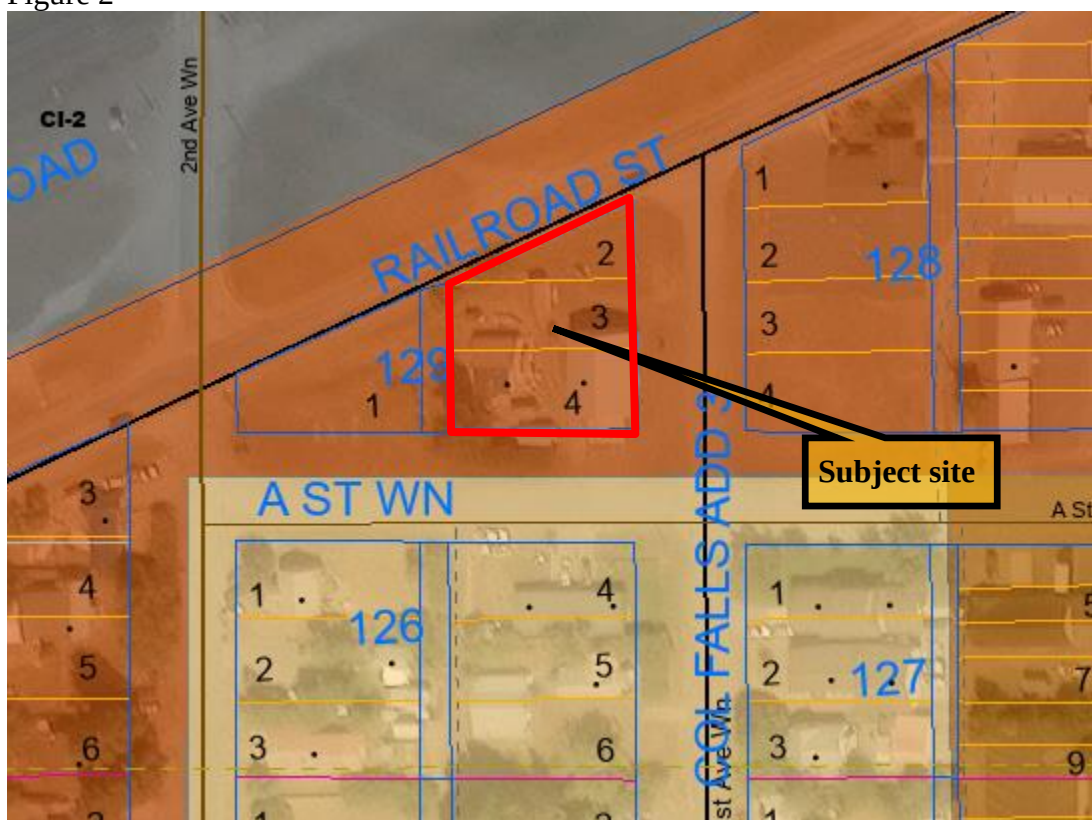
The site is zoned commercial and their property includes their house and the gym.

G. ADJACENT ZONING AND LAND USE:

North	CI-2	BNSF Rail Road Property
South	CR-5	Single Family and Duplex Residential
East	CB-2	Food Bank
West	CB-2	Vacant and Residential property

The current use and other uses in the area are in compliance with the existing zoning.

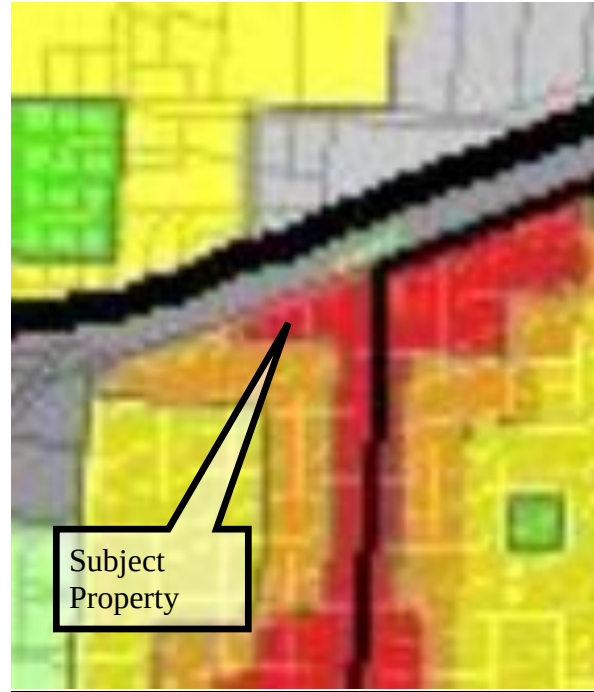
Figure 2



Zoning Map – Flathead County GIS Zoning Layer

H. **GROWTH POLICY DESIGNATION:**

The subject area is designated as commercial as indicated by the red shading on the Columbia Falls Growth Policy Map (Figure 3) indicated below:

Figure 3

Portion of the Columbia Falls Growth Policy Map

EVALUATION BASED ON REQUIRED CRITERIA

18.210.080 Criteria required for consideration of a Conditional Use Permit:

A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

- a. Site Suitability. (That the site is suitable for the use) This includes:
 - i. Adequate Usable Space: The site is flat and suited for business use with access to utilities such as sewer and water. New driveways will provide access and circulation with looped circulation from Railroad Street to 1st Ave WN for drive-thru. A drive will be located on each side of the building.
 - ii. Adequate Access: The property is on a corner lot with access to two City Streets as indicated in their application.
 - iii. Absence of Environmental Constraints: The site is flat and void of wetlands, rivers, or streams. There is no floodplain or other environmental factors that would constrain the development of this site.
- b. Appropriateness of Design. The site plan for the proposed use will provide convenient and functional use of the lot. Consideration of design should include:

- i. Parking Scheme: Parking is only required for the employees of this business as there is no indoor seating. There is parking to the east and south of the Glacier Grappling & MMA Gym.
- ii. Traffic Circulation: (See discussion previous in a.ii) The applicant provided a very rough sketch of the proposed use and circulation. But it appears from their application that the circulation works and will be paved.
- iii. Open Space: Open space is not required in the commercial districts.
- iv. Fencing/Screening: None is required.
- v. Landscaping: The zoning regulations require a four-foot landscape buffer along the street frontage. The applicants are showing a landscape area between the building and the property line.
- vi. Signage: A signage plan was not submitted with the application. This is not an issue, as the City has an established signage code and application process that functions independently of the CUP. However, any future signage will need to meet the signage standard of the Columbia Falls Zoning Code.

c. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

Sewer	City Sewer
Water	City Water
Storm Water Drainage	Addressed at building permit and approach permit
Fire Protection	Columbia Falls Fire
Police Protection	Columbia Falls Police
Streets	City of Columbia Falls

The services required are provided as shown in the table above.

Immediate Neighborhood Impact. Typical negative impacts which extend beyond the proposed site include, but are not limited to:

- i. Excessive Traffic Generation: The property is zoned CB-2 (General Business) and as such anticipates traffic generated by establishments such as the drive-through espresso business. The traffic generated by the business would not be out of character with the neighboring commercial uses at the intersection of Railroad and Nucleus. Railroad Street is a collector street and is designed to handle significant traffic.
- ii. Noise or Vibration: Staff anticipates no noise or vibration with the proposed use.
- iii. Dust, Glare, Or Heat: The proposed drive through espresso use will not generate dust, glare or heat.

- iv. Smoke, Fumes, Gas, or Odors: The proposed use will not generate smoke, fumes, gas, or odors that would be out of character with any beverage establishment located in the City.
- v. Inappropriate Hours of Operation: The application states that the hours to start will be 6:00 AM to 5:00 PM Monday-Friday but could be reduced depending on customer demand. These are completely acceptable hours for a commercial district. Staff is not proposing any limits on the hours of operation.

RECOMMENDATIONS:

Staff recommends that the Planning Commission adopt Staff Report CCU-24-01 as findings of fact and that the Planning Commission recommend approval of the Conditional Use Permit for permitting a drive thru coffee stand at 262 1st Ave WN, Columbia Falls should be granted with the following conditions:

1. The applicant shall secure a sign permit from the City of Columbia Falls for new signage appropriated to the drive-thru espresso stand.
2. Secure approval from the Flathead City County Health Department food service operations.
3. The applicant shall submit engineered plans for water and sewer connections to the Columbia Falls Public Works Department.
4. The applicant shall establish a minimum four-foot landscape buffer between the building and the property lines on the north and east sides of the coffee stand/driving isles.
5. The driveways shall be constructed to a minimum 10 feet wide for one-way traffic and 20-feet wide for two-way traffic. All driveways shall be paved in accordance with City requirements.
6. The applicants shall secure driveway approach permits from the Columbia Falls Public Works Department for the new approaches.
7. The applicant shall secure a Building Permit from the City of Columbia Falls for the placing and or construction of the drive-thru building.

PAID

Item No.4.

JUN 18 2024

CITY OF COLUMBIA FALLS

APPLICATION FOR CONDITIONAL USE PERMIT

FILING FEE ATTACHED \$ 650 SEE FEE SHEET

PROPOSED USE: DRIVE THRU COFFEE STAND

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:

Name: JACQUELINE SMITH / CARL MORSETTE

Mailing Address: 262 1ST AVE WN

City/State/Zip: COLUMBIA FALLS, MT 59912 Phone: 406-529-2646

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: " "

Mailing Address: _____

City/State/Zip: _____ Phone: _____

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Street Address 262 1ST AVE WN Tract T30N Block 129 Lot 2-4

Subdivision Name _____

Section S08 Township _____ Range R20W

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the *Required Criteria for Conditional Use Application* the Planning Board and Council must use to create a "Finding of Fact" in making a decision. Please review the Criteria carefully before providing the following information and documents.

18.210.090 Burden of proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the planning board. The granting of a conditional use permit rests in the discretion of the city council as to whether or not the proposal conforms to the criteria and requirements set forth in Chapter 18.210.080

1. Zoning District and Zoning Classification in which use is proposed: CB2

2. Attach a plan of the affected lot which identifies the following items:

- Surrounding land uses.
- Dimensions and shape of lot.
- Topographic features of lot.
- Size(s) and location(s) of existing buildings.
- Size(s) and location(s) of proposed buildings.
- Existing use(s) of structures and open areas.

- g. Proposed use(s) of structures and open areas.
- h. Existing & proposed landscaping and fences.

3. On a separate sheet of paper, discuss the following topics relative to the proposed use:

- a Traffic flow and control.
- b Access to and circulation within the property.
- c Off-street parking and loading.
- d Refuse and service areas.
- e Utilities.
- f Screening and buffering.
- g Signs, yards and other open spaces.
- h Height, bulk and location of structures.
- i Location of proposed open space uses.
- j Hours and manner of operation.
- k Noise, light, dust, odors, fumes and vibration.
- l If the application is for a home occupation conditional use permit provide the following information:
 - 1 Number of employees that will work on the premises.
 - 2 Number of employees that are not family members residing at the premises.
 - 3 Estimated number and frequency of clients/patrons that will visit the on-site business.
 - 4 How much area will be used for the business. Compared to the area used for residential purposes.

4. Attach supplemental information for proposed uses that have additional requirements.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature



Date

6/13/2024

Required Criteria for Conditional Use Application

18.210.080 Criteria required for consideration of a conditional use permit.

A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

A. Site Suitability. That the site is suitable for the use. This includes:

1. Adequate usable space,
2. Adequate access, and
3. Absence of environmental constraints.

B. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

1. Parking scheme,
2. Traffic circulation,
3. Open space,
4. Fencing/screening,
5. Landscaping, and
6. Signage.

C. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

1. Sewer,
2. Water,
3. Storm water drainage,
4. Fire protection,
5. Police protection, and
6. Streets.

D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:

1. Excessive traffic generation,
2. Noise or vibration,
3. Dust, glare, or heat,
4. Smoke, fumes, gas, or odors, and
5. Inappropriate hours of operation
6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.

Application for Conditional Use Permit

262 1st Ave WN, Columbia Falls, MT 59901

2. Attach a plan of the affected lot which identifies the following items:

a. Surrounding land uses:

CB2 zoning with a mixture of residential and commercial properties – Glacier Grappling & MMA, Columbia Falls Food Bank, Genisis Kitchen, Depot Park and the railroad tracks are across Railroad Street.

b. Dimensions and shape of the lot:

See attached Cadastral print out

c. Topographic features of the lot:

Flat, may require some dirt removal for paving and water runoff

d. Size and location of existing buildings:

Commercial Shop – 40' x 60'

House – 30' x 35'

2 Sheds – 10' x 20' each

e. Size and shape of proposed building:

Rectangle 10' x 12' / will be roughly 18' tall with cement anchor

f. Existing use of structures and open areas:

The shop is used as a commercial martial arts gym, Glacier Grappling & MMA. The house is used as a primary residence, and the sheds are used for tool storage. The open areas are used as an open yard, and the gravel areas to the east and south of the gym are used for parking.

g. Proposed use of structure and open areas:

The 10' x 12' building will be used as a drive-up coffee stand. The open areas in the vicinity of the coffee stand will be paved as a roadway. The northeast corner of the lot will be landscaped, and a small sign will be placed within the property line boundary.

h. Existing & proposed landscaping and fences:

Areas that are not paved will have grass. At some point a fence may be placed around the house for privacy.

3. On a separate sheet of paper, discuss the following topics relative to the proposed use:**a. Traffic flow and control:**

An entry/exit point will be paved and connected Railroad Street on the west side of 1st Ave WN and an entry/exit point will be paved and connected to 1st Ave WN south of the stop sign at 1st Ave WN and Railroad Street.

b. Access to and circulation within the property:

See attached map

c. Off street parking and loading:

There is parking available to the east and south of Glacier Grappling & MMA but will most likely not need to be utilized as this will be a drive thru coffee stand.

d. Refuse and service areas:

Our site will add additional trash service with Evergreen Disposal.

e. Utilities:

After approval of the conditional use permit, we will work with the City of Columbia Falls to connect the building to water/sewer and contact Flathead Electric for an electricity hook up.

f. Screening and buffering:**g. Signs, yards and other open spaces:**

Landscaped areas will be maintained on the north and northeast sides of the lot. Parking will be available on the east and south sides of the lot. A yard will be considered private property to the south of the house. A small sign advertising the businesses at the location will be placed within the property line in the northeast landscaped area.

h. Height, bulk and location of structures:

See attached photos

i. Location of proposed open spaces:

See attached photos and maps

j. Hours and manner of operation:

It would be operating as a drive-thru coffee stand with a window on each side to assist customers while they are sitting in their vehicles. Hours of operation would most likely run from 0600 to 1800. Closing hours could vary depending on consumer demand.

k. Noise, light, dust, odors, fumes and vibration:

Noise and light will only affect the owners of the property as the coffee stand will be on the north side of Glacier Grappling & MMA, which will block the residential properties view of the location. The drive through roadway will be paved to limit dust. If fumes become bothersome to Glacier Grappling & MMA, we will request that customers turn off their engines while waiting for service. Minimal concerns with vibration.

l. If the application is for a home occupation conditional use permit provide the following information:

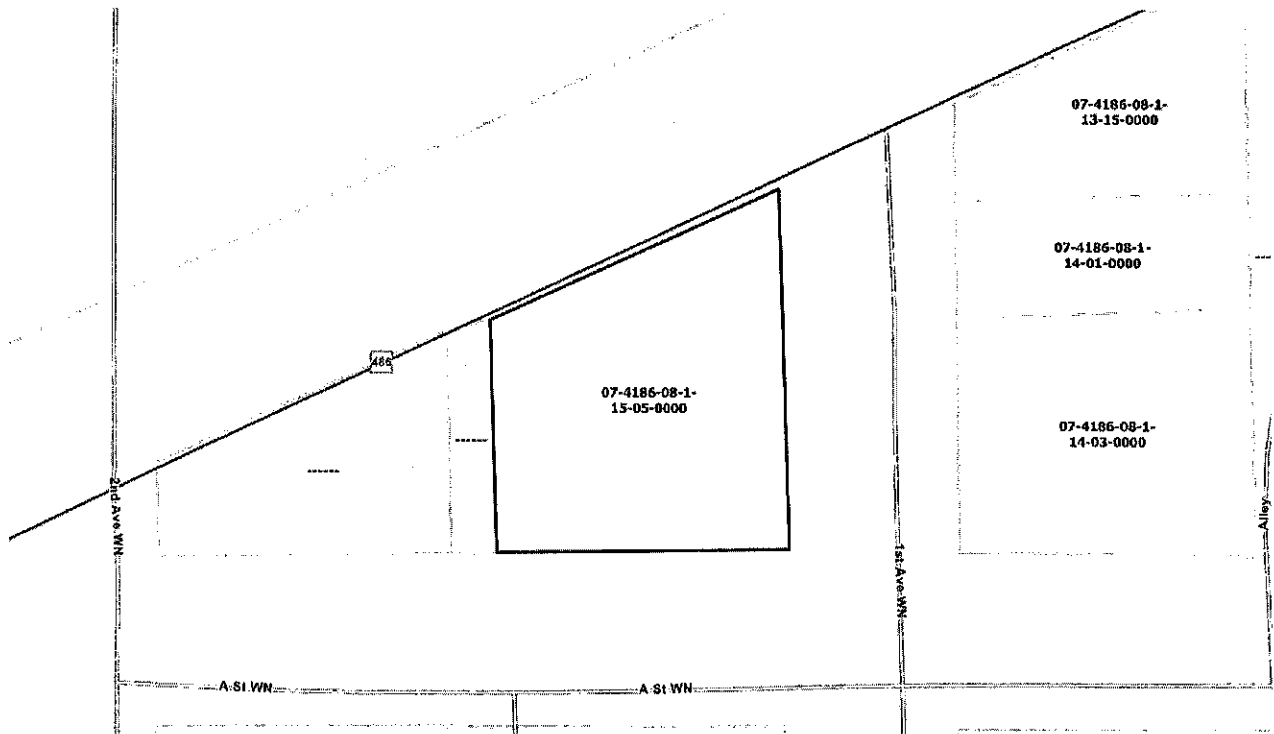
1. Number of employees 1-3
2. Number of employees that are not family 1-2
3. Estimated number and frequency of clients Unknown currently
4. How much area will be used for business vs residential 50/50



Cadastral Property Report

Tax Year: 2024

Scale: 1:770.64 Basemap: Cadastral Application Base Map



Summary

Primary Information

Property Category: RP

Subcategory: Mixed Use - Res & Comm

Geocode: 07-4186-08-1-15-05-0000

Assessment Code: 0000049950

Primary Owner:

SMITH JACQUELINE JOAN
262 1ST AVE WN
COLUMBIA FALLS, MT 59912
Note: See Owners section for all owners

Property Address:

262 1ST AVE WN
COLUMBIA FALLS, MT 59912

Certificate of Survey:

Legal Description: COLUMBIA FALLS ADD 3, S08, T30 N, R20 W, BLOCK 129,
Lot 2 - 4, ASSR#0000049950

Last Modified: 5/20/2024 23:35:41 PM



Cadastral Property Report

Tax Year: 2024

General Property Information

Neighborhood: 207.303.C	Property Type: IMP_U - Improved Property - Urban
Living Units: 1	Levy District: 07-0312-76 - MAIN
Zoning:	Ownership: 100
LinkedProperty: No linked properties exist for this property	
Exemptions: No exemptions exist for this property	
Condo Ownership:	
General: 0	Limited: 0

Property Factors

Topography: n/a	Fronting: n/a
Utilities: n/a	Parking Type: n/a
Access: n/a	Parking Quantity: n/a
Location: n/a	Parking Proximity: n/a

Land Summary

Land Type:	Acres:	Value:
Grazing	0	0
Fallow	0	0
Irrigated	0	0
Continuous Crop		
Wild Hay	0	0
Farm/Idle	0	0
ROW	0	0
NonQual Land	0	0
Total Ag Land	0	0
Total Forest Land	0	0
Total Market Land	0.33	153250

Deed Information

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
7/5/2023			7/11/2023	202300010416	Warranty Deed
10/11/2016			10/13/2016	201600022652	Quit Claim Deed
9/22/2016			9/22/2016	201600020650	Termination of Joint Tenancy by Death
4/30/2015			4/30/2015	201500008215	Quit Claim Deed
12/22/2014			12/26/2014	201400025995	Quit Claim Deed

Owners



Cadastral Property Report

Tax Year: 2024

Party #1

Default Information:	SMITH JACQUELINE JOAN 262 1ST AVE WN COLUMBIA FALLS, MT 59912
Ownership %:	100
Primary Owner:	Yes
Interest Type:	Joint Tenant
Last Modified:	10/4/2023 11:44:39 AM

Party #2

Default Information:	MORSETTE CARL GAGE 262 1ST AVE WN COLUMBIA FALLS, MT 59912
Ownership %:	100
Primary Owner:	Yes
Interest Type:	Joint Tenant
Last Modified:	10/4/2023 11:44:39 AM

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2024	153250	343310	496560	COST
2023	103094	285660	388754	COST
2022	62219	219740	281959	COST

Market Land

No market land exists for this parcel

Dwellings

Dwelling #1

Dwelling Information

Dwelling Type	Style	Year Built
SFR	08 - Conventional	1947



Cadastral Property Report

Tax Year: 2024

Residential Type: SFR
 Year Built: 1947
 Effective Year: 2000
 Story Height: 1.5
 Grade: 5
 Class Code: 3501
 Year Remodeled: n/a

Style: 08 - Conventional
 Roof Material: 5 - Metal
 Roof Type: 3 - Gable
 Attic Type: 0 - None
 Exterior Walls: 1 - Frame
 Exterior Wall Finish: 3 - Masonite
 Degree Remodeled: n/a

Mobile Home Details

Manufacturer: n/a
 Width: n/a
 Model: n/a

Serial #: n/a
 Length: n/a

Basement Information

Foundation: 2 - Concrete
 Daylight: N
 Quality: n/a

Finished Area: n/a
 Basement Type: 1 - Crawl

Heating/Cooling Information

Type: Non-Central

System Type: 1 - Floor/Wall/Space

Fuel Type: 3 - Gas

Heated Area: n/a

Living Accomodations

Bedrooms: 2

Family Rooms: n/a

Full Baths: 1

Half Baths: n/a

Addl Fixtures: 3

Additional Information

Fire Places
 Stories: n/a
 Openings: n/a

Stacks: n/a
 Prefab/Stove: 1

Garage Capacity: n/a

Cost & Design: n/a

Flat Add: n/a

% Complete: n/a

Description: n/a

Dwelling Ammenities

View: n/a

Access: n/a

Area Used in Cost

Basement: n/a

Addl Floors: n/a

First Floor: 840

Second Floor: n/a

Half Story: 630

Unfinished Area: n/a

Attic: n/a

SFLA: 1470

Depreciation Information

CDU: n/a

Physical Condition: Average (7)

Desirability
 Property: Average (7)

Location: Average (7)

Depreciation Calculation



Cadastral Property Report

Tax Year: 2024

Age: 22		Pct Good: 0.77				
RCNLD: 214380						
Additions / Other Features						
Lower Addtns	First	Second	Third	Area	Year	Cost
	14 - Porch, Frame, Enclosed			48	0	4003
No additional features exist for this property						

Other Buildings

Outbuilding/Yard Improvement #1

Type: Commercial	Description: CGFF - Garage, detached, frame, finished
Quantity: 1	Year Built: 2017
Grade: G	Condition: Com 3 Normal
Functional: n/a	Class Code: 3507

Dimensions

Width/Diameter: 40	Length: 50
Size/Area: 2000	Height: n/a
Bushels: n/a	Circumference: n/a

Outbuilding/Yard Improvement #2

Type: CommRes	Description: CPA2 - Paving, concrete, 4"
Quantity: 1	Year Built: 2017
Grade: A	Condition: Com 3 Normal
Functional: n/a	Class Code: 3501

Dimensions

Width/Diameter: 20	Length: 20
Size/Area: 400	Height: n/a
Bushels: n/a	Circumference: n/a

Outbuilding/Yard Improvement #3

Type: Residential	Description: RRS1 - Shed, Frame
Quantity: 1	Year Built: 1985
Grade: A	Condition: Res Average
Functional: n/a	Class Code: 3501

Dimensions

Width/Diameter: 8	Length: 16
Size/Area: 128	Height: n/a
Bushels: n/a	Circumference: n/a



Cadastral Property Report

Tax Year: 2024

Outbuilding/Yard Improvement #4

Type: Residential

Description: RRS1 - Shed, Frame

Quantity: 1

Year Built: 1985

Grade: A

Condition: Res Average

Functional: n/a

Class Code: 3501

Dimensions

Width/Diameter: 8

Length: 20

Size/Area: 160

Height: n/a

Bushels: n/a

Circumference: n/a

Commercial

No commercial buildings exist for this parcel

Ag/Forest Land

No ag/forest land exists for this parcel

Easements

No easements exist for this parcel

Disclaimer

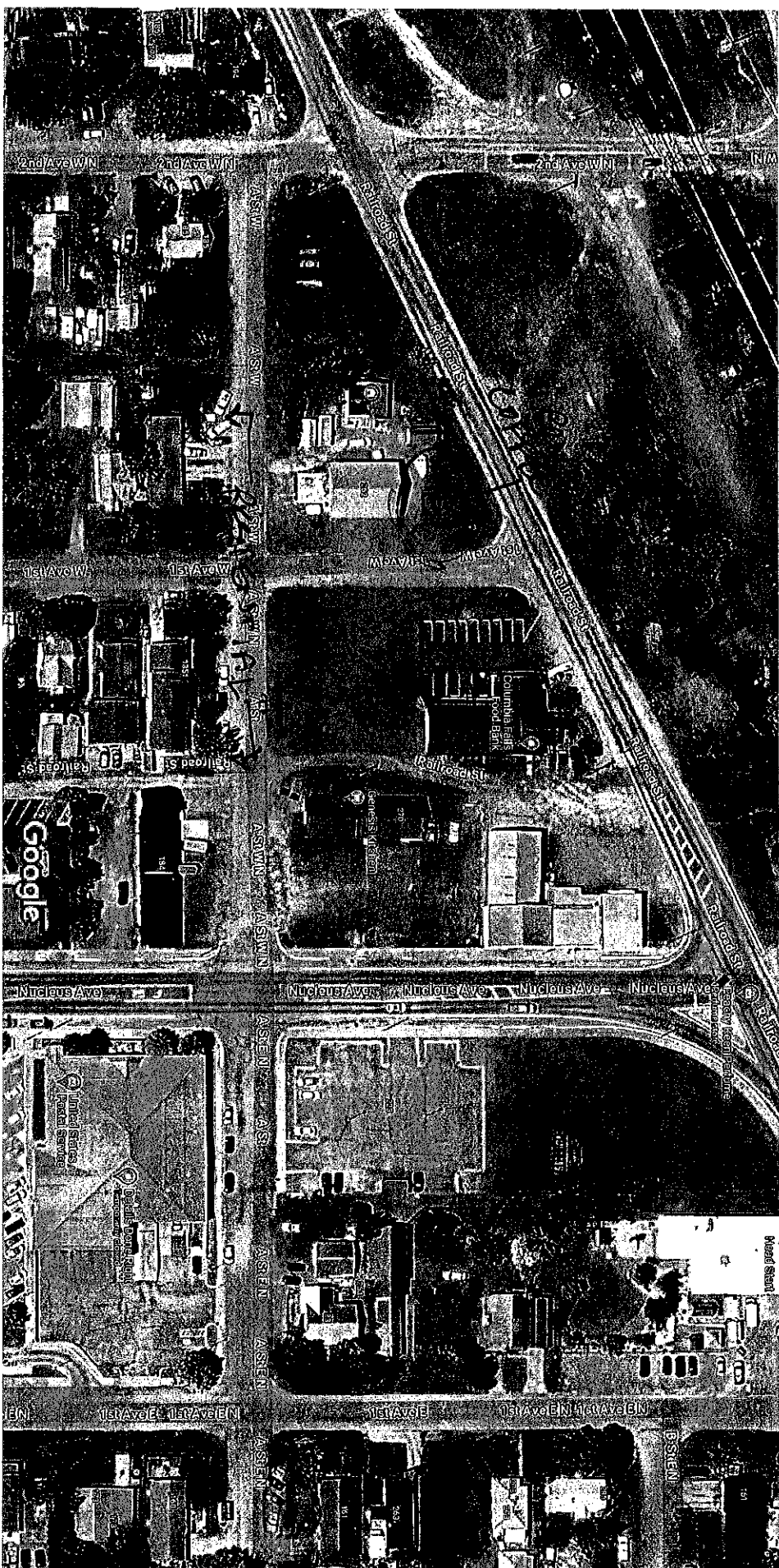
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Item No.4.

Google Maps

Surrounding area of 262 1st AVE WN

Google Maps



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 Google 50 ft

Item No.4.

Google Maps

Building description 262 1st AVE WN



Imagery ©2024 Airbus, Map data ©2024 Google 20 ft

Item No.4.

Google Maps

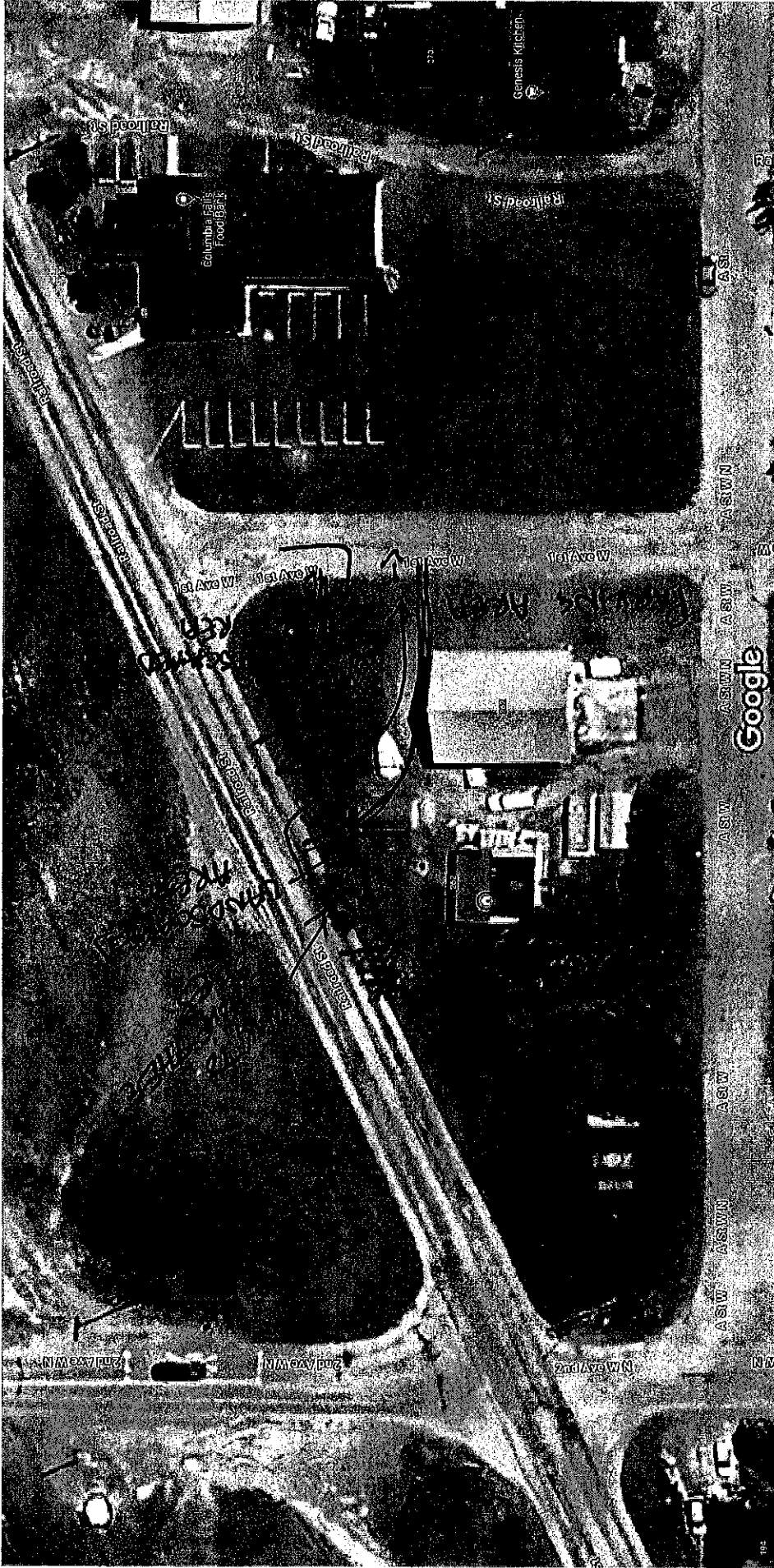
Proposed use of 262 1st AVE WN



Imagery ©2024 Airbus, Map data ©2024 Google 20 ft

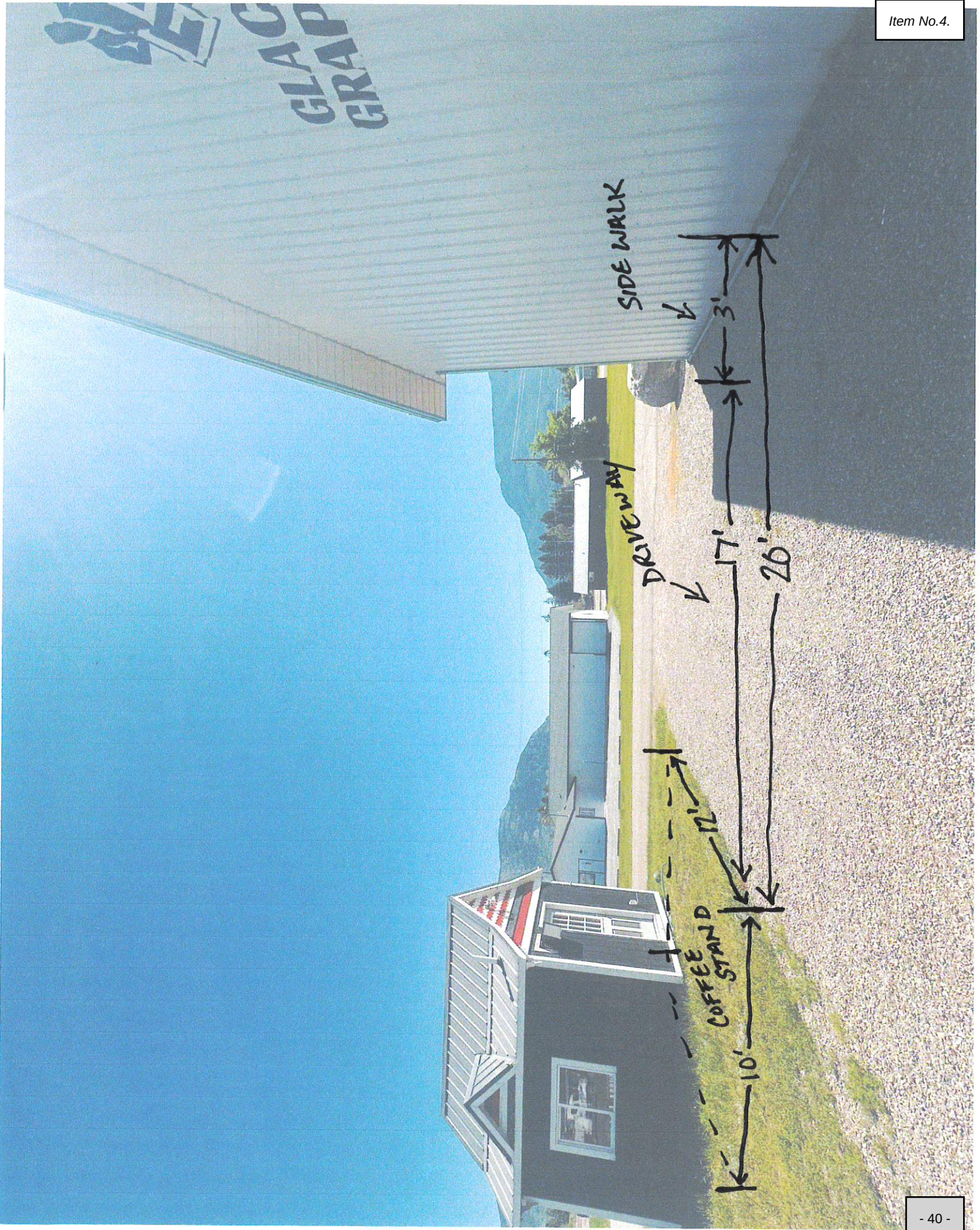
Google Maps

Traffic Flow for proposed use



Imagery ©2024 Airbus, Map data ©2024 Google 20 ft











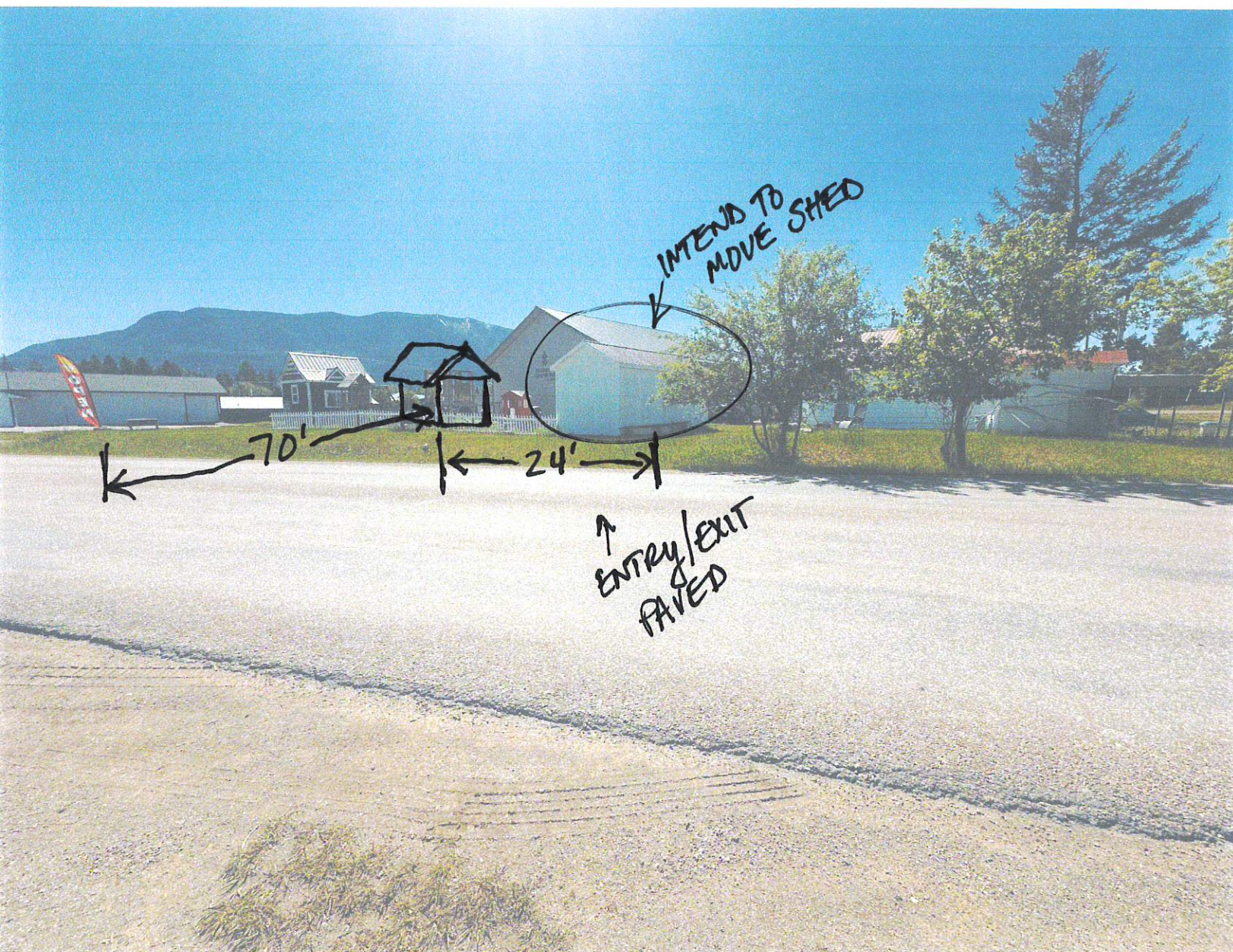
N →



SOUTH VIEW

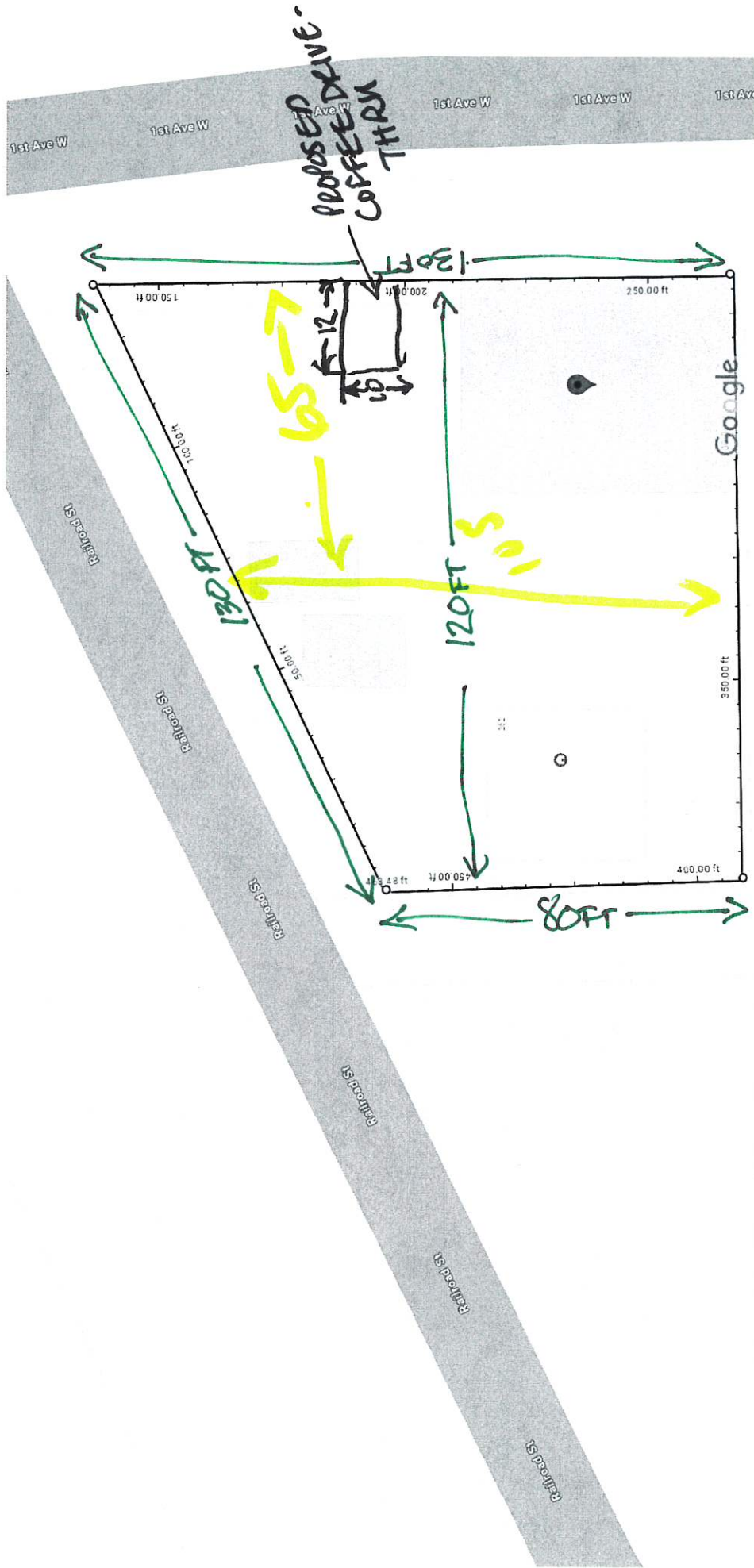


WEST STREET VIEW
RAILROAD ST. →





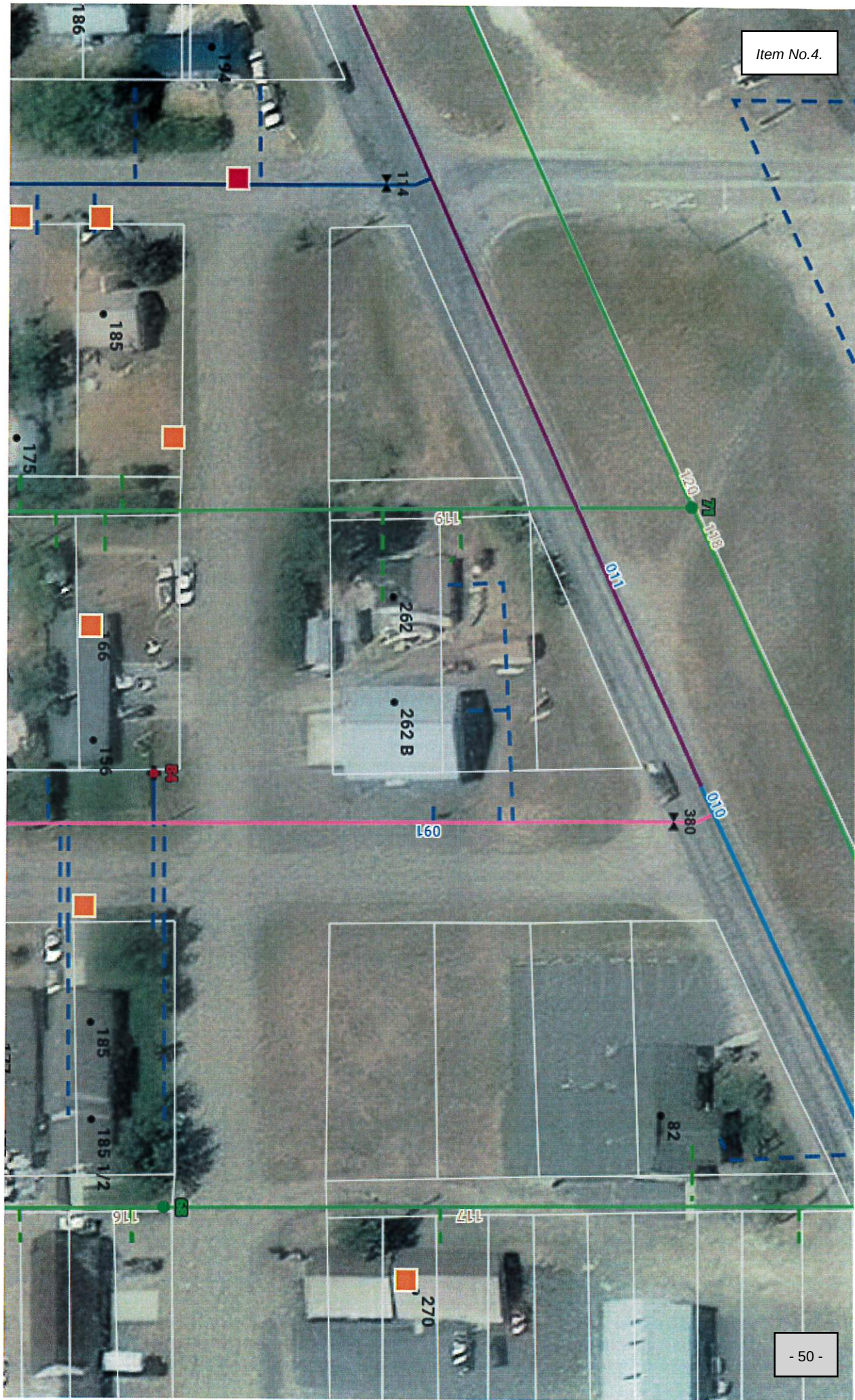
Google Maps 262 1st Ave W



Map data ©2024 Google

10 ft

Item No.4.



CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEAR-
INGS

Item No.4.

The Columbia Falls Planning Commission will hold a public hearing for the following item at their regular meeting on Thursday, August 8, 2024 at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday, August 19, 2024

starting at 7:00 p.m. in the same location.

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction: Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 16th day of July, 2024

/s/Clint Peters
Clint Peters, Interim City Manager/
Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD

July 23, 2024
MNAXLP

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

DARLENE TREWEEK BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **DAILY INTER LAKE** A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT **NO. 30543**

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF JULY 23, 2024

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

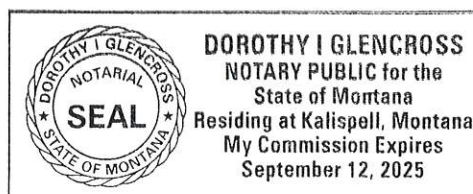
Darlene Trewick

Subscribed and sworn to
Before me this JULY 23, 2024

Dorothy I. Glencross

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2025





130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.4.

July 16, 2024

Re: Public hearing notice for a Conditional Use Permit for a drive-thru Coffee Stand.

Dear Adjacent Property Owner:

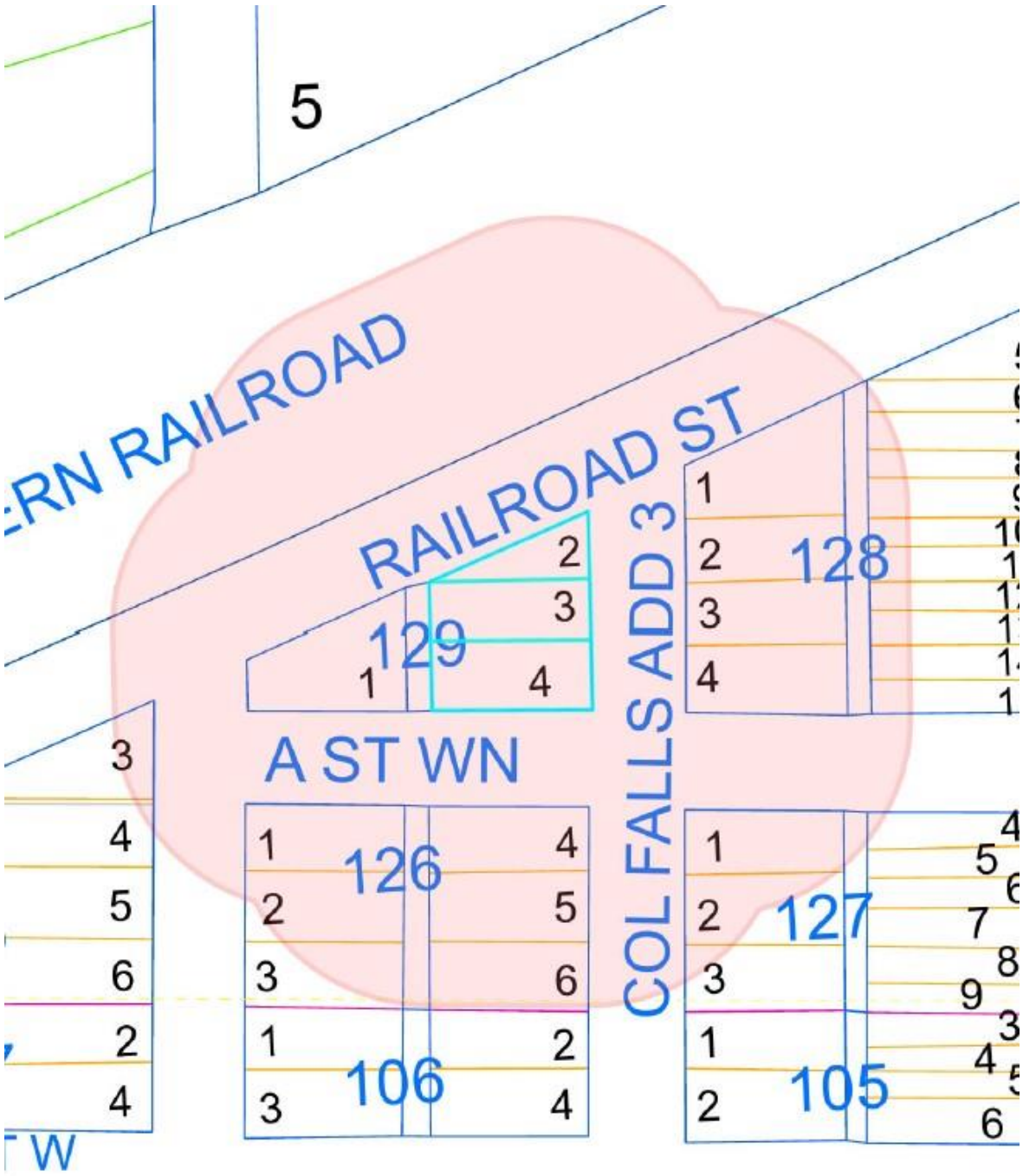
Our records indicate that you are the owner of property owner within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing that involves a request by the Jaqueline Smith and Carl Morsette for a Conditional Use Permit to open a Coffee Drive Thru. The property is CB-2, General Commercial on the Columbia Falls zoning map.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday August 1st or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing, it will just be passed out at the hearing. You are also invited to present verbal or written testimony during the public hearing on August 8, 2024.

Sincerely,

Eric H. Mulcahy, City Planner



CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

The Columbia Falls Planning Commission will hold a public hearing for the following item at their regular meeting on Thursday, August 8, 2023 at 6:00 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday, August 19, 2024 starting at 7:00 p.m. in the same location.

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:

Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

No Public Comment Received

CITY OF COLUMBIA FALLS PLANNING COMMISSION MEETING MINUTES HELD AUGUST 8, 2024

REGULAR MEETING – 6:00 PM.

Fisher called Meeting to order at 6:00 PM

PRESENT: President Darin Fisher, Vice President Justin Ping via ZOOM, Commissioner Dulcie Berube

ABSENT: Commissioner Mark Johnson, Commissioner Sam Kavanagh

Also present: Finance Director Shawn Bates, Contract Planner Eric Mulcahy, City Attorney Justin Breck, Public Works Clerk Caleb Sobczak

APPROVAL OF MINUTES:

Approval of May 9, 2024 Regular Meeting Minutes

Motion made by Berube to approve the May 9, 2024 minutes as presented, Seconded by Ping. Motion carried with all present voting AYE.

VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda)

No public comment was presented.

PUBLIC HEARINGS AND ACTION:

Before the public hearing Fisher went over the process of approval the Commission will perform on the proposals for conditional use permits, subdivisions, zone changes, etcetera.

Jaqueline Smith and Carl Morsette are requesting a Conditional Use Permit (CUP) to operate a drive-thru coffee stand at 262 1st Ave WN (Location of Glacier Grappling). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee stand was moved to the site but not opened while the applicants go through the CUP process. The property is described as Lots 2, 3, & 4; Block 129; Columbia Falls Addition; Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Contract Planner Mulcahy presented Staff Report CCU-24-01 to the Commission. All drive thru's in this zone require a conditional use permit but this could be changed in future when the zoning regulations are revised. The Growth Policy designates this area as commercial so the proposed use is appropriate. The criteria the City looks at the suitability of the property for this use such as its access. This is a corner lot so it has adequate access to City streets. This property is flat with no steep slopes and no floodplain is present. This standard kiosk will need to be placed on a permanent foundation and connected to City municipal services. There are no fencing or open space requirements for this use but there is a landscape requirement for the Cities Small Building zoning code. A sign permit will need to be applied for through the City. Other permits include a Flathead County Health Department permit for food service operations, a driveway approach permit from Columbia Falls Public Works, and a building permit from the City for placing and constructing of the kiosk and foundation. These conditions are presented in the Recommendations sections at the end of the Staff Report.

The applicants Jaqueline Smith and Carl Morsette spoke to their application saying that everything was presented by Mulcahy. Smith asked about the landscape requirements specifically if they need to be raised or flat. Mulcahy said that it can be either beds or grass or a combination of both.

Fisher opened public comments regarding this application and none were presented.

Fisher asked the Commission if they had any comments on this application. Ping asked if the driveway access would be singlewide? Smith answered that the driveway would be a single driveway that wishbones, with an entrance and exit on each street. An additional condition was discussed about the moving of the existing shed. The shed was already proposed to be moved to another location on the property but there is not a listed condition for this. It was concluded that the shed would be required to be moved to meet the requirements of the application for paving and water and sewer connections, so an additional condition is not needed.

A motion was made by Berube to adopt Staff Report CCU-24-01 as Findings of Fact seconded by Ping. A voice vote was performed with all present voting AYE.

A motion was made by Berube to recommend approval of the Conditional Use Permit to City Council seconded by Ping. A voice vote was performed with all present voting AYE. City Council will hear this proposal at the City Council Regular Meeting scheduled for August 19, 2024 in the same location.

Berube made a motion to adjourn, seconded by Ping.

ADJOURNMENT – Meeting duly adjourned at 6:18 PM

President

Attest:

Public Works Clerk

August 19, 2024

To: Mayor & Council

From: Susan M. Nicosia CPA

Re: 24-25 FY Preliminary Budget – Taxable Value and Mill Levy

For the continued 24-25 Fiscal Year Preliminary Budget Hearing, I will review the Taxable Value and Mill Levy Calculation during Monday's public hearing. Pursuant to state statute, the City Council will formally set the mill levy at the next meeting, Tuesday, September 3rd, by Resolution. The City received the certified taxable valuation from DOR on August 5, 2024. The taxable valuation increased by 1.81% as it is not a revaluation year; compared to the taxable valuation increase of 34.12% last year. We will also review the impact of the Resort Tax collections. This year's tax relief is \$371,785 as noted below.

Resort Tax Analysis - 24-25 FY:			2024 FY	2023 FY
23-24 Collections	\$	1,412,783.29		
Total 23-24 Resort Tax Revenues	\$	1,487,140.31		
Less:				
5% Admin Fee Held by Business	\$	74,357.02		
Balance for City Distribution	\$	1,412,783.29	Agrees with Resort Tax Fund Revenues	
Public Safety - 55%	\$	817,927.17	Transfer to General Fund	\$ 529,088.00 \$ 232,991.00
Other Infrastructure - 14%	\$	208,199.64	Hold for Future Projects/Appropriation	
City Admin - 1%	\$	14,871.40	Transfer to General Fund	\$ 8,399.00 \$ 5,457.00
Tax Relief - 25%	\$	371,785.08	Transfer to General Fund - tax reduction	\$ 847,925.79 \$ 136,435.00
Total - City Distribution	\$	1,412,783.29	\$ 1,385,412.79	\$ 374,883.00
				\$ -

We will review the mill levy statutory calculation, as attached, on Monday.

Determination of Tax Revenue and Mill Levy Limitations

Section 15-10-420, MCA

Aggregate of all Funds

FYE June 30, 2025

CITY OF COLUMBIA FALLS

Item No.5.

Reference Line		Enter amounts in yellow cells	Auto-Calculation (If completing manually enter amounts as instructed)
(1)	Enter Ad valorem tax revenue <u>ACTUALLY</u> assessed in the prior year (from Prior Year's form Line 17)	\$ 751,355	\$ 751,355
(2)	Add: Current year inflation adjustment @ 2.80%		\$ 21,038
(3)	Subtract: Ad valorem tax revenue <u>ACTUALLY</u> assessed in the prior year for Class 1 and 2 property, (net and gross proceeds) (from Prior Year's form Line 20) (enter as negative)	\$ -	\$ -
(3.5)	Subtract: Department of Revenue FY2025 All Class 8 Business Property Tax Reimbursement (15-1-123 MCA) *This is a new line for FY2025 only; see the Instructions tab for additional information (enter as negative)	\$ (83)	\$ (83)
(4) = (1)+(2)+(3)+(3.5)	Adjusted ad valorem tax revenue		\$ 772,310
ENTERING TAXABLE VALUES			
(5)	Enter 'Total Taxable Value' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 2	\$ 15,142,784	\$ 15,142,784
(6)	Subtract: 'Total Incremental Value' of all tax increment financing districts (TIF Districts) - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 6 (enter as negative)	\$ (2,895,801)	\$ (2,895,801)
(7) = (5) + (6)	Taxable value per mill (after adjustment for removal of TIF per mill incremental district value)		\$ 12,246.983
(8)	Subtract: 'Total Value of Newly Taxable Property' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 3 (enter as negative)	\$ (364,938)	\$ (364,938)
(9)	Subtract: 'Taxable Value of Net and Gross Proceeds, (Class 1 & 2 properties)' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 5 (enter as negative)	\$ -	\$ -
(10) = (7) + (8) + (9)	Adjusted Taxable value per mill		\$ 11,882.045
(11) = (4) / (10)	CURRENT YEAR calculated mill levy		65.00
(12) = (7) x (11)	CURRENT YEAR calculated ad valorem tax revenue		\$ 796,054
CURRENT YEAR AUTHORIZED LEVY/ASSESSMENT			
(13)	Enter total number of carry forward mills from prior year (from Prior Year's form Line 22)	62.46	62.46
(14) = (11) + (13)	Total current year authorized mill levy, including Prior Years' carry forward mills		127.46
(15) = (7) x (14)	Total current year authorized ad valorem tax revenue assessment		\$ 1,561,000
CURRENT YEAR ACTUALLY LEVIED/ASSESSED			
(16)	Enter number of mills actually levied in current year (Number should equal total <u>non-voted</u> mills, which includes the number of carry forward mills, actually imposed per the final approved current year budget document. <u>Do Not</u> include voted or permissive mills imposed in the current year.)	97.10	97.10
(17) = (7) x (16)	Total ad valorem tax revenue actually assessed in current year		\$ 1,189,182
RECAPITULATION OF ACTUAL:			
(18) = (10) x (16)	Ad valorem tax revenue actually assessed		\$ 1,153,747
(19)	Ad valorem tax revenue actually assessed for newly taxable property		\$ 35,435
(20)	Ad valorem tax revenue actually assessed for Class 1 & 2 properties (net-gross proceeds)		\$ -
(21) = (18) + (19) + (20)	Total ad valorem tax revenue actually assessed in current year		\$ 1,189,182



MONTANA
Form AB-72T
Rev. 6-24

2024 Certified Taxable Valuation Information

(15-10-202, MCA)

Flathead County

CITY OF COLUMBIA FALLS

Certified values are now available online at property.mt.gov/cov

1. 2024 Total Market Value ¹	\$	1,004,302,010
2. 2024 Total Taxable Value ²	\$	15,142,784
3. 2024 Taxable Value of Newly Taxable Property.....	\$	364,938
4. 2024 Taxable Value less Incremental Taxable Value ³	\$	12,246,983
5. 2024 Taxable Value of Net and Gross Proceeds ⁴ (Class 1 and Class 2).....	\$	-
6. 2024 Tax Loss from HB212.....	\$	(83)
7. TIF Districts		

Tax Increment District Name	Current Taxable Value ²	Base Taxable Value	Incremental Value
COLUMBIA RISING	596,359	249,028	347,331
COLUMBIA FALLS URD (A	4,475,380	1,986,191	2,489,200 ^
COLUMBIA FALLS INDUS	121,305	62,035	59,270

^ Increment based on the percentage of overall increment for the TIFD

Total Incremental Value \$ 2,895,801

Preparer Holly Dale

Date 8/5/2024

¹Market value does not include class 1 and class 2 value

²Taxable value is calculated after abatements have been applied

³This value is the taxable value less total incremental value of all tax increment financing districts

⁴The taxable value of class 1 and class 2 is included in the taxable value totals

For Information Purposes Only

2024 taxable value of centrally assessed property having a market value of \$1 million or more, which has transferred to a different ownership in compliance with 15-10-202(2), MCA.

I. Value Included in "newly taxable" property

\$ -

II. Total value exclusive of "newly taxable" property

\$ -

Note

Special district resolutions must be delivered to the department by the first Thursday after the first Tuesday in September, 09/05/2024, or within 30 calendar days after the date on this form 7-11-1025(8), MCA.

The county clerk and recorder must provide mill levies for each taxing jurisdiction to the department by the second Monday in September, 09/9/2024, or within 30 calendar days after the date on this form 15-10-305(1)(a), MCA.

CITY MANAGER AGREEMENT

THIS AGREEMENT is entered into as of the ___th day of August, 2024, by and between the CITY OF COLUMBIA FALLS, a municipal corporation ("CITY") and BENJAMIN BILLINGSLEY ("CITY MANAGER"), with respect to the following:

- 1. Employment:** The CITY hereby hires the CITY MANAGER and the CITY MANAGER accepts employment with the CITY, upon the terms and conditions set forth herein.
- 2. Duties:** The CITY MANAGER shall work full time for the CITY as its City Manager and shall perform those duties as specified by law and ordinance. The CITY MANAGER shall perform such other services as the City Council may determine from time to time. The CITY MANAGER shall perform such services with due diligence and in the best interests of the CITY. The CITY MANAGER shall not engage in any other employment, business or profession while employed by the CITY. The CITY MANAGER'S typical work week shall consist of five days, Monday through Friday. The CITY MANAGER agrees that he will perform such duties with the highest degree of skill and judgment in accordance with accepted standards for the profession.
- 3. Additional Duties:** The CITY MANAGER shall endeavor to maintain and improve his professional competence by all available means including subscription to and reading of appropriate periodicals, maintenance of membership in appropriate professional organizations, and attendance at professional meetings at the local and state level, with prior City Council approval. Expense of such subscriptions, memberships and attendance is to be borne by the CITY, subject to prior City Council approval. Any of such expenses contained in an approved budget shall be considered to have been approved by the City Council.
- 4. Relations with the Public:** The CITY MANAGER acknowledges that the position of City Manager is a position of high visibility before the public. The CITY MANAGER shall conduct himself before the public, both during and outside of regular working hours, in a manner that reflects favorably upon the CITY MANAGER and the CITY.
- 5. Term of Agreement:** This Agreement shall be effective immediately upon signing by both parties, but the term of employment described herein shall commence on the first day the CITY MANAGER begins full-time work, September 3, 2024. The term of this Agreement shall be indefinite as the CITY MANAGER serves at the will of the CITY and can be terminated at any time. This Agreement may be terminated in accordance with the provisions of Paragraphs 7, 8, and 9 hereof.
- 6. Compensation:** So long as this Agreement is in effect, the CITY MANAGER shall receive the following compensation:

A. Salary: As compensation for the proper and satisfactory performance of all duties to be performed by the CITY MANAGER hereunder, the CITY shall pay to the CITY MANAGER a base salary of \$125,000.00 per year, beginning on September 13, 2024, less required deductions for state and federal withholding tax, social security, PERS, and other such employee taxes or employee benefit deductions. Such yearly salary shall be paid incrementally over twenty-six pay periods during the year. In years with twenty-seven pay periods, the CITY MANAGER shall receive the same compensation as for the other twenty-six pay periods. On July 1 of each year, the CITY MANAGER shall receive the same cost of living increase (no step), based on the consumer price index, that other CITY employees receive. Based on the annual performance evaluation in Paragraph 10, the City Council will consider additional increases to the base salary of the CITY MANAGER during the annual budget process.

B. Moving Stipend: Within thirty (30) days of the execution of this Agreement, the CITY will pay CITY MANAGER \$5,000.00 (net) to help defray the costs of moving. Moving stipends and reimbursements are currently taxable income under Federal law but the CITY will pay CITY MANAGER a gross amount that results in the CITY MANAGER receiving approximately \$5,000.00 for moving expenses.

C. Vehicle Use: The CITY MANAGER may use a City vehicle for carrying out CITY business if such vehicle is available.

D. City Residence: The CITY MANAGER shall be required to live within the city limits of Columbia Falls. Any exception to this term must be requested in writing by CITY MANAGER and must be supported by substantial evidence demonstrating good cause for such exception. Any deviation from this term is within the sole discretion of the CITY and must be approved by the City Council.

E. Cell Phone: The CITY MANAGER shall receive a City issued cell phone for business use at the start of employment.

F. Vacation: Upon appointment, the CITY MANAGER shall accrue five (5) days of personal time off (PTO). Thereafter the CITY MANAGER shall accrue vacation leave at the same rate as other CITY employees in accordance with State law. The CITY MANAGER shall be exempt from the six-month qualifying period and shall be eligible to use vacation leave upon appointment.

G. Holidays: The CITY MANAGER shall be entitled to the same paid holidays as are provided to other CITY employees.

H. Health, Dental and Vision Insurance: The CITY MANAGER and his dependents shall be entitled to the same health insurance benefits, including medical, dental and vision, and the same life insurance benefits, as are provided to other CITY employees. CITY MANAGER's insurance benefits will begin effective October 1, 2024.

I. Sick Leave: The CITY MANAGER shall be provided with the same number of days of paid sick leave per year as is provided to other CITY employees and according

to State law, and the CITY MANAGER shall be able to use such sick leave days in the same manner as other CITY employees in accordance with the CITY Personnel Policy.

J. Pension: The CITY shall contribute into the Montana PERS system at the same rate then existing for CITY employees.

K. Reimbursement of Expenses: The CITY shall reimburse the CITY MANAGER for all actual and necessary expenses incurred by the CITY MANAGER within the scope of employment and while representing the CITY.

L. Fidelity Bond: The CITY shall bear the full cost of any fidelity and other bonds required of the CITY MANAGER under State law or the Municipal Code.

M. Liability Insurance: The CITY shall provide liability insurance for the CITY MANAGER, as included within the City's existing Memorandum of Understanding with the Montana Municipal Interlocal Authority.

N. General Conditions of Employment: In addition to the benefits cited herein, the CITY shall provide CITY MANAGER with any and all benefits that apply to other employees.

7. Termination of Agreement by City: The parties acknowledge that the CITY MANAGER serves at the pleasure of the Mayor and City Council, and the CITY MANAGER'S employment may be terminated, with or without cause, in the sole discretion of the City Council and upon a majority vote of its members, subject to the terms of this Agreement. Termination for cause shall include: (1) willful breach of this Agreement, (2) habitual neglect of the duties required to be performed by this Agreement, (3) any acts of dishonesty, fraud, misrepresentation or other acts of moral turpitude, (4) conviction of any act which would constitute a crime and would bring disrespect to the CITY MANAGER or CITY, and (5) willful violations of CITY policies of a serious nature, such as the CITY'S Harassment or Alcohol-Free & Drug-Free Workplace policies. If this Agreement is terminated for cause, CITY MANAGER acknowledges that he is not entitled to the severance compensation outlined at Section 8 of this Agreement.

8. Severance Compensation: In the event that this Agreement is terminated without cause or if the CITY MANAGER is asked to resign without cause by the City Council, the CITY shall pay to the CITY MANAGER severance compensation equal to six (6) months' salary and benefits. In his discretion, the CITY MANAGER may elect to receive such compensation in a lump sum or in bi-weekly or monthly installments. In addition to such severance compensation, the CITY MANAGER shall be entitled to receive accrued vacation and the applicable portion of sick leave accumulations to effective date of the termination. Any such compensation shall be payable within thirty (30) days after CITY MANAGER'S effective date of termination.

9. Termination of Agreement by the City Manager: The CITY MANAGER may terminate this Agreement by voluntarily resigning from employment, provided that the CITY MANAGER gives at least sixty (60) days' prior written notice to the CITY. In the

event that the CITY MANAGER voluntarily terminates this Agreement, he shall not be entitled to any severance compensation, but shall remain entitled to receive accrued vacation and the applicable portion of sick leave accumulations to effective date of the termination.

10. Performance Reviews: On a quarterly basis during the first year of employment and on an annual basis thereafter, the City Council may evaluate the performance of the CITY MANAGER. Performance objectives will be reduced to writing and shall be based upon the duties and responsibilities set forth in this Agreement, and other criteria mutually agreed upon by the CITY MANAGER and the City Council.

11. Confidential Information: CITY MANAGER agrees that for and during the entire term of this Agreement, any and all personnel matters, documents and information, all privileged documents or information, and all other confidential information, however denominated, shall be considered and kept as confidential and privileged and will not be divulged by CITY MANAGER except as may be required or allowed by state law. Further, upon termination of this Agreement for any cause, CITY MANAGER agrees that he will continue to treat as private, confidential and privileged all such information and will not disclose or release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, or otherwise, except upon direct written authority of the City Council or as may be ordered by a Court of competent jurisdiction.

12. Review of Agreement: This Agreement shall be reviewed by the Parties in one year and annually thereafter. No changes, amendments, or modifications of any kind to the terms and conditions hereof shall be valid unless reduced to writing and signed by both parties.

13. Non-Assignability: Neither this Agreement, nor any interest herein, shall be assigned or transferred by either party.

14. Entire Agreement: This Agreement contains the entire agreement of the parties hereto and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties hereto relating to the subject matter contained in this Agreement which are not fully expressed herein. The provisions of this Agreement may be waived, altered, amended or repealed in whole or in part only upon the written consent of all parties to this Agreement.

15. Governing Law: The construction of this Agreement, and the rights and liabilities hereto, shall be governed by the laws of the State of Montana.

16. Forum: Any litigation to enforce or interpret the provisions of this Agreement or the parties' rights and liabilities arising out of this Agreement, or the performance hereunder shall be maintained only in Flathead County, Montana Eleventh Judicial District Court.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first stated above.

CITY MANAGER

CITY OF COLUMBIA FALLS



BENJAMIN BILLINGSLEY

By: DON BARNHART, MAYOR

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into this August 19, 2024, by and between **the City of Columbia Falls, Montana**, with an address of 130 6th St W, Columbia Falls, MT 59912 ("Client"), and WSW Consulting, Inc., a California corporation, with a principal place of business at 1124 Navahoe Dr., South Lake Tahoe, CA, 96150 ("Contractor") (each individually a "Party" and collectively the "Parties").

WHEREAS, Client requires professional services; and

WHEREAS, Contractor has held itself out to Client as having the requisite expertise and experience to perform the required professional services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. SCOPE OF SERVICES

A. The Contractor shall provide to Client those professional services as described in Exhibit A ("Scope of Services") and incorporated herein by reference. The Contractor's estimate regarding the time necessary to complete the aforementioned items is outlined in Exhibit A.

B. A change in the Scope of Services shall not be effective unless authorized as an amendment to this Agreement. If Contractor proceeds without such written authorization, Contractor shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of Client is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. CONTRACT ADMINISTRATION AND ORGANIZATION

A. For the purposes of administration of this contract, **Ben Billingsly, City Manager/Eric Mulcahy, City Planner** for Client, is designated to perform the duties relevant to the administration and execution of this contract.

B. The Contractor shall regularly advise and inform Client's project administrator of the work in progress on Scope of Services in sufficient detail so as to assist the project administrator in making presentations to stakeholders and holding meetings for the exchange of information.

III. TERM AND TERMINATION

A. This Agreement shall commence upon execution of this Agreement by both parties, and shall continue until Contractor completes the Scope of Services to the satisfaction of Client, or until terminated as provided herein.

B. Either Party may terminate this Agreement upon thirty (30) days written notice. Client shall pay Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached this Agreement, Client shall have any remedy or right of set-off available at law and equity.

IV. COMPENSATION

A. In consideration for the completion of the Scope of Services by Contractor, Client shall pay Contractor an amount not to exceed **\$57,100**. This maximum amount shall include all fees, costs and expenses incurred by Contractor, and no additional amounts shall be paid by Client for such fees, costs and expenses. Contractor shall not be paid in full until the Scope of Services is completed to the satisfaction of Client.

B. Notwithstanding the maximum amount specified in this Section, Contractor shall be paid only for work performed. If Contractor completes the Scope of Services for less than the maximum amount, Contractor shall be paid the lesser amount, not the maximum amount.

V. PAYMENT

A. The Contractor shall invoice Client by the 5th of each month during this assignment for charges incurred based on the amount of work completed during the prior month. Invoices shall be due and payable within twenty (20) days of receipt. Invoices not paid after twenty (20) days shall incur a finance charge of one and one half percent (1½ %) per month.

B. All payments shall be made to WSW Consulting, Inc., and shall be mailed as follows:

Wendy Sullivan WSW Consulting, Inc. 1124 Navahoe Dr. South Lake Tahoe, CA 96150
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VI. PROFESSIONAL RESPONSIBILITY

A. Contractor hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations.

B. Client's review, approval or acceptance of, or payment for any services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

VII. INDEPENDENT CONTRACTOR

Contractor is an independent contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is a Client employee for any purposes.

VIII. ASSIGNMENT OR SUBCONTRACTING

The Contractor and Client agree not to assign, pledge, transfer, or subcontract their duties and rights in this Agreement, in whole or in part other than as specified in Exhibit A, without first obtaining the written consent of the other party, Client or the Contractor. Any attempt by the Contractor or Client to assign, transfer, or subcontract their rights hereunder without such prior written consent of Client or the Contractor shall at the option of the non-defaulting party automatically terminate this Agreement and all rights of the defaulting party. Such consent may be granted or denied at the sole and absolute discretion of the Contractor if Client is seeking consent or by Client if the Contractor is seeking such consent.

IX. PROHIBITIONS ON PUBLIC CONTRACT FOR SERVICES

The Contractor shall not knowingly employ or contract with an illegal alien to perform work under the public contract for services; or enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under the public contract for services.

X. INSURANCE

A. Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Contractor pursuant to this Agreement. At a minimum, Contractor shall procure and maintain, and shall cause any subcontractor to procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to Client.

1. Worker's Compensation insurance as required by law.
2. Commercial General Liability insurance with minimum combined single limits of one million dollars (\$1,000,000) each occurrence and one million dollars (\$1,000,000) general aggregate. The policy shall be applicable to all premises and operations, and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations.

3. Professional liability insurance with minimum limits of one million dollars (\$1,000,000) each claim and one million dollars (\$1,000,000) general aggregate.

B. Such insurance shall be in addition to any other insurance requirements imposed by law. The coverages afforded under the policies shall not be canceled, terminated or materially changed without at least thirty (30) days prior written notice to Client. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Any insurance carried by Client, its officers, its employees or its contractors shall be excess and not contributory insurance to that provided by Contractor. Contractor shall be solely responsible for any deductible losses under any policy.

C. Contractor shall provide to Client a certificate of insurance as evidence that the required policies are in full force and effect.

XI. INDEMNIFICATION

Both Client and Contractor shall indemnify, defend and save and hold harmless the other from any and all claims, liabilities, damages, and costs (including attorney fees and court costs) arising from the negligence, recklessness, or willful misconduct of the other or its officers, directors, employees, or agents in connection with the performance of services under this Agreement.

XII. MISCELLANEOUS

A. Governing Law and Venue. This Agreement shall be governed by the laws of the State of California and all applicable federal laws.

B. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by Client shall not constitute a waiver of any of the other terms or obligation of this Agreement.

C. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

D. Third Parties. There are no intended third-party beneficiaries to this Agreement.

E. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the party at the address set forth on the first page of this Agreement. Notices shall be provided to the parties at the following addresses.

If to Client:

City of Columbia Falls
130 6th St W
Columbia Falls, MT 59912

If to the Contractor:

Wendy Sullivan
WSW Consulting, Inc.
1124 Navahoe Dr.
South Lake Tahoe, CA 96150

F. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

G. Modification. This Agreement may only be modified upon written agreement of the Parties.

H. Rights and Remedies. The rights and remedies of Client under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit Client's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

City of Columbia Falls, Montana

By: _____
Clint Peters, Interim City Manager

WSW Consulting, Inc.

By: _____
Wendy Sullivan, President

EXHIBIT A SCOPE OF SERVICES

Contractor's Duties

During the term of this Agreement, Contractor shall perform the following duties for Client and Contractor shall deliver the following items to Client, as defined in the attached Scope of Services, incorporated herein below.

Scope of Services

We propose to produce a comprehensive affordable housing study for the city of Columbia Falls, incorporating an understanding of regional commuting patterns. The study will identify the housing units needed by the local workforce and permanent residents currently and over the next five years by price point and tenure (ownership and rental). We also propose to examine potential land and partnership opportunities to help address housing needs in and near the city, and make recommendations related to funding opportunities, housing programs and incentives, SB 382 adjustments and other tools that reflect community needs, resources, and capacity. More specifically, we propose to include the following sections:

1. *Population and Demographic Trends*, which will provide estimates for persons and households, examine growth and describe the demographic characteristics of households. Households by income and by tenure will also be examined.
2. *Economic Trends – Jobs, Wages, Commuting*, which will include data on the number of jobs, growth/decline in jobs, seasonality in employment and changes in employment. Employer problems identified through the survey, including unfilled jobs and employee turnover, will be presented. This section will also analyze commuting patterns. This section will focus on data for the city to the extent available and practicable. Otherwise larger zip code, census tract, or county-wide data will be presented.
3. *Housing Inventory*, which will include information on the occupancy rate, tenure, and age of units. Housing developments in the planning/ development pipeline will be included in this analysis.
4. *Local Housing Market*, which will include an analysis of home ownership and rental trends. Trends in home sales, sale prices and rents, for sale and rental availability, and affordability for the workforce and residents will be examined. This section will help show where gaps in the market exist in terms of type of home and price points and for whom (families, seniors, first time homebuyers, etc.).

5. *Housing Problems*, to include an overview of households that are cost-burdened by unaffordable housing payments, overcrowded, and living in substandard housing. Secondary data on homeless populations, to the extent available, can be incorporated in this section.
6. *Current Housing Needs and Projected Demand*, which will examine affordability, availability, and suitability. This section compares housing costs to the incomes of residents to determine where gaps in home prices and rents exist. We propose to provide 5-year projections based on anticipated job growth in the area and the housing demand generated from the need for new workers and in-commuters.
7. *Housing Resources and Opportunities*, which will examine available housing resources in the area, including, but not limited to, partnership opportunities with the Northwest Montana Community Land Trust (NWMTCLT) and Habitat for Humanity, as well as potential land partnership opportunities. We will work with the client and local planning staff to identify potential opportunities in the city and vicinity.
8. *Conclusions and Recommendations*, which will tie together information from each of the report's sections to draw conclusions that are quantitative where applicable and informative about trends that could impact housing policies. This will include recommendations regarding the current available supply of housing affordable to residents, any gaps in housing needs, housing conditions and related housing policy considerations. Recommendations will also include potential funding opportunities, housing programs and incentives, SB 382 adjustments and other tools tailored to address community needs, resources, and capacity. The intent is to provide a toolkit of best practice options that the city can use to discuss planning and zoning policy updates, prioritize actions, partnerships, and development opportunities moving forward.

All sources and calculations in this report will be fully documented and explained. This lends credence to the report, makes results transparent, and will provide information that can assist with future updates. The report will be provided both in PDF and Word.

Primary Data Research

We propose to use a combination of secondary data sources and primary research to collect the data necessary to complete the housing needs analysis. Primary research is proposed to include a kick-off meeting for goal-setting; interviews with rental property managers, real estate agents, developers/builders; an online employer survey and select interviews with local and regional organizations.

Employer Survey

We propose a short on-line survey to be distributed to area employers. We will seek assistance from the Chamber and other relevant entities to promote the survey through effective channels (radio, newspaper, employer meetings, etc.) and distribute the link to area businesses. The employer survey will probe the number of year-round and seasonal workers (summer and winter), where workers live (commute patterns), employee retention and recruitment issues, anticipated

retirements, and housing perceptions. We will follow up as necessary with participating employers to clarify responses and generate a deeper understanding of issues.

Real Estate Agent Interviews

Local real estate agents will be interviewed to obtain information on the ownership market including current prices, recent trends, occupancy patterns, availability and what resident households are seeking when looking to purchase or rent a unit. This discussion will also help define difficulties residents have when searching for and purchasing homes, as well as housing preferences in the area, including unit type and locations.

Property Manager Interviews

Property managers will be interviewed to obtain information on the rental market including rents, vacancy rates, recent trends, renter profiles and units most in demand.

Developers/Builders Interviews

Developers/builders in the area will be interviewed to understand trends in development costs, development and labor challenges, and local nuances.

Stakeholder Organizations

We will be in contact with representatives of potential regional housing partners (e.g., NWMTCLT, Habitat for Humanity), local chamber of commerce and related active organizations in the area to obtain needed data and information for the study (e.g. jobs/economy, affordable housing inventory, etc.), as well as gain insight into their services offered, challenges encountered, partnership opportunities, and planned projects/direction.

City Staff

We will be in contact with city staff to obtain needed data on recent development trends and any proposed projects that may be in the planning stages, county assessor records, mapping needs, and housing inventory data, as applicable.

Meetings and Presentation

Contract Initiation Meeting

In August, we propose a remote/zoom meeting with the city to confirm project goals, outcomes and deliverables, as well as the analysis scope and region most representative of the Columbia Falls market and housing needs, being sensitive to secondary data availability (e.g., U.S. Census and American Community Survey (ACS) regions).

We will also discuss the potential formation of a larger housing study committee, which may include other partners with an interest in project inputs and outcomes, including selection committee members, Planning Commission members, Chamber representative, and/or other community representatives. This committee will help provide connections for interviews and local data collection, employer survey outreach, and draft report input and review.

Project Initiation and Kick-off Meeting

In the first week of September, we propose to facilitate a kickoff meeting with the client and housing study committee to present the project scope and goals and define respective roles and

assign tasks to meet study needs. We will also discuss employer survey content and desired information to help us draft the survey instrument. Depending upon timing, one consultant may attend in person, with two of us remote.

Draft Report and Conference Call

We will issue the draft report in February 2024. We will host a question and answer session and gather input at a meeting later that month. We will conduct this meeting via conference call. Information gathered from this discussion and through written comments will be used to finalize the report.

Final Report and Presentation

We propose to finalize the report in early March. We propose to present report findings and recommendations in person at a public meeting, with one consultant in person and others available remotely. We can do this upon report release, or after a 30-day review period if preferred (as suggested in the RFP), meaning a presentation in early April. We will prepare Power Point slides to support our presentation, which could be used by the client for future presentations.

Staff / Housing Committee Assistance

We seek client assistance with the following tasks:

- Interviews: Providing contact information for or introductions to real estate agents, lenders, property managers, local organizations, and developers/builders.
- Data: assistance compiling needed city data, including existing reports/studies, Assessor data/contacts, and planning/building department information (e.g., building permits and Certificates of Occupancy), and GIS/mapping assistance where applicable.
- Employer Survey: assistance distributing the survey to employers, and publicizing the online employer survey link.
- Meetings and Presentation: Organizing and providing the meeting place/venue for in-person and remote meetings, refreshments for participants (as applicable), public notice when applicable, presentation materials (white boards, projectors, etc.) as needed by consultants.

Deliverables

We propose to provide:

- A report documenting our research, methodology, data and trends and recommendations from a complete assessment of the housing situation in the city. This will include recommendations on the number of units needed by price point/income level and unit type (ownership or rental) and potential strategies, partnerships, and opportunities that may be employed to produce needed units.
- Report presentation slides.

Budget

We propose a not to exceed budget of \$57,100. Our budget accounts for all labor, proposed travel, and other expenses.

Component	Cost
Primary Research	
Employer Survey (online)	\$5,600
Interviews	\$3,800
Affordable Housing Study:	
Population and Demographics	\$2,500
Economic Trends	\$4,000
Housing Inventory	\$2,800
Local Housing Market	\$8,000
Housing Problems	\$2,100
Current Housing Needs and Projected Demand	\$4,500
Housing Resources, Land and Opportunities	\$5,000
Conclusions and Recommendations	\$4,000
Meetings, Presentations, Management	
Contract initiation meeting	\$900
Project initiation/kick-off meeting	\$2,400
Report - draft review meeting and final	\$3,200
Contract/project management	\$3,500
Presentation (travel plus meeting)	\$4,800
Total	\$57,100

Timeline

We propose a slightly extended timeline from that sought in the RFP. This is both to accommodate the holiday schedule falling within the study period and to coincide with the new ACS data being issued in mid-December. The extended timeline will provide a report with the most up-to-date information available and provide us with one more year of ACS trend data post-Covid (e.g. 2023 data).

We propose to issue the final report and present results in early March. We can also present the report in early April if you desire a 30-day review period of the released report prior to the presentation.

Proposed Affordable Housing Study Timeline

Week	August				September				October					November				December				January				February				March			
	1	2	3	4	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Contract initiation meeting			x																														
Project orientation/kick off meeting					x																												
Data collection						x	x	x	x	x	x							x	x														
Interviews								x	x	x	x							x	x	x													
Employer survey design						x	x	x	x																								
Employer survey distribution/collection											x	x	x	x	x																		
Analysis and initial report														x	x			x	x	x				x	x	x							

[illegible]

Shading shows primary holiday weeks

CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT (Agreement) is made and entered into on the latter date of signature by the two parties, by and between City of Columbia Falls, Montana (Local Entity) and Jacobs Engineering Group, Inc. (Consultant), whose principal office is located at 1999 Bryan Street, Suite 3500 Dallas, TX 75201

The Local Entity desires to employ the Consultant to furnish certain specific services of an engineering nature as described below; and

The Consultant agrees to provide such services in accordance with the conditions provided and to carry out all the duties and obligations imposed by this Agreement.

The parties agree as follows, subject to the terms, conditions, and provisions and in consideration of the mutual covenants contained herein, the Consultant agrees to perform for the Local Entity, and the Local Entity agrees to accept from the Consultant, the following services:

Road reconstruction design, permitting, bidding, and construction engineering for the RAISE Grant funded Columbia Falls Gateway to Glacier Safety and Mobility Improvement Project (Project).

Article I – Scope of Work

SECTION 1 – STANDARD OF CARE

The Consultant's performance of all services, obligations, and responsibilities under this Agreement will be in a manner that is consistent with that degree of care and skill ordinarily exercised by members of the engineering or surveying profession currently practicing under similar circumstances in the same locality.

SECTION 2 – GENERAL

The Consultant, in performance of all work called for under this Agreement, will furnish all services for all work called for in the specific project scope outlined in Section 4 of this Article.

SECTION 3 – PROJECT DEVELOPMENT AND DESIGN

The Consultant, by entering into this agreement for a project involving FY 2022 RAISE Grant funding, assures and certifies, with respect to this Grant, that it will comply with all applicable local, state, and Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Project. Performance under this agreement shall be in compliance with the requirements of the "General Terms and Conditions Under the Fiscal Year 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program: FHWA Projects," dated October 18, 2022, which is available at <https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements>, hereby incorporated by reference and made part of this agreement.

SECTION 4 – SPECIFIC PROJECT SCOPE OF WORK

See attached **Exhibit A**, Consultant's Scope of Work and Fee Estimate, which is made a part of this Agreement.

SECTION 5 – REPORTS (NOT USED)

SECTION 6 – OBLIGATIONS OF THE LOCAL ENTITY TO THE CONSULTANT

In addition to the obligations of the Local Entity to the Consultant listed elsewhere in this agreement, the Local Entity will:

- A. Cooperate with the Consultant in making necessary arrangements with public officials as the Consultant may need to contact for advice, counsel, and information.
- B. Provide timely approvals of the Consultant's formal submittals in writing in all instances. If verbal approvals are given in the interest of progressing the work, they must be confirmed in writing by the Local Entity at the earliest possible time.
- C. The Local Entity will provide the Consultant with any information needed by the Consultant for rendering the services required under this Agreement. If materials prepared by the Local Entity or its consultants are incomplete or erroneous, the Local Entity will compensate the Consultant for any work required to correct them. Information generated by sources other than the Local Entity or their consultants may be used by the Consultant, but the Local Entity assumes no liability for its accuracy or completeness.
- D. Furnish copies of the Local Entity's existing mapping, as-built drawings, and right of way information (as available).
- E. The Local Entity will not reuse, make, or permit to be made any modifications to the Consultant's final design and drawings without the prior written authorization of the Consultant. The Local Entity will make no claim against the Consultant arising from any unauthorized reuse or modification of the design and drawings.
- F. Give prompt written notice to the Consultant of any development that affects the scope or time of performance of the Consultant's services, or any defect or nonconformance in the Consultant's services or in the work of any subconsultant.

SECTION 7 – MEETINGS, WORKSHOPS, PROGRESS REPORTS, AND LIAISON

- A. Meetings and workshops will be held as necessary between representatives of the Local Entity and the Consultant to review and discuss progress and any matters pertinent to any phase of work, as defined by the scope of work in **Exhibit A**.
- B. Shawn Bates, Finance Director for City of Columbia Falls will be the Local Entity's liaison. The Consultant will report to and be responsible to the Local Entity's liaison for payment, submission of information, etc.
- C. David Panlilio, Project Manager, will be the Consultant's liaison.

- D. Requests for visits to the site or at the office of the Consultant may be made by the Local Entity or the Federal Highway Administration for the purpose of review or inspection of the work.
- E. The Consultant will furnish to the Local Entity a brief narrative progress report on or before the fifteenth day of each month showing the status of the work on the Project. The report will cover all phases of work accomplished during the period of the report and show the percentage of work completed for each phase of the Project. Mention should be made of any matters that may have adversely affected the progress of the work.
- F. The Consultant, upon Local Entity's direction, will confer with public agencies, including permitting authorities, giving consideration to suggestions and requirements of these agencies, as outlined in Consultant's scope of work in **Exhibit A**.
- G. The Consultant will submit to the Local Entity the classification and labor rates of each person to be assigned to the Project. The Local Entity will reserve the right to approve all personnel.

SECTION 8 – PERSONNEL

The Consultant must employ a registered Professional Engineer in the State of Montana.

SECTION 9 – ENDORSEMENTS

The Consultant will furnish professional stamps, statements, or other suitable means to signify responsible endorsement of work for those deliverables included in the Consultant's scope of work in **Exhibit A**.

Article II – Time of Beginning and Completion

SECTION 1 – PROJECT COMPLETION TIME

- A. The Consultant agrees to start work on the professional services outlined in Article I of this Consultant Services Agreement within 10 days after receipt of written notice to proceed from the Local Entity.
- B. The mutually agreed to Project Schedule is contained in **Exhibit A**. Except as provided below, the Consultant must meet all deadlines and scheduled submittal dates. The Consultant will make reasonable efforts to improve the schedule as the Project progresses.
- C. Except as provided below, all work as specified in Article I of this Agreement must be completed by March 31, 2027.
- D. If during the Project development, the Consultant becomes aware of circumstances that have or may have an adverse effect on the scheduled completion of any or all phases of the Project, or that the Consultant will be unable to meet any schedule

deadlines or submittal dates, the Consultant will immediately notify the Local Entity in writing. The Local Entity and the Consultant will together take the steps necessary to maintain the Project on schedule. The Project completion schedule will be adjusted only if necessary.

- E. The Consultant is not responsible for delays caused by factors beyond the Consultant's control, including delays because of strikes, lockouts, work slowdowns or stoppages, accidents, acts of God, failure of any governmental or other regulatory authority to act in a timely manner, failure of the Local Entity to furnish timely information or approve or disapprove of the Consultant's services or work product promptly, or delays caused by faulty performance by the Local Entity.
- F. The Consultant submits the final contract plans package to the Local Entity for review. The Consultant will make any revisions to the plans that are required as a result of this review.
- G. Any alteration in the time schedule under Article II, Section 1C, shall be subject to the provisions of Article II, Section 2.

SECTION 2 – CHANGES

- A. If additional work is requested by the Local Entity, the Local Entity will grant an equitable adjustment of the Agreement amount.
- B. If delays beyond the control of the Consultant prevent completion of the services in the time specified, the Local Entity will grant an equitable adjustment of the Agreement amount and/or time for performance for all affected phases of the work.
- C. The Consultant shall provide a written request for an adjustment within 10 days from identification of change or delay as identified in paragraph A or B.

ARTICLE III – Payment

SECTION 1 – PAYMENT FOR SERVICES

This Agreement will be administered on a cost plus fixed fee basis. The fixed fee, including overhead rate and profit, as included in the Consultant's scope of work and cost proposal, **Exhibit A**, will remain fixed for the duration of this Agreement. However, the Consultant may make a written request to the Local Entity to revise the above rates. The Local Entity may approve revisions if they are reasonable and justified.

SECTION 2 – DEFINITIONS

- A. All costs related to this project are to be in conformance with 48 CFR 31, Contract Cost Principles and Procedures. The Consultant's indirect cost rate (overhead rate), is their current audited rate, and certified within **Exhibit E**.
- B. Fixed Fee

Fixed fee is the Consultant's negotiated profit for the Project.

C. Payment of Services

Payment will be made on the basis of and in accordance with the following schedules:

1. The Consultant will be reimbursed for the actual direct costs as set forth in Article III, Section 2, Paragraph B. To this amount will be added the overhead costs as set forth in Article III, Section 2, Paragraph A.
2. The Consultant will be reimbursed for subcontract costs directly related to the Project, which will be reimbursed at cost plus 5%. All subcontract costs require approval of the Local Entity.
3. The Consultant will be paid a profit not to exceed 15%.
4. The total payment to the Consultant (including direct costs, overhead, and profit) for the work covered under this Agreement will not exceed \$1,572,596 dollars.

D. Partial and Final Payments

1. Partial payments of the foregoing will be made at monthly intervals as the work progresses, based upon certified invoices received, compatible with current practices and acceptable to the Local Entity. Payments on the fixed fee will be based on the percentage of work completed on each invoice. Every request for payment must include one invoice and one progress report.
2. When the Consultant completes the work in accordance with the terms of the Agreement, the Local Entity's liaison will certify the completion and recommend final acceptance. The Local Entity will notify the Consultant that acceptance has been made.
3. The Local Entity reserves the right to withhold payment of the Consultant's final payment until any and all just claims filed with the Local Entity against the Agreement have been settled. Accomplishment of an affidavit on the final claim by the Consultant will constitute full Acceptance by the Consultant of the total amount shown as the entire amount due to the Consultant under the Agreement.

E. Consultant's Proposal and Cost Estimate

The attached **Exhibit A** represents the Consultant's scope of work and cost proposal. If this document conflicts with the Agreement, the Agreement will govern.

SECTION 3 – INSPECTION AND AUDIT

All books, papers, records, payrolls, vouchers, and invoices relating to costs and expenditures incurred as to the performance of the services specified in Article I by the Consultant or any of its subcontractors will be made available to the Local Entity, the Federal

Highway Administration, or their authorized representatives for audit and review, at the Consultant's office, at all reasonable times during the Agreement period and for 3 years from the date of final payment.

SECTION 4 – TYPE OF CONTRACT

The parties agree that Consultant is an independent contractor and not an employee of the Local Entity. It is further understood by the parties that no deductions from the payments under this Agreement for Federal or State income tax, FICA (social security), retirement, or other reasons will be withheld by the Local Entity.

Article IV – Miscellaneous Provisions

SECTION 1 – TERMINATION OR ABANDONMENT

The Local Entity may terminate this Agreement at any time with 15 days written notice to the Consultant, for any of the following:

- A. If the Local Entity deems it is in the best public interest to abandon, reduce, or change the Project covered by this Agreement.
- B. Adverse weather, flood, earthquake, etc., or any other condition beyond the control of the Local Entity and/or Consultant that has or may adversely affect the work to be performed.
- C. A change in the scope, character, or complexity of all or any part of the work under this Agreement.
- D. If services of the Consultant prove unsatisfactory or because of the failure of the Consultant to perform its work with due diligence or to complete the required services or any part of it within the time limits specified.

In these cases, the Consultant will be paid the reasonable value of services rendered up to the time of termination. The reasonable value of services will be based on the method of payment as defined in the Agreement.

SECTION 2 – GENERAL COMPLIANCE WITH LAWS

- A. The Consultant will observe and comply with existing laws, ordinances, and regulations.
- B. The Consultant and its officers and employees agree, to the fullest extent permitted by law, to indemnify and hold the Local Entity harmless from any damage, liability, or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by Consultant's negligent acts, errors, or omissions in the performance of professional services under this Agreement and those of Consultant's sub-consultants or anyone for whom Consultant is legally liable.
- C. Owner and its officers and employees agree, to the fullest extent permitted by law, to indemnify and hold Consultant harmless from any damage, liability, or cost (including

reasonable attorneys' fees and costs of defense) to the extent caused by Owner's negligent acts, errors, or omissions and those of his or her contractors, subcontractors or consultants or anyone for whom Owner is legally liable and arising from the project that is the subject of this Agreement. Consultant is not obligated to indemnify Owner in any manner whatsoever for Owner's own negligence.

SECTION 3 – OWNERSHIP OF DOCUMENTS

On completion of services or termination of this Agreement, all drawings, map originals, survey notes, field books, calculations, reports, and all data used will become the property of the Local Entity. Following the Local Entity's acceptance of these documents, the Consultant will be indemnified, defended, and held harmless for any changes or revisions to the plans and related documents that the Consultant prepares under this Agreement that are made without Consultant's knowledge and written consent.

SECTION 4 – SUBCONTRACTING, ASSIGNMENT, OR TRANSFER

The subcontracting, assignment, or transfer of any part of this Agreement, except as shown in the Consultant's proposal in **Exhibit A**, is prohibited unless prior written approval is obtained from the Local Entity. Subcontracts that exceed \$10,000 in cost will contain all required provisions of the prime agreement.

SECTION 5 – CHANGES OF WORK

- A. During the term of the Agreement, if additional services are required, other than those services specified in **Exhibit A**, or major changes in the work become necessary or desirable, the Local Entity may make written request to the Consultant to perform these services or make changes. If the Consultant is of the opinion that any work requested is beyond the scope of this Agreement and constitutes extra work, the Consultant will promptly notify the Local Entity in writing prior to performing work. If the Local Entity agrees that this work does constitute extra work, the Consultant will be reimbursed on a mutually agreed basis, and additional time for completion of the Agreement shall be given. Before work is undertaken, the Consultant and the Local Entity will, by mutual written agreement, determine the scope of the work and the cost thereof. The Consultant will not begin additional work until it has been authorized in writing by the Local Entity.
- B. If a change of work is agreed upon by the parties, compensation will be determined before the operations begin and as soon as circumstances permit. If a mutual agreement is not reached in negotiations for an increase in work, the Local Entity will use other methods to accomplish the work.

SECTION 6 – MEETINGS AND PRESENTATIONS

- A. The Consultant and its subcontractors, when directed by the Local Entity, will attend and make appropriate presentations at meetings conducted for the purpose of discussing with the public or local, State and Federal officials the effect and objectives of the proposed project or other matters pertaining to the Project.
- B. The Consultant will prepare exhibits and visual aids necessary to clarify the proposed project to the participants of the meetings.

SECTION 7 – ACCURACY OF WORK

- A. Consultant warrants that its engineering, design and consulting work will be performed in accordance with generally accepted standards in the industry. Following completion of its work and for a period of twelve (12) months thereafter, if the work provided hereunder does not conform to the warranty above stated and the same is reported to Consultant by Owner in writing promptly after recognition thereof, Consultant shall, at no cost to Owner, furnish all remedial engineering, design or consulting work required in connection therewith as soon as reasonably possible after receipt of such report from Owner; and Consultant shall have no liability for costs related to the repair, replacement, addition or deletion of materials, equipment or facilities as a result of such failure to conform to the above-referenced warranties, which costs shall be deemed costs of the project, whether incurred during performance of the work or after completion of the work.

- B. The Consultant agrees to provide proof of errors and omissions insurance coverage in the amount of \$1,000,000 (one million dollars) for the entire period of the Project for which consultant services are required under this Agreement. The Consultant further agrees to provide proof of general liability coverage in the amount of \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) aggregate. City of Columbia Falls shall be named as an additional insured on a primary and non-contributory basis on the general liability policy (except professional liability and workers compensation).

- C. Consultant agrees to provide certificates of insurance evidencing the foregoing coverage.

SECTION 8 – VENUE

In the event of litigation, venue shall be TBD, State of Montana, and the Agreement shall be interpreted according to the laws of Montana.

SECTION 9 – NONDISCRIMINATION

Nondiscrimination information is included in **Exhibit B**, which by this reference is hereby made a part of this Agreement.

SECTION 10 – CERTIFICATION

Consultant certifications, in compliance with Article I, Section 3, are included in **Exhibit C**, which by this reference is hereby made a part of this Agreement.

SECTION 11 – DBE GOALS

DBE information is included in **Exhibit D**, which by this reference is hereby made a part of this Agreement.

SECTION 12 – WORKER’S COMPENSATION COVERAGE

The Consultant agrees to provide proof that Consultant has a policy for Worker’s

Compensation Insurance or proof that Consultant has elected to be exempt from coverage and this election has been approved by the Department of Labor and Industry. The Consultant agrees to maintain Worker's Compensation Coverage or be self-insured for the entire period of this Agreement.

SECTION 13 – CONSULTANT'S PLANS RESPONSIBILITY

The Consultant will be responsible for the quality of the final plans package, as the Local Entity will not make a detailed check of the plans. The Consultant will stamp and sign the title sheet of the final contract plans package. The Consultant's name will be shown on all plan sheets of the Project.

SECTION 14 – ENTIRE AGREEMENT AND MODIFICATIONS

This Agreement, including referenced exhibits, is the entire agreement of the parties. Any modification requires a written amendment signed by authorized representatives of both parties.

SECTION 15 – THIRD PARTY BENEFICIARIES

This Agreement is not intended to create anyone as a third-party beneficiary or to authorize anyone not a party to the Agreement to maintain an action for damages pursuant to the terms or provisions of this Agreement.

IN WITNESS, the parties have sealed this Agreement by their signatures.

Consultant: Jacobs Engineering Group, Inc.
1999 Bryan Street
Suite 3500
Dallas, TX 75201

Printed Name , Title

Date: _____

Printed Name , Title

Date: _____

Local Entity: City of Columbia Falls
130 6th St W.
Columbia Falls, MT 59912

Printed Name , Title

Date: _____

Printed Name , Title

Date: _____

EXHIBIT A
CONSULTANT'S SCOPE OF WORK AND COST PROPOSAL

Scope of Work and Fee Estimate

RAISE Grant Columbia Falls Gateway to Glacier Safety and Mobility Improvement Project August 15, 2024

Jacobs Engineering Group, Inc. (JE) is pleased to provide this scope of services to complete road reconstruction design and construction bidding services as outlined in the RAISE grant application for Columbia Falls Gateway to Glacier Safety and Mobility Improvement Project.

JE will provide overall project management and lead the design efforts for the entire project team. Subconsultants on the project team include WGM for design and construction administration services, DGB, LLC for Construction Cost estimating and Construction Administration services, Alpine Geotechnical for drilling and testing materials, and Big Sky Public Relations for public outreach.

Following is our proposed scope of services.

Reconstruction of approximately 1.3 miles of roadway, approximately 1.7 miles of new sidewalks, and nearly one mile of buffered multi-use pathways, numerous intersections, parking, and ADA access improvements in the core downtown region of Columbia Falls. The following are key project elements:

13th Street West – 12th Ave West to 4th Ave West: Reconstruction of the paved surface of the roadway to include driving, turning lanes, parking lane, curb and gutter, and buffered sidewalk and multiuse path. This includes replacement of the water main before reconstructing the roadway.

4th Avenue West – 3rd Street West to 13th St West:

- 13th St West to US Hwy 2: Reconstruction of paved surface of roadway to include driving lanes, parking lane, curb and gutter, buffered sidewalk and multiuse pathway.
- US Hwy 2 to 7th Street West: Reconstruction of paved surface of roadway to include driving lanes, parking lane, curb and gutter, buffered sidewalk and multiuse pathway.
- 7th St West to Truck Route/3rd St West: Reconstruction of paved surface of roadway to include driving lanes, parking lane, curb and gutter, buffered sidewalk and multiuse pathway
- This includes replacement of the water main before reconstructing the roadway.

7th Street West – 4th Ave West to Nucleus Ave: Reconstruction of the paved section of roadway to include driving lanes, parking lanes, curb and gutter, and buffered sidewalk

The proposed roadway improvements identified above are based on the Build Grant Conceptual Exhibit competed by Morrison Maierle in 2019. JE and WGM will evaluate alternative roadway sections that will maximize construction funding while providing the minimum roadway requirements identified in the Columbia Falls' Roadway Standards.

This project will include project management, survey, geotechnical, environmental, design engineering, public outreach, bidding, and construction engineering services necessary to complete the proposed roadway and utility improvements for this project.

Major project assumptions include the following:

- The 2021 Montana Public Works Standard Specifications (MPWSS) as modified by the 2005 City of Columbia Falls Standards for Public Works Improvements and the 2020 Title 17 Subdivision Regulations will be the basis of design for this project.
- Project improvements will be completed within the existing Right-of-Way. Temporary construction easements may be necessary to complete driveway improvements for this project.
- All plans will be developed on 11"x17" plan sheets (expandable to 22"x34")
- Roadway, drainage, and water plans will be prepared using Autodesk AutoCAD Civil 3D.
- .
- Existing soils will be sufficient for stormwater infiltration.
- City of Columbia Falls will be able to locate all city owned utilities including services to private properties.
- City of Columbia Falls will locate all water utilities affected by the project not accurately depicted by as-builts.
- City of Columbia Falls will provide current traffic count data for all roadway segments.
- Public Information effort will be limited to (2) open house type forums during preconstruction and website maintenance during the preconstruction and construction phases.
- Improvements on 4th Avenue will break at the pavement joints with US-2, approximately 10' north and south from the curb radius returns.
- 4th Ave limits end on the school side of 3rd street.

Additional phase assumptions have been provided in the proceeding sections.

SCOPE OF SERVICES

JE will provide the following services with fees to be further distributed to subtasks listed above :

Task 1.0: Project Management

\$ 290,293.11

JE's project manager will actively manage the project team, allocating appropriate resources and keeping in regular contact with the client and stakeholders. The PM will evaluate project progress monthly, calculating earned value to ensure the project is on track at each step in the process. This task will include overall management meetings with the client, stakeholders, internal team, and subconsultants. The sub-tasks are included:

- 1.1 Project Management Plan – including project design schedule, delivery plan, Quality Management Plan.
- 1.2 Client and stakeholder coordination
 - o Public Information Open House – 2 open house type estimated with one occurring during normal city management public meetings and one stand alone meeting. This includes all materials for displays, notifications and presentations.
 - o Website Maintenance – provide project specific website linked to the City website.
- 1.3 Grant administration, construction agreement narrative and budget narrative assistance
- 1.4 Bi-Weekly Meetings with client, and design team, including project kickoff meeting, for a 12-month design period (Assumed 3-staff attending)
- 1.5 Design team and subconsultant management, meetings, and project coordination (excluding design workshops noted below)
- 1.6 Final work plan with monthly updates on progress and changes
- 1.7 Progress reports and invoicing

- 1.8 Overall QA/QC Public information support for Preconstruction Phase and Website production and updates thru final construction

Deliverables: PMP, grant administration, construction agreement narrative, and budget narrative support, project schedule, meeting minutes and agendas, invoices, and progress reports, Graphics for PIOH and Website, meeting coordination agendas

Assumption: Bi-weekly meeting will include 3-staff member from the design team.

Exclusions: Meetings in addition to budgeted hours, public outreach beyond assumptions in staff hour estimates.

Task 2.0: Survey Mapping and Right-of-Way

\$66,922.67

This task includes research, field survey, lidar, and drone imagery acquisition to obtain data documenting existing conditions. The term “right-of-way” (ROW) is used throughout this document for simplicity and general understanding. We recognize that in the state of Montana, counties have public road easements in lieu of deeded ROW. This scope assumes a ROW shown in Grant Conceptual Exhibit competed by Morrison Maierle in 2019 (4th Ave ~100" ROW, 13th St ~65'-70' ROW, 7th St ~65' ROW) for each road segment, and mapping will extend 15 feet from existing ROW. No improvements or buildings beyond 15 feet from existing ROW will be mapped. The following sub-tasks are included:

- 2.1 ROW and cadastral research
 - o Certificate of survey, plat, and maps/plans of record research and review
 - o Public road easement/ROW research to attempt to recover any written right-of-way records.
 - o Exhibit map preparation for research, utilities, and field requests
- 2.2 Control and cadastral field work
 - o Field data preparation
 - o Set project control points and GCPs for drone imagery.
 - o Tie any existing ROW monuments, section and quarter corner monuments, and boundary corner monuments.
 - o Calculate and setup the project control system.
 - o Resolve the road ROW and develop a cadastral boundary framework.
 - o Develop control drawing with control points and ROW/boundary linework.
 - o Completion of final ROW certification per FHWA requirements
- 2.3 Topographic and feature mapping field work
 - o Field data preparation
 - o Field survey
 - Map transportation improvements (pavement, approaches, etc.)
 - Cross sections of roadway every 50 feet
 - Tie visible utility structures and underground utility markings.
 - Water valve measure down to top of nut, All water valves
 - Map existing water and sewer services

- Sewer manhole measure down to all pipe inverts. List pipe material and diameter.
- o Data processing and computations
- 2.4 Drone imagery (n/a)
- 2.5 Base-E map data integration and preparation
 - o Field data QA/QC and editing, as needed.
 - o Field data, topographic surface, and aerial orthophoto integration
 - o Base map drafting and clean-up.
- 2.6 Utility Company/Agency Coordination
 - o Contact Montana 811 for utility companies/agencies for point of contacts.
 - o Contact utility companies/agencies for exiting utility mapping.
 - o Submit locate request with Montana 811 online services, to request utility owners physically mark all underground utilities. Once locates have been completed, survey team will survey underground utility paint location.
 - o Incorporate utility maps and locate information into topographic/feature mapping.
- 2.7 Sub Surface Utility Investigation: (Excluded from Scope)
- 2.8 QA/QC by Professional Land Surveyor

Deliverables: One Base-E digital map in AutoCAD Civil 3D format for each road segment including mapped features and resolved ROW lines and cadastral framework.

Assumption: Montana 811 utility locate request will be submitted once. City will be able to located city owned utilities or provided record information. This including services to adjacent properties.

Exclusions: Additional exhibits or maps; procurement of road easements; addressing any issues with improvements encroachments, discrepancies with ROW locations, or private easement locations adjacent to the mapping area; ROW Certification to FHWA if there is no record of granted ROW. Multiple calls or attempts to get utility locates are not included. Sub Surface Utility Investigation.

Task 3.0: Geotechnical Engineering

\$29,237.46

This Task includes tasks for investigating the geotechnical conditions to inform the roadway section to be used in design. The following items are included:

- 3.1 Roadway Section Standards - Coordination of low volume road design standards to inform pavement section design calculation variable inputs.
- 3.2 Geotechnical Exploration
 - o Staking location for investigation
 - o Subgrade soils and existing roadway section evaluation and layer thicknesses
 - o 6-Exploration borings at areas anticipated to have poor fill material

- o 4-Exploration borings for embankment fill slope stability, settlement analyses, water line and storm collection trenching and backfill analysis and earthwork recommendations
- Subgrade preparation recommendations
- Subsurface Conditions & Laboratory Testing
 - o Existing pavement section and bore log records documenting soil material and layer thickness.
 - o Laboratory Testing: Moisture content, sieve analysis, moisture density, Atterberg, infiltration/percolation rate.
 - o Identification of any limiting layers that may affect infiltration systems.
 - o Ground water observation records documenting approximate elevation of ground water
- Geotechnical Investigation & Recommendation Report
 - o Project background, exploration locations, subsurface conditions, and laboratory results.
 - o Evaluation of alternative roadway section recycling or stabilization alternatives
 - o Development of preferred pavement section alternatives and cost estimates.
 - o Development of water and storm trenching and backfill section alternatives
- QA/QC by Professional Engineer

Deliverable: Geotechnical report – one report summarizing all geotechnical findings, testing, results, and recommendations.

Exclusions: Repair of Pavement for borings and test pits

Task 4.0: Drainage and Hydraulics \$92,590.40

This Task includes all drainage, hydraulic, and related design work needed to support the project. Work generally entails assessing existing drainage structures, identification of existing flow patterns, and the design of new or replacement structures within the public road easements. Hydraulic assessments and design standards will largely follow recommendations in the Montana Department of Transportation (MDT) Hydraulics Manual, except where deviations are deemed appropriate. A single drainage report will be generated covering all road segments. Utilization of the geotechnical information obtained in the previous task will be critical for the use of infiltration systems such as dry wells, and seepage beds, which are anticipated to be the primary means of stormwater management. The following items are included:

General Drainage and Hydraulics

- 4.1 Design criteria and framework
 - o Identify Columbia Falls drainage requirements
 - o Selection of hydrologic method (Rational or TR-55)
 - o Selection of IDF Curves or NOAA Atlas 2 Maps Precipitation Maps
 - o Selection of design storm for conveyance and storage
- 4.2 Existing and Proposed Site Hydrologic characteristics
 - o Utilize geotechnical report to identify soil types, infiltration rates, limiting layers, and groundwater depth.
 - o Identify drainage basin topography and land cover use.
 - o Assessment of existing stormwater conveyance and storage structures
 - o Summary of proposed stormwater conveyance and storage structures
- 4.3 Roadway Stormwater Analysis
 - o Basin time of concentration estimate

- o Peak runoff flow estimate
 - o Peak runoff volume estimate
- 4.4 Stormwater facility selection & sizing
 - o Channel, ditch, and pipe sizing and conveyance analysis
 - o Infiltration volume and storage analysis
 - o Permanent erosion control measures
- 4.5 Drainage/Hydraulics Report
 - o Report summarizing hydrologic/hydraulic conditions, analysis, and sizing design.
 - o Spread width analysis on roads for inlet placement.
 - o Downstream analysis
 - o Miscellaneous figures and exhibited as needed to detail basin areas, soil type, ground use, and conveyance and storage infrastructure.
- 4.6 Drainage Plans, details, and profiles
 - o 60% Design Submittal
 - o 90% Design Submittal
 - o 100% Design Submittal

Deliverables: Overall 90% and 100% drainage report, 60%, 90%, 100% drainage structure design plan sheets

Assumptions: a draft drainage report will be submitted with the 90% design submittal for City of Columbia Falls review. City comments on the draft design drainage report will be incorporated into the final drainage report.

Exclusions: Mechanical conveyance systems (pumps), detention/treatment, hydraulic design of replacement culverts ≤ 18 " diameter and driveway culverts, wall and soil retaining systems, special irrigation designs. Drainage layout, details, and profiles are excluded from 30% Design Submittal.

Task 05: Road and Water Main Design

\$354,127.74

This Task includes establishing design criteria per MPWSS as modified by City Standards, reviewing alternatives for road, grading, and hydraulic design implications on grading, water main design and completion of 30% and 60% design plans and cost estimates. The following items are included:

- 5.1 Development of design criteria
 - o Establish project design requirements, including identifying exception to the AASHTO Green Book and AASHTO Guidelines for Geometric Design of Low-Volumes Roads.
 - o Complete a Roadway Design Report the following milestones
 - Concept Design (30%)
 - Preliminary Design (60%)
- 5.2 Establish Roadway Control Alignments
 - o Control will be based on section, $\frac{1}{4}$ section, $\frac{1}{8}$ section corner monument where possible.
- 5.3 Analyze Traffic Data
 - o Evaluate existing traffic count data to aid in determining turning lane locations needs and estimate ESAL counts.

- 5.4 Roadway Typical Section Selection
 - o Incorporate pavement section materials and section thicknesses into typical roadway sections.
 - o Assessment of 2019 Concept Exhibit design
 - o Proposal of Alternative typical roadway sections
- 5.5 Concept Design (30%)
 - o Complete concept design plans for the project. Concept design plans will only identify horizontal location of proposed infrastructure. Vertical design is excluded from this plan set. Appropriate design standards will be used as needed to address the design features prior to final detailing, including:
 - Title Sheet
 - Survey Control Sheets
 - Roadway Typical Sections
 - Water Main Plans
 - Roadway Plans
 - o Concept Design (30%) Review Workshop Meeting
- 5.6 Preliminary Design (60%)
 - o Complete preliminary design for the project. Appropriate design standards will be used as needed to address the design features prior to final detailing, including:
 - Title Sheet
 - Survey Control Plans
 - Right of Entry/Temporary Construction Easement Plans
 - Roadway Typical Sections
 - Demolition Plans
 - Drainage Plans, Profiles, & Details
 - Water Main Plans, Profiles, & Details
 - Roadway Plan & Profiles
 - Permanent Signing & Striping Plans
 - o Preliminary Design (60%) Review Workshop Meeting
 - o Property owner coordination of driveway, catch slopes, fences, and hard surface tie in points.
- 5.7 MDT SIAP Submittal (Concept & Preliminary)
 - o Complete Montana System Impact Action Process with MTD at the following milestones:
 - Concept Design (30%)
- 5.8 Opinion of Probable Cost (Concept & Preliminary)
 - o Complete project construction quantity estimate and opinion of probable cost at the following milestones
 - Concept Design (30%)
 - Preliminary Design (60%)
 - o Constructability and Value Engineering Review (DGB, LLC.)

- 5.9 QA/QC

Deliverables: 30% plans, 30% opinion of probable cost, 60% plans, 60% opinion of probable cost, 60% specifications/special provisions, final design report for water, sewer, and storm

Assumptions: Basis of design will be per the 2021 Montana Public Works Standard Specifications as modified by the City of Columbia Fall Standard for Public Works Improvements. Traffic Data to be provided by the City/County

Exclusions: Stormwater Pollution Prevention Plan (SWPPP) preparation (assumes completion by contractor), road plan cross sections (model utilization eliminates need for cross sections), utility relocation plans (other than water, assumed by UAO if needed). Water main pipe sizing. Retaining wall design not included in scope.

Task 6.0: Permitting & Environmental

\$19,708.64

A permit working group will be established at the start of this effort to maintain good communication between all permitting bodies and provide an avenue for addressing concerns and questions in a timely manner. The City, MDT, and the Montana DEQ will be the issuing agencies on typical construction permits (for streets, stormwater, and water utility). Permit requirements are well-understood by the City and required designs and processes will be followed to ensure an efficient and timely permitting process. Permits and approvals anticipated include DEQ water main extension permits, FHWA approval, MDT approval, and a CATEX determination & Concurrence. and City of Columbia Falls.

Preparation of a formal NEPA document will be begin immediately upon Notice to Proceed with the goal of obtaining a Categorical Exclusion (Cat Ex) within one year of start.

We will pursue permits and environmental approval according to the schedule proposed in the RAISE grant application. The following items are included:

- 6.1 Establish one permit working group for all roadway segments and conduct meetings
 - o Assumes three group meetings with reviewing agency staff, City of Columbia Falls and FHWA, as interested
 - o Meetings to be scheduled near project kickoff, before applications are submitted, and onsite during application review
- 6.3 NEPA – Cat Ex under CFR 771.117(d)(13)
 - o Biological Resources Report/Biological Assessment:
 - Biological Resources memo covering general biological resources, noxious weeds, state sensitive species, wetland delineation with aquatic resources delineation report and if necessary, aquatic findings report to identify potential stream or wetland impacts from project and potential occurrence of federally listed threatened or endangered species.
 - US Fish & Wildlife Service (USFWS) ESA Section 7(a)(2)
 - Biological Assessment (BA), coordination with FHWA on initiating and completing consultation

- Effects may be assumed for grizzly bear. Letter of concurrence or Biological Opinion (BO) will be obtained from USFWS
 - o HazMat/ISA/PSI Report (MDT Activities 181 & 183)
 - o Section 106 coordination
 - o Section 4(f) coordination
 - o Prepare MDEQ permit submittals and resubmittals (2) for Water line design
 - o Initial Site Assessment checklist
- 6.4 QA/QC by Environmental Engineer

Deliverables: Final Cat Ex, DEQ , BRR/BA memo,

Exclusions: , , SPA 124 permit. permit fees, wetland/stream mitigation permits and fees, , wetland mitigation implementation, flagging of wetland boundaries, other permitting not specified.

Note: Permit fees are to be paid directly by City of Columbia Falls. We anticipate less than \$3,000 to cover all fees (assuming no CLOMR/LOMR).

Task 7.0: Bidding

\$406,133.52

This Task includes services to prepare documents for public bidding, as well as assist the City with conducting the bidding process. Construction contracts will be completed once a contractor is selected. The following items are included:

- 7.1 Draft Final Design (90%)
 - o Complete final design for the project including detailed station, offset, elevation, and pay item call outs. Appropriate design standards will be used as needed to address the design features prior to final detailing, including:
 - Title Sheet
 - Survey Control Sheets
 - Right of Entry/Temporary Construction Easement Sheets
 - Roadway Typical Sections
 - Demolition Plans
 - Drainage Plans, Profiles, & Details
 - Water Main Plans, Profiles, & Details
 - Roadway Plan & Profiles
 - Intersection and Ramp Grading Details
 - Driveway Grading Details
 - Permanent Signing & Striping Plans
 - Erosion Sediment Control Plans
 - o Preliminary Design (90%) Review Workshop Meeting
- 7.2 Stamped Final Design (100%)
 - o Complete final design for the project including detailed station, offset, elevation, and pay item call outs. Incorporate all final review workshop comments and provided stamped engineering and survey documents.
 - o Submittal of project design CAD files.
- 7.3 Final MDT SIAP Submittal
 - o Complete Montana System Impact Action Process with MTD at the following milestones:

- Draft Final Design (60-90%)
 - Stamped Final Design (100%)
- 7.4 Final Opinion of Probable Cost
 - o Complete final project construction quantity estimate and opinion of probable cost at the following milestones
 - Draft Final Design (60-90%)
 - Stamped Final Design (90-100%)
 - o Constructability and Value Engineering Review (DGB, LLC.)
- 7.5 Final Technical Specifications
 - o Complete Final Contractor Notes, Modifications to the MPWSS, and Special Provisions at the following milestones
 - Draft Final Design (90%)
 - Stamped Final Design (100%)
- 7.6 Bidding Support Services
 - o Complete contract documents using 2021 MPWSS Divisions 0 – Bidding Requirements, Contract Forms, and Condition of the Contract. Include FHWA contract provisions. Contract Documents will be competed at both Draft and Stamped Final Design (90 & 100%)
 - 00100 – Invitation to Bid
 - 00200 – Instruction To bidders
 - 00410 – Bid Form for Construction Contract
 - 00430 – Bid Bond Form
 - 00520 – Agreement Form
 - 00510 – Notice of Award
 - 00550 – Notice to Proceed
 - 00610 – Performance Bond
 - 00615 – Payment Bond
 - 00620 – Application for Payment
 - 00625 – Substantial Completion
 - 00700 – Standard General Conditions (EJCDC No C700 (2018))
 - 00800 – Supplementary Conditions to the General Conditions
 - Final Contractor Notes, Modifications to the MPWSS, and Special Provisions
 - 00940 – Work Change Directive
 - 00941 – Change Order
 - 00942 – Field Order
 - o Pre-Bid Meeting (3-Staff Members)
 - o Bidding Addenda, limited to (3)
 - o Bid Opening (3 Staff Members)
 - o Bid Tabulation
 - o Award Recommendations
 - o Collection of Contractor Bonds and Insurance documents. City to determine insurance requirements and values.
 - o Finalize Contract for City/Contractor signature.
- 7.7 QA/QC

Deliverables: Bid documents, pre-bid agenda and meeting minutes, bid tabulation, award recommendation, executed construction contracts

Assumptions: Basis of design and bidding documents will be per the 2021 Montana Public Works Standard Specifications as modified by the City of Columbia Falls Standard for Public Works Improvements. Contractor will prepare Maintenance of Traffic plans as needed.

Exclusions: No allowance for re-bidding if required

ADDITIONAL SERVICES

Services not specifically described in the tasks above are not included in this scope of work.

FEE ESTIMATE

Our fees will be billed on a cost-plus basis as shown in the cost summary below. Fees are valid through August 30 2025 and may need to be adjusted if the project extends beyond this date.

Task 8.0: Construction Engineering \$313,582.45

This Task includes inspection, documentation, and administration of the Construction contract. The following items are included:

- 8.1 Not used
- 8.2 Construction Submittal Review
- 8.3 Inspection testing frequency and acceptance as per MPWSS
- 8.4 Water line inspection per MDEQ
- 8.5 Site Observation, Daily reporting, and quantity tracking
- 8.6 Weekly progress reports
- 8.7 Material Certifications and Documentation
- 8.8 Bi-weekly meetings
- 8.9 Documentation of As-Builts
- 8.10 Administration for shop drawings, RFIs, and Design Change requests.
- 8.11 Final Walkthroughs, punchlist, and closeout
- 8.12 Close-out documentation as required per City of Columbia Falls.
- 8.13 Contractor Invoice review and approval
- 8.14 FHWA Grant Administration assistance

Deliverables: Weekly Progress Reports, RFI Log, Shop Drawing Log, Change Request Log, As-Builts, Close-out documentation, meeting minutes

Assumption: Duration of Construction Engineering is per the schedule provided in the CSA.

Exclusions: Days beyond the assumed schedule. No allowance for contractor re-design requests, construction survey, staking or layout.

COST SUMMARY	
01 – Project Management	\$ 290,293.11
02 – Survey Mapping & Right-of-way	\$66,922.67
03 – Geotechnical Engineering	\$29,237.46
04 – Drainage, Hydraulics, and Floodplain	\$92,590.40
05 – Road Design	\$354,127.74
06 – Permitting & Environmental	\$19,708.64
07 – Bidding	\$406,133.52
08 – Construction Engineering	\$313,582.45
TOTAL	\$1,572,596

SCHEDULE

Upon receipt of a signed contract within the next 30 days, we are prepared to begin work immediately. If contract approval extends beyond 30 days, we may adjust scope, schedule, or fee based on changing conditions and resource availability. NEPA document preparation and survey mapping will begin immediately, as both are critical path schedule items.

A detailed project schedule will be provided to the City for review prior to official implementation. A narrative description of tasks will accompany the schedule, identifying critical path items and items carrying risk related to uncertain durations. The following work plan schedule was created in April 2024 based on an anticipated notice to proceed between late July 2024. We anticipate completion of the design Task services included in this scope of work to be complete by July 2025. Completion of design and bidding services will be dependent upon permitting durations and FHWA review times, both of which can significantly impact the schedule. We will coordinate with permitting agencies and FHWA staff upon Notice to Proceed and notify the City of any potential schedule impacts and required schedule adjustments. Construction substantial completion is anticipated for Dec 2026, with final closeout efforts taking a few months after construction completion (NLT March 31, 2027).

Figure 4. Preliminary Schedule

Activity Name	Start	Finish	2024	2025		2026		2027	
			Q3-Q4	Q1-Q2	Q3-Q4	Q1-Q2	Q3-Q4	Q1-Q2	Q3-Q4
Contract Award	28-Jun-24	28-Jun-24	●						
Scope and Contract	01-Jul-24	26-Jul-24	■						
Raise Grant FHWA Funding Coordination	01-Jul-24	31-Mar-27	■						
0% Constr Estimate Validation	29-Jul-24	02-Aug-24	■						
0% Constr Schedule Validation Best Case - No Restrictions	29-Jul-24	02-Aug-24	■						
Public Outreach	08-Jul-24	31-Dec-26	■						
Pre-Design and NEPA	29-Jul-24	15-Nov-24	■						
Design Development	23-Sep-24	24-Jan-25	■						
30% Constr Estimate Validation	18-Nov-24	22-Nov-24	■						
Stakeholder Coordination	23-Sep-24	31-Dec-26	■						
60% Constr Estimate Validation	27-Jan-25	31-Jan-25		■					
60% Schedule Validation with Restrictions	03-Feb-25	07-Feb-25		■					
Final Design	27-Jan-25	18-Apr-25		■					
Agency Reviews/Permitting	09-Dec-24	20-Jun-25		■					
Bidding, Award, and NTP	21-Apr-25	25-Jul-25		■					
Construction	28-Jul-25	31-Dec-26			■	■	■		
Construction Substantial Completion Open to Traffic	31-Dec-26						●		
Construction Punchlist	01-Jan-27	25-Mar-27						■	
Budget Period End Date - Construction Final Completion		31-Mar-27						●	

Professional Services Estimate

Project Name: Columbia Falls Gateway to Glacier Safety and Mobility Improvement (Project).

Project #: TBD

Client: City of Columbia Falls

Date: 8/15/2024

Jacobs

		PHASE 1 DESIGN/PRECONSTRUCTION														PHASE 2 CONSTRUCTION			
DIRECT LABOR		Task 1.0		Task 2.0		Task 3.0		Task 4.0		Task 5.0		Task 6.0		Task 7.0		Task 8.0		TOTAL	
		PROJECT MANAGEMENT		Survey Mapping & ROW		Geotechnical Engineering		General Drainage and Hydraulics		Road and Water Main Design		Permitting and Environmental		Bidding		Construction Engineering			
	Rate \$/Hr	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$	Hours	Total \$
Project Manager	\$115	354	\$40,824													88	\$10,148	442	\$ 50,972
Sr Project Engineer	\$79	60	\$4,762							154	\$12,221			242	\$19,205			456	\$ 36,188
Project Engineer 2	\$62	165	\$10,164					102	\$6,283	356	\$21,930			340	\$20,944			963	\$ 59,321
Project Engineer 1	\$67									44	\$2,956			44	\$2,956			88	\$ 5,913
Sr Project Engineer 2	\$86							16	\$1,369									16	\$ 1,369
Staff Engineer/EI 1	\$39							244	\$9,618	390	\$15,374			296	\$11,668			930	\$ 36,661
Staff Engineer/EI 2	\$35									177	\$6,135			287	\$9,947			464	\$ 16,082
Staff Engineer/EI 3	\$66																		
CADD Drafter/Designer	\$45									229	\$10,195			296	\$13,178			525	\$ 23,373
Sr Enviro Professional	\$65											64	\$4,136					64	\$ 4,136
Professional Enviro Specialist	\$67											68	\$4,544					68	\$ 4,544
Geotech Engineer	\$76					88	\$6,711											88	\$ 6,711
TOTAL LABOR		579	\$ 55,749		\$ -	88	\$ 6,711	362	\$ 17,271	1,350	\$68,811	132	\$ 8,680	1,505	\$77,899	88	\$ 10,148	4,104	\$ 158,110
DIRECT EXPENSES & SUB-CONSULTANTS		Task 1.0		Task 2.0		Task 3.0		Task 4.0		Task 5.0		Task 6.0		Task 7.0		Task 8.0		TOTAL	
Sub-consultants		138,867.89		66,922.67		14,000.00		53,375.64		197,888.01		-		229,258.85		290,540.23		990,853.3	
Copies / Prints		4,843.19		-		-		-		-		-		-		-		4,843.2	
Mileage		10,000.00		-		-		-		-		-		-		-		10,000.0	
Lodging / Per Diem		10,000.00		-		-		-		-		-		-		-		10,000.0	
Fees / Permits		-		-		-		-		-		-		-		-			
Survey Equipment		-		-		-		-		-		-		-		-			
Technology Fee		-		-		-		-		-		-		-		-			
Other		-		-		-		-		-		-		-		-			
TOTAL DIRECT EXPENSES		\$ 163,711.08		\$ 66,922.67		\$ 14,000.00		\$ 53,375.64		\$ 197,888.01		\$ -		\$ 229,258.85		\$ 290,540.23		\$ 1,015,696.50	
SUMMARY		Task 1.0		Task 2.0		Task 3.0		Task 4.0		Task 5.0		Task 6.0		Task 7.0		Task 8.0		TOTAL	
Hours		579.0				88.0		362.0		1,350.0		132.0		1,505.0		88.0		4,104.0	
Labor		\$ 55,749.26		\$ -		\$ 6,710.88		\$ 17,270.96		\$ 68,811.10		\$ 8,680.08		\$ 77,899.14		\$ 10,148.25		\$ 245,269.67	
Expenses & Sub-Consultants		\$ 163,711.08		\$ 66,922.67		\$ 14,000.00		\$ 53,375.64		\$ 197,888.01		\$ -		\$ 229,258.85		\$ 290,540.23		\$ 1,015,696.50	
Subconsultant Fee		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
General Overhead		97.44%	\$ 54,322.07	\$ -		\$ 6,539.08		\$ 16,828.82		\$ 67,049.54		\$ 8,457.87		\$ 75,904.92		\$ 9,888.46		\$ 238,990.77	
Profit		15.00%	\$ 16,510.70	\$ -		\$ 1,987.49		\$ 5,114.97		\$ 20,379.10		\$ 2,570.69		\$ 23,070.61		\$ 3,005.51		\$ 72,639.07	
TOTAL		\$ 290,293.11		\$ 66,922.67		\$ 29,237.46		\$ 92,590.40		\$ 354,127.74		\$ 19,708.64		\$ 406,133.52		\$ 313,582.45		\$ 1,572,596.00	

Professional Services Hours

Project Name: **Columbia Falls Gateway to Glacier Safety and Mobility Improvement (Project).**
Project #: **TBD**
Client: **City of Columbia Falls**
Date: **08/15/24**

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Professional Services Hours

Project Name: Columbia Falls Gateway to Glacier Safety and Mobility Improvement (Project).
Project #: TBD
Client: City of Columbia Falls
Date: 08/15/24

Jacobs

Jacobs

												SI Project Manager	SR PROJECT ENGINEER	PROJECT ENGINEER 2	QA/QC ENGINEER 1	QA/QC ENGINEER 2	STAFF ENGINEER 1	STAFF ENGINEER 2	SUB SUB CONSULTANT	CADD DRAFTER	ST. ENGINEER PROFESSIONAL	Professional Envsio Specialist	Geotech Engineer	
												David Pardue	Pat White	Arthur Thomas	Luke Rowley	DAVID BAKER	AMBER WARDEN	MICHAEL BUELS	TBD	BRYANT BUTTERFIELD	Joan Kitchener	Pat Baeding	Josh Butler	
												\$ 115.32	\$ 79.36	\$ 61.90	\$ 67.19	\$ 85.58	\$ 39.42	\$ 34.66	\$ 66.06	\$ 44.52	\$ 64.63	\$ 66.82	\$ 76.26	
7th St W 4th Ave W to Nicholas Ave)												DIRECT Raw LABOR RATE												
SUBTOTAL												154.0	356.0	44.0			390.0	177.0		229.0				
Task	6.0	Permitting and Environmental																						
	6.1	Establish One Roadway Permit																				8.0	14.0	
	6.2	Prepare MDI Encroachment Permit																				8.0		
	6.3	NEPA - Cat Ex Under CFR 771.117(d)(13)																				40.0	50.0	
	6.4	QA/QC																				8.0	4.0	
SUBTOTAL																						64.0	68.0	
Task	7.0	Bidding																						
	7.1	Draft Final Design (90%)										34.0	200.0			200.0	34.0		114.0					
		18th St W (12th Ave W to 4th Ave W)										179.0	100.0			100.0	179.0		57.0					
		4th Ave W (18th St W to US 2)										179.0	100.0			100.0	179.0		57.0					
		4th Ave W (US 2 to 3rd St W)																						
		7th St W 4th Ave W to Nicholas Ave)																						
	7.2	Final Design (100%)										70.0	40.0			40.0	84.0		118.0					
		18th St W (12th Ave W to 4th Ave W)										42.0	20.0			20.0	42.0		66.0					
		4th Ave W (18th St W to US 2)										28.0	20.0			20.0	42.0		52.0					
		4th Ave W (US 2 to 3rd St W)																						
		7th St W 4th Ave W to Nicholas Ave)																						
	7.3	Final MTD SIAP Submittal											4.0			4.0								
	7.4	Final Opinion of Probable Cost										22.0	16.0			32.0	45.0		8.0					
		18th St W (12th Ave W to 4th Ave W)										11.0	8.0			16.0	26.0		4.0					
		4th Ave W (18th St W to US 2)										11.0	8.0			16.0	17.0		4.0					
		4th Ave W (US 2 to 3rd St W)																						
		7th St W 4th Ave W to Nicholas Ave)																						
	7.5	Final Technical Specification										32.0	40.0			20.0	32.0							
	7.6	Bidding Support Services										40.0	40.0				36.0							
	7.7	QA/QC										44.0		44.0			56.0		56.0					
		18th St W (12th Ave W to 4th Ave W)										22.0		22.0			28.0		28.0					
		4th Ave W (18th St W to US 2)										22.0		22.0			28.0		28.0					
		4th Ave W (US 2 to 3rd St W)																						
		7th St W 4th Ave W to Nicholas Ave)																						
SUBTOTAL												242.0	340.0	44.0			296.0	287.0		296.0				
Task	8.0	Construction Engineering																						
	8.1	Construction Staking/Layout																						
	8.2	Inspection Testing																						
	8.3	Water Line Inspection																						
	8.4	Weekly Progress Reports																						
	8.5	Bi-weekly Meeting										88.0												
	8.6	Documentation of As Builts																						
	8.7	Administration of Shop Drawings, RFI, Change Requests																						
	8.8	Close-out Documents																						
	8.9	Contractor Invoicing																						
	8.1	FHWA Grant Administration Assistance																						
SUBTOTAL												88.0												

EXHIBIT B

NON-DISCRIMINATION

During the performance of this contract, the Consultant, for itself, its assignees, and successors in interest (hereinafter referred to as the “Consultant”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 C.F.R. Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 C.F.R. Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq).

EXHIBIT C

CERTIFICATE OF CONSULTANT

I am a duly authorized representative of the firm of Jacobs Engineering Group, Inc., whose address is

1999 Bryan Street, Suite 3500, Dallas, TX 75201, and I hereby certify as follows:

In accordance with TERM B.2, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions" of the U.S Department of Transportation Exhibits to FHWA Grant Agreements Under The Fiscal Year 2022 Raise Grant Program, dated October 18, 2022, the following certification is provided:

A. That the firm and any principals within the firm:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgement, including a civil settlement, rendered against them for the commission of fraud or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1.b. of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

In accordance with TERM B.3. "Requirements Regarding Delinquent Tax Liability Or A Felony Conviction Under Any Federal Law" of the U.S Department of Transportation Exhibits to FHWA Grant Agreements Under The Fiscal Year 2022 Raise Grant Program, dated October 18, 2022, the following certification is provided:

B. That neither the firm, nor any principals within the firm:

1. Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed,

and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or

2. Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government.

The consultant agrees that if the certification statement under paragraphs A or B become inaccurate after initial certification, it will notify the Local Entity in writing immediately thereafter.

In accordance with 49 CFR part 20, Appendix A, Certification Regarding Lobbying, the following certification is provided:

C. To the best of my knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement; and
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

I acknowledge that this certificate is to be furnished to City of Columbia Falls, MT and the Federal Highway Administration, in connection with this Agreement involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

Signature

Printed Name

Title

Date

EXHIBIT D

NOTICE TO CONSULTANTS

During the performance of this Agreement, the Consultant, for itself, its assignees, and successors in interest, agrees as follows:

- A. Compliance with Regulations: The Consultant will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- B. Non-discrimination: The Consultant, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The Consultant will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. Part 21.
- C. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Consultant for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subconsultant or supplier will be notified by the Consultant of the Consultant's obligations under this Agreement and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, and national origin.
- D. Information and Reports: The Consultant will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Local Entity or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of Consultant is in the exclusive possession of another who fails or refuses to furnish the information, the Consultant will so certify to the Local Entity or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the Non-discrimination provisions of this Agreement, the Local Entity will impose such contract sanctions as it or the FHWA may determine appropriate, including, but not limited to:
 - 1. withholding payments to the Consultant under the Agreement until the Consultant complies, and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: Consultant will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of

equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. Consultant will take action with respect to any subcontract or procurement as the Local Entity or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Consultant becomes involved in, or is threatened with litigation by a subconsultant, or supplier because of such direction, the Consultant may request the Local Entity to enter into any litigation to protect the interests of the Local Entity. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

In compliance with Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, 49 CFR 29, the Consultant agrees as follows:

- A. Each Agreement the Local Entity signs with a Consultant (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:
 “The Consultant, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.”

Consultant agrees to insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FY 2022 RAISE Grant and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

Consultant agrees to comply (and will require any sub-recipients, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

EXHIBIT E

CERTIFICATION OF INDIRECT COSTS (OVERHEAD RATE)



Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Greg Gianforte, Governor
Malcolm "Mac" Long, Director

April 25, 2024

Mark Gianetto
Jacobs Engineering Group
6312 S Fiddler's Circle, Ste 300 North
Greenwood Village, CO 80111

Jennifer Whited
Jacobs Engineering Group
125 Broadway
Oak Ridge, TN 37380

Our Audit Services has reviewed the documentation supporting the **Jacobs Engineering Group** audited overhead rate for compliance with criteria contained in the Federal Acquisition Regulations (FAR), Subpart 31.2. Your overhead rates of 0.9744 for Home Office and 0.8780 for Field are accepted based on documentation for your fiscal year ending September 30, 2023. This rate is valid for any contracts executed through September 30, 2024 within six months thereafter UNLESS, in the interim, MDT accepts a new rate.

For existing contracts, project-specific agreements determine the appropriate rate and effective date to be utilized for negotiation and billing. The rate identified herein is subject to adjustment upon receipt of additional information.

This is your pre-notification notice pursuant to 23 CFR 172.11(d), a record of the accepted indirect cost rate(s) will be logged with the Federal Highway Administration's Audit Exchange where it may be viewed by auditors from other State Highway Agencies.

If you have any questions, please contact me at (406) 444-7964.

Sincerely,

Kelly M. Williams

Kelly Williams, P.E.
Consultant Design Engineer

KW/st

e-copy: Natalie Gibson, MDT Audit Services
cc: Sheryl Tangen, MDT Consultant Design Bureau

AIA Document A310™ – 2010
Bid Bond**CONTRACTOR:**

(Name, legal status and address)

DREAMLAND SKATEPARKS, LLC
 2150 SE HWY 101, PMB #384,
 LINCOLN CITY, OR 97367

OLD REPUBLIC SURETY COMPANY**SURETY:** PO BOX 1635, MILWAUKEE, WI 53201

(Name, legal status and principal place of business)

OWNER:

(Name, legal status and address)

CITY OF COLUMBIA FALLS
 130 6TH ST. WEST
 COLUMBIA FALLS, MONTANA 59912

BOND AMOUNT:**NOT TO EXCEED TEN PERCENT OF AMOUNT BID** (**10%**)** **PROJECT:**

(Name, location or address, and Project number, if any)

FENHOLT PARK - COLUMBIA FALLS SKATEPARK

Project Number, if any: N/A

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 1ST day of **AUGUST 2024**

(Witness)



(Witness)

DREAMLAND SKATEPARKS, LLC

(Principal)

owner / member

(Seal)

(Title)

OLD REPUBLIC SURETY COMPANY

(Surety)

Michelle R Bench

(Seal)

(Title) **MICHELLE R. BENCH ATTORNEY-IN-FACT**

Init.

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OLD REPUBLIC SURETY COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

Keith M. Yam, Michelle R. Bench, Jennifer Robin Baird, Kenneth A. Price, Kyle P. Hudson, William Kaufmann of Springfield, OR

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 17th day of September, 2021

Karen J. Haffner
Assistant Secretary



OLD REPUBLIC SURETY COMPANY

Alan Pavlic
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 17th day of September, 2021, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Kathryn R. Pearson
Notary Public

My Commission Expires: September 28, 2022

(Expiration of notary's commission does not invalidate this instrument)

CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

77 2200



Signed and sealed at the City of Brookfield, WI this 1 day of AUGUST, 2024

Karen J. Haffner
Assistant Secretary

ORSC 22262 (3-08)

**SECTION 00300
BID FORM**

PROJECT IDENTIFICATION:

2024 SKATE PARK CONSTRUCTION AND INSTALLATION PROJECT

COLUMBIA FALLS, MONTANA

THIS BID SUBMITTED TO:

CITY OF COLUMBIA FALLS

130 6TH STREET WEST

COLUMBIA FALLS, MONTANA 59912

1.01 The undersigned Bidder proposes and agrees if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents, to perform and furnish all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2.01 Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid, and Instructions to Bidders, including without limitations those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for thirty (30) days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

3.01 In submitting this Bid, Bidder represents, as set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Addendum No.

1

Addendum Date

Aug 7, 2024 (Amended Bid Document) *TS*

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the work.

C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect the cost, progress, and performance of the Work.

D. Bidder has carefully studied all reports of explorations and tests of conditions at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by the Bidder, and safety precautions and programs incident thereto.

F. Bidder does not consider that any further examinations, investigations, explorations, test, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.

G. Bidder is aware of the general nature of the Work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.

H. Bidder has correlated the information known to the Bidder, information and observations obtained from visits to the Site, and reports identified in the Bidding Documents, and all additional examinations, investigations, explorations, test, studies, and data with the Bidding Documents.

I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.

J. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which the Bid is submitted.

4.01 Bidder further represents that this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

The Bidder certifies that no official of the Owner, Engineer, or any member of such official's immediate family, has direct or indirect interest in the pecuniary profits or Contracts of the Bidder.

5.01 Bidder agrees that the Work will be substantially completed and ready for final payment on or before dates or within the number of calendar days indicated in the Agreement.

6.01 The following documents are attached to and made a condition of the Bid.

A. Required Bid security in the form of a Bid Bond identified in the Invitation To Bid.

7.01 The terms used in this Bid with the initial capital letters have the meanings indicated in the Instruction to Bidders, General Conditions, and the Supplementary Conditions.

BID
ITEM DESCRIPTION RFI - Request to the city attached **TOTAL PRICE**

1. Construction and installation of a new skate park at the City's Fenholt Park to specifications in **10,000 SF** available funding. 1 Lump Sum \$ **\$589,000.00**

FOR THE 10,000 SF PARK LISTED NOT THE 12,250 SF AS PLANS LIST

10,000 SF TOTAL BID PRICE \$ **\$589,000.00**

TOTAL BID PRICE WRITTEN IN

10,000 SF WORDS: Five Hundred eighty nine thousand dollars

SUBMITTED on AUGUST 14, 2024
 (Date)

Montana Contractor's Registration Number: Montana License #54742

Employer's Tax ID Number: EIN # 33-1014854

BIDDER:

NAME/TYPE

DREAMLAND SKATEPARKS LLC

(Name typed or printed/Type of Business Entity)

By: DANYEL SCOTT - OWNER/ PARTNER

(Authorized Individual's Signature/Title)

Doing Business as: DREAMLAND SKATEPARKS LLC

Business Address: 2150 SE Hwy 101 Lincoln City OR 97367 - Mailing

6913 NE Highland Rd. Otis OR 97368 - Physical

Phone No: (503) 577-9277 FAX No: N/A

OWNER reserves the right to reject any and all bids.

Section 00300
 Bid Form
 Page 3 of 4

CONTRACTOR EXPERIENCE AND REFERENCES

The Bidder shall provide the following information on three projects of a similar nature to the project currently being bid that the Bidder has completed within the past five (5) years with the information as noted below. Contractor may attach additional pages to provide complete information.

PROJECT IDENTIFICATION: Specialty Concrete Construction for the Dave Olseth Skatepark phase 2

PROJECT LOCATION: Dave Olseth Skatepark Whitefish Montana

PROJECT VALUE: \$350,000.00 Phase 2 + \$290,000.00 Phase 1 Total - \$640,000.00

CLIENT AND REFERENCE CONTACT: Maria Butts - City of Whitefish Director Parks & Rec (406) 863- 2471

DESCRIPTION OF PROJECT: Steve Bullemer - City of Whitefish Parks Foreman (406) 212-0387

Design, project manager, assisted in fundraising, superintendent of all construction

Total Park size - over 23,000 SF

PROJECT IDENTIFICATION: Troy Skatepark

PROJECT LOCATION: Roosevelt Park Troy Montana

PROJECT VALUE: \$183,000.00

CLIENT AND REFERENCE CONTACT: TJ Boswell - City of Troy (509) 280-2458

DESCRIPTION OF PROJECT: Design, assist in fundraising and contractor that bid to build

Total Park Size - 6,000 SF

PROJECT IDENTIFICATION: Polson Skatepark

PROJECT LOCATION: 7th avenue skatepark Polson Montana

PROJECT VALUE: \$150,000.00- Phase 2 + \$200,000.00 Phase 1 Total - \$350,000.00

CLIENT AND REFERENCE CONTACT: Pat Nowlen- Director of Parks and Rec. (406)883- 8206

DESCRIPTION OF PROJECT: Design/build agreement. All design and construction for the skatepark

Montana Prevailing wage

Total Park size - 15,200 SF

CONTRACTOR EXPERIENCE AND REFERENCES

The Bidder shall provide the following information on three projects of a similar nature to the project currently being bid that the Bidder has completed within the past five (5) years with the information as noted below. Contractor may attach additional pages to provide complete information.

PROJECT IDENTIFICATION: Travers Park Expansion Project - Concrete Lake Skatepark

PROJECT LOCATION: Travers Park Sandpoint Idaho

PROJECT VALUE: \$422,931.00 Phase 2 + \$350,000.00 Phase 1 Total - \$772,931.00

CLIENT AND REFERENCE CONTACT: Maeve Laylar City Parks Planning & Development Manager
(208)946-2711 or (208) 450-3767

DESCRIPTION OF PROJECT:

Design and Built phase 1 concrete skatepark

Bid to design and build phase 2 skatepark Total park size 14,000 SF

PROJECT IDENTIFICATION: Arlee Skatepark & Ronan Skatepark

PROJECT LOCATION: Arlee Montana & Ronan Montana

PROJECT VALUE: \$250,000.00 \$250,000.00 Total - \$500,000.00

CLIENT AND REFERENCE CONTACT: Brad "CSKT" Condederated Salish Kootenai Tribes
(406) 833- 0118

DESCRIPTION OF PROJECT:

Design and built both concrete skateparks

5400 SF 5,300 SF

PROJECT IDENTIFICATION: SK8 Ignatius Skatepark

PROJECT LOCATION: St. Ignatius Montana

PROJECT VALUE: \$250,000.00 Phase 1 & \$220,000 Phase 2 Total - \$470,000.00

CLIENT AND REFERENCE CONTACT: Kristie Nerby - President Sk8 Ignatius non profit (406)546-5936

DESCRIPTION OF PROJECT:

Design and built both phases of the concrete skatepark

Total size - 19,000 SF

Fwd: RFI - Columbia Falls Skatepark

Danyel Scott <dreamlandskateparks@gmail.com>

Tue 8/13/2024 2:53 PM

To: The UPS Store #2029 <store2029@theupsstore.com>

CAUTION! This email originated from outside of the organization. Please do not open attachments or click links from an unknown or suspicious origin.

Can you please print 3 copies of all of the following email threads. Thank you!

I will be in tomorrow morning

----- Forwarded message -----

From: **Danyel Scott** <dreamlandskateparks@gmail.com>

Date: Fri, Aug 9, 2024 at 10:58 AM

Subject: RFI - Columbia Falls Skatepark

To: City Manager <citymanager@cityofcolumbiafalls.com>

Request for Information

Bidder on the following project.

Fenholt Park - Columbia Falls Skatepark Project.

There is a discrepancy in the following information.

It states 10,000+ square ft. The plans call for a 12,250SF park.

So are we as the bidder to bid it to the plans or bid it to the estimate listed? As this is a low bid project.

Sincerely,

Danyel Scott
Co-Owner and Head of Business Admin.
Dreamland Skateparks LLC
Phone: (503) 577-9277
Website: www.dreamlandskateparks.com

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Section 00200**INSTRUCTION TO BIDDERS**

These instructions to Bidders amend or supplement the Instruction to Bidders contained within the Seventh Edition of the Montana Public Works Standard Specifications. All provisions that are not amended or supplemented remain in full force and affect.

The following Definitions apply to Section 00200, Instructions to Bidders:

OWNER – City of Columbia Falls, Montana, a Municipal Corporation

ENGINEER – The City of Columbia Falls' Contract Construction Engineer

PART 1 - GENERAL**1.1 SUMMARY**

The work consists of furnishing materials, labor and equipment required for the construction and installation of a new concrete skate park at the City's Fenholt Park. The projected size of the skate park is 10,000 SF+ concrete park and actual size will be determined based on available funding. Work shall not begin prior to August 20, 2024 and shall be completed on or before August 30, 2025.

1.2 REGULATIONS

- A. The work shall conform to requirements of the American Concrete Institute (ACI) and International Building Code (IBC) for concrete finishing, as supplemented and modified on drawings of herein.

1.3 REFERENCE STANDARDS:

- A. The Concrete Finishing shall conform to requirements of the following Reference Standards or as modified and supplemented on drawings hereinafter:
 - 1. American Concrete Institute (ACI) Specifications for Structural Concrete for Buildings ACI 301
 - 2. ACI Recommended Practice for Cold Weather Concreting, ACI 306
 - 3. ACI Recommended Practice for Hot Weather Concreting, ACI 605

1.4 QUALITY ASSURANCE:

- A. Skateboard Parks are not considered standard concrete flatwork. Where indicated to be ex

Section 00200

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 3. ACI Recommended Practice for Hot Weather Concreting, ACI 605

1.4 QUALITY ASSURANCE:

- A. Skateboard Parks are not considered standard concrete flatwork. Where indicated to be exposed, Skateboard Park concrete is architecturally finished concrete represented in the form of complex

and unique shapes. Typical Skateboard Park features will incorporate concave and convex transitioning between surfaces, which require the specified finishes to sculpturally blend along compound radius curves. It is critical that Skateboard Park concrete work be completed with a high level of precision for the skate facility to function properly and safely. Special care must be taken to provide the specified finished surfaces without gravel pockets, and other defects/defacements. The ENGINEER shall inspect concrete after removal of forms and before concrete repair work begins. Concrete that does not meet the requirements of the specifications shall be rejected by the ENGINEER and removed and replaced in its entirety by the Contractor at the Contractors expense.

1.5 MEASUREMENTS AND PAYMENTS

- A. Quantities: As shown on Drawings. It is the responsibility of the Contractor to verify the quantity of each bid item prior to submission of bid

1.6 COORDINATION

- A. Ordering Materials: Order and schedule materials in ample time to avoid delays in construction. If an item is found to be unavailable, notify the Designer immediately.

1.7 FIELD ENGINEERING

- A. Property lines and existing improvements are indicated on Drawings. Contractor shall establish primary construction control lines and be responsible for accuracy of the layout of his work. Verify all lines, levels and dimensions shown on Drawings. Report any errors or discrepancies to Designer before proceeding with the work. Verify location of all underground utilities with local utility company.

1.8 PROTECTION

- A. Protect persons and adjacent materials and finishes from dust, dirt and other surface or physical damage during finishing operations, including materials driven by wind.

1.9 REPAIRS:

- A. Immediately after the removal of forms inspect all surfaces for defects.
- B. Repair or patch defects only after defects are inspected by the ENGINEER and then only with the ENGINEER'S permission. Do all cutting and repair within 48 hours after removal of forms; cure repairs same as the new concrete.

1.10 FINISHES FOR UNFORMED SURFACES:

- A. Screed all slabs, for whatever finishes, to true levels or slopes, work surfaces only to the degree required to produce the desired finish; do no finish in areas where the water has accumulated until they have been drained and excess moisture has dried. Carefully finish all joints and edges with proper tools, unless otherwise specified.

- B. Hard Trowel Finish: After floated surface is firm enough to receive steel trowels, trowel at least two complete passes, or until the last stage before blackening. Leave no trowel marks discernible to the touch. Do not use excessive water, especially on the last pass.
- C. Light Broom Finish: Concrete walkway as identified on plans.

1.11 CURING:

- A. Protect concrete surfaces against rapid drying. Apply clear spray on cure agent after final finish is achieved. Keep sealed with cure agent for necessary amount of time to reach concrete strength and inhibit moisture loss after placing per manufacturer's recommendation.
- B. During the Curing: In addition to the initial overnight curing, continue final curing operations until the cumulative number of days or fractions thereof (not necessarily consecutive) occurs, during which time the temperature of the air in contact with the concrete is above 50 degrees F, equals 7 days. Curing period considered done when compressive strength is reached. If high-early strength concrete has been used continue final curing operation for 3 days total time, calculated as before. Take care to prevent rapid drying at the end of the curing period. Early removal of forms will not be approved when forms are removed during the curing period.

1.12 INSPECTION:

- A. Contractor shall notify ENGINEER that they are starting concrete finish repair work at least 5 days prior to the beginning of work or as otherwise agreed upon in pre-construction meeting.

1.13 PROTECTION AND SITE SECURITY FROM VANDALISM: It shall be the contractor's responsibility to protect the site from theft and vandalism.

1.14 CONCRETE JOINTS

- A. Cleaning: The entire joint shall be thoroughly cleaned and wetted prior to the application of additional shotcrete.
- B. Reinforcement: Make joints perpendicular to the main reinforcement. Continue reinforcement across joints.

1.15 CONCRETE CURING AND PROTECTION

- A. Curing Agent: Apply curing agent, blankets, or plastic after final finish is achieved. CONTRACTOR to remove cure agent at end of cure period and power wash all walls prior to final acceptance.

1.16 REJECTIONS

- A. Defects in the shotcrete including lack of uniformity, exhibits segregation honeycombing, or lamination or which contains any dry patches, slugs, voids or pockets shall be rejected by the ENGINEER. The CONTRACTOR in charge of the specific scope of work shall remove and replace the mockup for the ENGINEER'S approval at no additional cost to the CITY OF COLUMBIA FALLS.
- B. Radial wall finishes shall consist of smooth, hard, uniform surface of smooth trowel with a level tolerance of 1/10" within 10 feet when tested with a 10-foot steel radial straightedge placed on the surface horizontally and vertically. Grinding the surfaces will not be an acceptable means of achieving the intended radii and uniformity shall be approved by the ENGINEER. If rejected, the CONTRACTOR in charge of the specific scope of work shall remove and replace for the ENGINEER'S approval at no additional cost to the CITY OF COLUMBIA FALLS.

1.17 CONSTRUCTION FACILITIES AND TEMPORARY CONTROLS

- A. General Reference Points: Before starting work, locate all general reference points. Take such steps as necessary to prevent their dislocation or destruction. If destroyed or disturbed, replace as directed.
- B. Project Construction Limits: The contractor is to confine his activities to the Owner's property and to that portion of the project reasonably adjacent to the actual construction area. Clean-up of work area is required at the end of each day's work.
- C. Sanitary Facilities: Provide temporary toilets, wash facilities, and drinking water for use of construction personnel. Comply with requirements of authorities having jurisdiction for type, number, location, operation, and maintenance of fixtures and facilities.

1.18 TEMPORARY UTILITIES

- A. Contractor to provide own job trailer. Verify Trailer location with OWNER during preconstruction meeting.

1.19 BARRIERS

- A. Construct necessary barricades, fences, railings, signs, and temporary enclosures as required during construction period. Remove barriers prior to final completion and repair surfaces damaged by erection of barricades.

1.20 SUBSURFACE WATER CONTROL

- A. Perform pumping, trenching, damming and underdraining necessary to keep site free from water during construction. Dispose of water in manor acceptable to the local regulation, taking care to ensure that no existing water disposal facilities are impeded, clogged, damaged, or interfered with.

1.21 TRAFFIC REGULATION

- A. Restrictions: The Contractor shall so conduct his operations as to cause the least possible obstruction and inconvenience to the Owner.
- B. Traffic control required to adhere to (MUTCD) Manual of Uniform Traffic Control Devices requirements. Review with CITY OF COLUMBIA FALLS prior to starting work.

1.22 PROJECT IDENTIFICATION SIGNS

- A. Project Signs: LWCF, City of Columbia Falls; may be subject to additional donor requirements. Will be verified at pre-construction meeting.

1.23 STORAGE AND PROTECTION

- A. Storage: Contractor is responsible for storing materials as to ensure the preservation of their quality and fitness for work. Stored materials shall be located so as to facilitate prompt inspection.
- B. Protection: Contractor is responsible for adequate protection of all materials to be used on project from damage and where applicable, intrusions of moisture.

1.24 FINAL CLEAN-UP

- A. Upon completion of any portion of work, promptly remove temporary facilities generated by that portion of the work including surplus materials, equipment and machinery if so, directed by the ENGINEER, or the Owner; upon completion of the work, completely remove remaining temporary facilities. The Contractor shall also clean up street, and adjacent work areas.

1.25 PROJECT RECORD DRAWINGS

- A. Project Documents: Maintain at job site one copy of all Drawings, Specifications, Addenda, approved Shop Drawings, Change Orders, Field Orders, other Contract modifications, and other approved documents submitted by Contractor in compliance with various sections of the Specifications.
- B. Project Record Drawings:
 1. Upon commencement of project, obtain and clearly mark one complete set of drawings "Record Drawings" to be maintained neat, clean, protected and marked clearly with red pencil showing all deviations from the drawings.
 2. Information given shall include, but not be limited to, the location of underground utilities and appurtenances, irrigation lines and equipment, provided under this contract, referenced to permanent surface improvements.
 3. Keep Project Record Document current. Do not permanently conceal any work until required information has been recorded and required inspections have taken place and been signed off and dated.

1.26 PROJECT COMPLETION SUBMITTALS

- A. Upon completion of the Project and prior to final acceptance, submit to the ENGINEER an original set of Project Record Drawings.

1.27 GUARANTEES

- A. Provide written certification that all work has been completed in strict compliance with Drawings and Specifications before requesting final inspection.

1.28 FINAL PUNCH LIST

- A. CITY OF COLUMBIA FALLS AND ENGINEER shall prepare punch list when notified by Contractor that work is completed. CITY OF COLUMBIA FALLS AND ENGINEER will conduct one final inspection only. (Note: Failure of CITY OF COLUMBIA FALLS OR ENGINEER to include any items on punch list does not alter responsibility of Contractor to complete work in accordance with Contract Documents.) Deliver all items called for herein under various specification sections to CITY OF COLUMBIA FALLS Representative at completion of work.

END OF SECTION 00200

SPECIAL PROVISIONS

1. STANDARDS

The current edition of the Montana Public Works Standard Specifications (Seventh Edition, 2021) is adopted in their entirety for this project, except any technical specifications noted in the Project Specifications and provided herein.

2. WARRANTY

Contractor shall warranty for one year all labor, materials, and workmanship, from the date of acceptance by the City.

SECTION 03 1100 – CONCRETE FORMING

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
 - 1. Forms for curbs, pads, ramps, and landing slabs.
- B. Related Sections:
 - 1. Section 03 3010, Portland Cement Concrete
 - 2. Section 03 2000, Concrete Reinforcing
 - 3. Section 03 3000, Cast-In-Place Concrete
 - 4. Section 05 5000, Metal Fabrications

1.2 SYSTEM DESCRIPTION

- A. Design Requirements:
 - 1. Design formwork to support structural loads and hold concrete to correct size, alignment, and shape.

1.3 SUBMITTALS

- A. Product Submittals:
 - 1. Submit product data for formwork accessories.
 - 2. Submit shop drawings for architectural concrete wall patterns and reveals.
- B. Quality Assurance Submittals:
 - 1. Submit design drawings for structural concrete formwork.

PART 2 - PRODUCTS

2.1 COMPONENTS

- A. Smooth Vertical Concrete Forms:
 - 1. Smooth Plywood: Plyform, B-B, Class I.

2. Cylindrical Forms: Smooth faced, wood fiber.

B. Textured Vertical Concrete Forms:

1. Textured Form Liners: Fiberglass reinforced polyester, 302 by Greenstreak, or matching texture by L.M. Scofield or Symens.
2. Disposable Textured Form Liners: Polystyrene by The Burke Company, or approved equal.

C. Horizontal Concrete Forms:

1. Pan Forms: 16 gage galvanized steel.

D. Form Accessories:

1. Recess Cones for Exposed Form Ties: 1 inch deep and 1 inch diameter.
2. Concealed Form Ties: Adjustable metal ties.
3. Chamfer Strip: 1 inch radius.
4. Form Joint Tape: Closed cell PVC foam.
5. Reglets: Galvanized steel.
6. Expansion and Isolation Joint Fillers: Expanding cork, 1/2 inch thick, ASTM D 1752, Type III.
7. Expansion Joint Filler Cap: 1/2 inch deep, 1/2 inch wide, 941 by JEF, Inc., or approved equal.
8. Tongue and Groove Keyed Joint Fillers: Reinforced asphalt core between asphalt saturated felt liners, 1/4 inch thick with 1 inch deep and 2-1/2 inches at base of trapezoid, full depth of concrete slab, 10 feet long, with punched holes 24 inches on center for stakes and 30 inches on center for dowel bars.
9. Construction Joints: 1 inch deep, 2-1/2 inch minimum at base of trapezoid, 24 gage galvanized steel or plastic keyway.
10. Control Joint Forms: 1 inch deep, PVC, JEF Zip Joint by JEF Inc., or approved equal.
11. Footing Waterstops: Bentonite clay strips.

PART 3 - EXECUTION

3.1 PERFORMANCE

A. Site Fabrication of Formwork:

1. Comply with requirements in ACI 117, ACI 301, and ACI 347.
2. Camber and reinforce forms to meet 1/4 inch in 10 feet maximum deflection.
3. Install chamfer strip at vertical external corners of exposed concrete.
4. Coat formwork with form release agent prior to placing reinforcing steel.
5. Install sleeves for penetrating pipes.

B. Installation of Joints:

1. Install keyed joints at center of slabs on grade and anchor with steel stakes at 24 inches on center.
2. Install construction joints at locations which will not impair concrete strength or appearance.
3. Install isolation joints in floor slabs at penetrating items.
4. Install expansion and control joints in slabs on grade at spacing indicated on Drawings.
5. Install exterior expansion joints at not more than 30 feet on center.

C. Site Fabrication of Shoring:

1. Fabricate shoring with wedges or adjustable jacks.
2. Camber forms for anticipated deflections.

3.2 COMPLETION

A. Adjusting and Cleaning Forms Prior to Placing Concrete:

1. Verify dimensions and location of joints and adjust forms and joints as required to meet design tolerances.
2. Clean interior form surfaces prior to placing concrete.
3. Apply water to base aggregate prior to placing concrete.

B. Adjusting Forms After Placing Concrete:

1. Examine form dimensions and adjust forms to meet required tolerances.

C. Formwork Removal Remove forms and shores in conformance with Section 3.7 in ACI 347.

1. Do not pry against concrete surface during removal of formwork.

END OF SECTION 03 1100

SECTION 03 2000 – CONCRETE REINFORCING

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Reinforcing bars for cast-in-place concrete.
2. Tie wire and reinforcing supports.

B. Related Sections:

1. Section 03 1100, Concrete Forming
2. Section 03 3130, Cast-In-Place Concrete

1.2 SUBMITTALS

A. Product Submittals:

1. Submit shop drawings for reinforcing steel.
2. Submit mill test reports for Grade 60 reinforcing bars.

PART 2 - PRODUCTS

2.1 COMPONENTS

A. Steel Reinforcing:

1. Standard Bars: ASTM A 615, Grade 60, except Grade 40 for ties and stirrups.
2. Weldable Bars: ASTM A 706, Grade 60.

B. Reinforcing Accessories:

1. Tie Wire: 16 gage, double annealed iron.
2. Reinforcing Couplers: Capable of developing 125 percent of the specified yield strength of reinforcing, as manufactured by Lenton or Fox-Howlett.
3. Chairs, Spacers, and Hangers: Galvanized steel for interior concrete and plastic coated steel for exterior concrete.
4. Dowels: Smooth steel bars in diameter and length as indicated on Drawings.
5. Dowel Caps: Crimp or welded type, 5 inches minimum length, F46 by JEF, Inc., or approved equal.

2.2 FABRICATION

A. Shop Fabrication:

1. Comply with CRSI Manual of Standard Practice, MSP-1, ACI 301, ACI 315, and ACI 318.
2. Attach identification tag to each bent reinforcing bar.
3. Shop bend reinforcing around small openings not more than 1 in 10.

PART 3 - EXECUTION

3.1 PERFORMANCE

A. Installation of Reinforcing Steel:

1. Comply with CRSI Manual of Standard Practice, MSP-1.
2. Comply with UBC and ACI 318, Chapter 7 for minimum concrete cover over reinforcing steel.
3. Stagger reinforcing bar splices 48 inches minimum at alternate bars.
4. Lap continuous deformed bars 36 diameters and not less than 24 inches.
5. Reinforce corners and intersections with 24 inch by 24 inch corner bars.

B. Installation of Fibrous Reinforcing:

1. Add fibrous reinforcing to interior concrete floor slabs on grade as recommended by fiber manufacturer.

C. Installation of Reinforcing Accessories:

1. Wire tie reinforcing as indicated in CRSI Manual of Standard Practice.
2. Install reinforcing couplers and splices in reinforcing.
3. Locate and support reinforcing with metal chairs, bolsters, spacers, and hangers as required.

3.2 COMPLETION

A. Adjusting and Cleaning:

1. Replace damaged and defective reinforcing steel.
2. Remove dust from reinforcing prior to placing concrete.

END OF SECTION 03 2000

SECTION 03 3000 – CAST-IN-PLACE CONCRETE

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Site cast concrete for site pads, curbs and skatepark horizontal slab/flat, vertical ledges and ramps.
2. Finishing, hardening, and curing site cast concrete.

B. Related Sections:

1. Section 01 3300, Submittal Procedures
2. Section 01 4000, Quality Procedures
3. Section 32 1124, Aggregate Base Course
4. Section 03 3010, Portland Cement Concrete
5. Section 03 1100, Concrete Forming
6. Section 03 2000, Concrete Reinforcing

1.2 SUBMITTALS

A. Product Submittals:

1. Comply with Section 01 3300, Submittal Procedures.

B. Quality Assurance Submittals:

1. Comply with Section 01 4000, Quality Requirements.

1.3 SITE CONDITIONS

A. Environmental Requirements:

1. Maximum Wind Velocity for Unprotected Concrete: 15 mph.
2. Temperature Range for Ambient Air During Concrete Placement: 40 to 80 degrees F.
3. Temperature Range for Ambient Air During Epoxy Bonding Grouts: 40 to 85 degrees F.
4. Precipitation: None forecast for 8 hours after placing unprotected concrete.

B. Substrate Conditions:

1. Maintain concrete substrates free of excessively dry, soft, muddy, or frozen subgrade soils.

PART 2 - PRODUCTS

2.1 COMPONENTS

A. Concrete Materials:

1. Portland Cement: ASTM C 150, Type I or II and IA or IIA.
2. Standard Aggregates: ASTM C 33.
3. Lightweight Aggregates: ASTM C 330.
4. Seeding Aggregates: 3/8 inch to 5/8 inch diameter round.

5. Small Aggregates for Colored Hardener: 3/8 inch diameter.
6. Air-Entraining Admixture: ASTM C 260.
7. Chemical Admixtures: ASTM C 494, Type A, water reducing or Type D, water reducing and retarding.
8. Mineral Admixture: ASTM C 618, Class F or Class C.

B. Concrete Accessories:

1. Exterior Curing Compounds: Solvent based acrylic, ASTM C 309, Type 1, Clear, Spartan-Cote by The Burke Company, J-21 Acrylic Cure, Seal & Dustproofer 19 by Dayton Superior, Clear Seal 150 by A.C. Horn, Master Seal by Master Builders, Kure-N-Seal by Sonneborn.
2. Clear Acrylic Sealers: Aggre Glaze by The Burke Company, Traz by Chem-Masters, J-25 Acrylic Sealer Gloss 25 by Dayton Superior, Horntraz by A.C. Horn, TIAH by W.R. Meadows, Sono-Glaze or White Roc-9 by Sonneborn, Thoroglaze H by Thoro System Products.
3. Nonmetallic Dust-On Floor Hardeners: Quartz sand hardeners, Nonmetallic Quartz Sand by The Burke Company, Floorcron Natural color by Gifford-Hill, Colorundum, Type 2, Natural color by A.C. Horn, Mastercron Ready-mixed by Master Builders, Harcol Redi-Mixed, Natural color by Sonneborn, Hydroment Nonmetallic Floor Hardener.
4. Emery Corundum Hardeners: Minimum 58 percent aluminum oxide, 24 percent iron oxide, and not more than 4 percent silica, Moh hardness 9/8, ACI Class 5, minimum compressive strength 12,000 psi in 28 days, Emery Tuff by Dayton Superior Corporation as distributed by JASCO, Portland, OR, or approved equal.
5. Exterior Nonslip Aggregate: Not less than 95 percent pure aluminum oxide, Nonslip aggregate by Gifford-Hill, Alundum by Norton Company, Frictex N.S. by Sonneborn.
6. Acrylic Bonding Agent: ASTM C 932, Burke Acrylic Bondercrete by The Burke Company, J-40 Bonding Agent by Dayton Superior, Hornweld by A.C. Horn, Weld Crete by Larsen, Intralock by W.R. Meadows, Latex Bonding Agent by Sika, Sonocrete PB by Sonneborn, Thorobond and Acryl 60 by Thoro System Products.
7. Epoxy Bonding Agent, Concrete to Concrete: ASTM C 881, 100 percent solids, epoxy resin and hardener, 881 LPL Epoxy by The Burke Company, Concessive 1001 LPL by Adhesive Engineering.
8. Epoxy Bonding Agent, Concrete to Reinforcing Steel: ASTM C 881, 100 percent solids, epoxy resin and hardener, Concessive 1441 by Adhesive Engineering, or approved equal.
9. Patching Compound: Two component cement base and acrylic polymer compound, 5,000 psi in 28 days minimum compressive strength, Burke Acrylic Patch by The Burke Company, Epolith Patcher or Sonopatch by Sonneborn.
10. Polyethylene Moisture Retaining Membrane: ASTM D 2103, Clear or white, 6 mils thick.
11. Reinforced Laminated Paper Moisture Retaining Membrane for Pedestrian Traffic Areas: ASTM C 171, Orange Label Sisalkraft by Fortifiber Corp., or approved equal.
12. Reinforced Laminated Paper Moisture Retaining Membrane for Non-Traffic Areas: ASTM C 171, Sisalkraft SK-10 by Fortifiber Corp., or approved equal

C. Proportion Adjustments:

1. Mix designs may be adjusted when material characteristics, site conditions, weather, test results, or other circumstances warrant a revised mix design.
2. Submit revised concrete mix design to Owner's Representative.

D. Mixing Procedures:

1. Comply with ASTM C 94.
 2. Mix full load of concrete for 3 minutes at high speed upon arrival at site.
 3. Mix concrete for an additional 5 minutes after adding water.
- E. Concrete Mix Requirements:
1. Maximum Aggregate Size: 3/4 inch.
 2. Maximum Slump for Footings, Walks, Curbs, Exterior Slabs, and Floor Slabs: 4 inches + 1/2 to - 1 inch.
 3. Maximum Slump for Walls, Columns: 3 inches + 1/2 to - 1 inch.
 4. Entrained Air for Exterior Horizontal Surfaces: 6 percent + or - 1 percent.
 5. Minimum Compressive Strength: $f_c = 4,000$ PSI (3,500 psi in 28 days).
 6. Water Reducing Admixtures: Type A or D.

PART 3 - EXECUTION

3.1 PERFORMANCE

- A. Preparation:
1. Notify Owner's Representative 24 hours prior to placing concrete.
 2. Remove ice and standing water from formed surfaces.
 3. Remove soft soils from subgrade and footing trenches.
- B. Cleaning for Epoxy Bonding of Structural Topping Slabs:
1. Remove grease, wax, and oil contaminants with detergent or degreasing compound and follow with mechanical cleaning.
 2. Remove weak or deteriorated concrete by grit or water blasting.
 3. Remove dirt, dust, latent material, and curing compounds by grit blasting or as recommended by manufacturer.
 4. Finish concrete with vacuum cleaning.
- C. Cleaning for Epoxy Grouted Dowels:
1. Blow holes out with oil free compressed air.
 2. Remove moisture, rust, dirt, oil, grease, protective coatings, and galvanizing from dowels in accordance with grout manufacturer's instructions.
- D. Concrete Placement:
1. Consolidate concrete with hand rodding and mechanical vibrating.
 2. Level slabs to Class B, 1/4 inch in 10 feet.
 3. Tool radius exterior slab and curb edges.
 4. Tool form or saw form slab control joints.

3.2 FINISHING VERTICAL CONCRETE

- A. Rough Form Finishing Concealed Vertical Concrete Surfaces:
1. Comply with ACI 301, paragraph 10.2.1, remove fins and projections exceeding 1/4 inch in height and patch tie holes and surface defects.
- B. Smooth Form Finishing Exposed Vertical Concrete Surfaces:
1. Comply with ACI 301, paragraph 10.2.2, remove fins and projections and patch tie holes and surface defects.

3.3 FINISHING HORIZONTAL AND INCLINED CONCRETE

- A. Floated Slab/Flat Surface to Receive a Hard Troweled finish:
 - 1. Comply with ACI 301, paragraph 11.7.2, begin floating when concrete surface has stiffened sufficiently to permit float finishing.
 - 2. Check planeness of surface with a 10 foot straightedge at two angles during the first floating, level concrete to Class B, 1/4 inch in 10 feet, and refloat immediately to a uniform sandy texture.
- B. Slab/flat Finishing:
 - 1. Trowel to Class A, 1/8 inch in 10 feet, for slabs/flat on grade and to Class B, 1/4 inch in 10 feet, for slabs on steel deck and steel stair landings.
 - 2. A chemical retarder may be sprayed on floated concrete surface to extend the working time for exposure of seeding aggregate.
 - 3. Hand trowel around score lines at textured colored hardener finished concrete to provide smooth score lines after removal of metal forms.
- C. Curing Procedures:
 - 1. Spray apply exterior curing compound on exterior horizontal concrete surfaces at manufacturer's recommended rate.
 - 2. Apply sheet covering over interior concrete slabs scheduled to be covered with resilient and carpet flooring.
 - 3. Apply interior concrete curing and hardening compound at manufacturer's recommended rate on interior concrete slabs scheduled to remain exposed.
 - 4. Apply 3 coats of interior fluosilicate hardener to dry concrete in diluted proportions recommended by manufacturer for porosity and finish of concrete, 14 to 28 days after concrete pour, and remove dried surplus hardener by scrubbing and mopping with water.
 - 5. Apply 60 pounds of dust-on hardener per 100 square feet on loading dock slabs and workshop slabs.

3.4 COMPLETION

- A. Field Quality Control:
 - 1. Test cured cylinders prior to removing shoring under structural concrete.
- B. Surface Repairs for Exposed Concrete Vertical Surfaces:
 - 1. Clean, dampen with water, and brush the patch substrate with bonding agent.
 - 2. Fill voids and rock pockets with patching compound and compact in place and screed as recommended by patching compound manufacturer.
 - 3. Finish exposed concrete surfaces to match adjoining surfaces.
 - 4. Remove and replace the concrete if defects in color and texture of surface cannot be repaired.
- C. Surface Repairs for Interior Concrete Floor Slabs:
 - 1. Grind or fill interior floor slab surfaces to remove defects of sufficient magnitude to show through the intended floor covering.
- D. Protection:
 - 1. Protect new uncured horizontal concrete with barricades.
 - 2. Protect concrete from frost damage until protected by soil backfill or until cured for 28

- days.
3. Protect concrete from physical damage or reduced strength caused by air temperatures below 35 degrees F. and above 75 degrees F. during curing period, complying with recommendations in ACI 306R and 305R respectively.
4. Protect concrete from shrinkage crack damage until protected by curing procedure.

END OF SECTION 03 3000

SECTION 03 3010 – PORTLAND CEMENT CONCRETE

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
 1. Concrete curbs, ramps, slabs, ledges, and skatepark.
- B. Related Sections:
 1. Section 01 3300, Submittal Procedures
 2. Section 01 4000, Quality Procedures
 3. Section 03 1100, Concrete Forming
 4. Section 03 2000, Concrete Reinforcing
 5. Section 03 3130, Cast-In-Place Concrete

1.2 SYSTEM DESCRIPTION

- A. Design Requirements:
 1. Design formwork to support structural loads, hold concrete to correct size and alignment, and meet tolerances indicated in ACI 347 and ACI 301.
 2. Finish concrete curbs and walks with Class B tolerance, 1/4 inch in 10 feet maximum variation.

1.3 SUBMITTALS

- A. Product Submittals:
 1. Submit product data for concrete curing and hardening materials.

1.4 SITE CONDITIONS

- A. Temperature and Weather Requirements:
 1. Do not place concrete when temperature or weather will affect performance or appearance of concrete.
 2. Minimum Ambient Temperature: 35 Degrees F.
- B. Substrate Requirements:
 1. Do not place concrete on muddy or frozen substrate.
 2. Remove mud, dirt, and ice from formwork surfaces.

PART 2 - PRODUCTS

2.1 MATERIALS

- A. Forms and Formwork Accessories:
 - 1. Exposed Plywood Forms: Plyform, Class I or II.
 - 2. Lumber and Steel Forms: Smooth face lumber or steel.
 - 3. Chamfer Strip: 1 inch radius.
 - 4. Steel Pipe Sleeves: ASTM A 53.
 - 5. Expansion and Isolation Joint Fillers: Self-expanding cork, 1/2 inch thick, ASTM D 1752, Type III.
 - 6. Form Joint Tape: Closed cell PVC foam with pressure sensitive adhesive on one side.
- B. Concrete Reinforcing:
 - 1. Steel Reinforcing Bars: ASTM A 615, Grade 60, except where indicated grade 40 on Drawings.
 - 2. Welded Wire Fabric: ASTM A 185, size as indicated on Drawings.
- C. Concrete Materials:
 - 1. Portland Cement: ASTM C 150, Type I or II.
 - 2. Aggregates: ASTM C 33.
 - 3. Water: Clean, free of oils, acids, organic material.
 - 4. Air-Entraining Admixture: ASTM C 260.
 - 5. Water-Reducing Admixture: ASTM C 494, Type A, water-reducing or Type D, water-reducing and retarding.
 - 6. Mineral Admixture: ASTM C 618, Class F or Class C.
- D. Solvent Based Acrylic Curing Compound:
 - 1. Industry Standard: ASTM C 309, Type 1, Clear.
 - 2. Acceptable Compounds: Spartan-Cote by Burke, J-21 Acrylic Cure, Seal & Dustproofer 19 by Dayton Superior, Clear Seal 150 by A.C. Horn, Master Seal by Master Builders, Kure-N-Seal by Sonneborn.
- E. Nonslip Aggregate:
 - 1. Product Data: Not less than 95 percent pure aluminum oxide.
 - 2. Acceptable Oxide Aggregates: Nonslip aggregate by Gifford-Hill, Alundum by Norton Company, Frictex N.S. by Sonneborn.
- F. Bonding and Patching Compounds:
 - 1. Acrylic Bonding Agents: ASTM C 932.
 - 2. Epoxy Bonding Agents: ASTM C 881.
 - 3. Patching Compounds: Two component cement base and acrylic polymer, with minimum compressive strength of 5,000 psi in 28 days.
- G. Concrete Curing Membranes:
 - 1. Polyethylene: ASTM D 2103, clear or white, minimum 6 mils thick.
 - 2. Reinforced Laminated Paper for Pedestrian Traffic Areas: ASTM C 171, Orange Label Sisalkraft by Fortifiber Corp., or approved equal.
 - 3. Reinforced Laminated Paper for Non-Traffic Areas: ASTM C 171, Sisalkraft SK-10 by

Fortifiber Corp., or approved equal.

2.2 MIXES (SKATE SPOT)

- A. Proportioning:
 - 1. Comply with ACI 211.1 and UBC Section 2604.
 - 2. Proportion concrete in accordance with ACI 301, Article 3.8.
 - 3. When using Method 3, proportion concrete with a maximum water/cement ratio of 0.46.
 - 4. Maximum Pozzolan Weight: 18 percent of cement weight.
- B. Proportion Adjustments:
 - 1. Adjust concrete mix designs when material characteristics, site conditions, weather, test results, or other circumstances warrant a revised mix design.
 - 2. Do not use revised mix design until accepted by Owner's Representative.
- C. Mixing Procedures:
 - 1. Comply with ASTM C 94.
 - 2. Mix full load for 3 minutes at high speed upon arrival at site.
 - 3. Mix additional 5 minutes after adding water.
- D. Mix Requirements:
 - 1. Maximum Course Aggregate Size: 3/4 inch.
 - 2. Maximum Slump: 5 inches + 1/2 to - 1 inch.
 - 3. Entrained Air: 6 percent + or - 1 percent.
 - 4. Minimum Compressive Strength: $f_c = 4,000$ psi (3,500 psi in 28 days)
 - 5. Minimum Cement Plus Pozzolan Content: 550 pounds per cubic yard.
 - 6. Water Reducing Admixture: Type A or D.

PART 3 - EXECUTION

3.1 PERFORMANCE

- A. Notification:
 - 1. Notify Owner's Representative 48 hours prior to placing concrete.
 - 2. Do not place concrete until Owner's Representative has examined formwork and reinforcing steel.
- B. Protection:
 - 1. Coat aluminum conduit embedded in concrete with protective material or prime paint prior to concrete placement.
- C. Surface Preparation:
 - 1. Clean and adjust forms, joints, and embedded items.
 - 2. Check reinforcing placement and reinforcing support items and adjust reinforcing prior to placing concrete.
- D. Site Fabrication of Formwork:
 - 1. Comply with requirements in ACI 301 and ACI 347.
 - 2. Fabricate corners and intersections flush without visible offsets.
 - 3. Fabricate, camber, and reinforce forms to meet 3/16 inch in 8 feet maximum deflection.
 - 4. Fabricate solid blocking behind formwork panel joints.

- E. Installation of Formwork and Joint Materials:
 1. Install expansion joints between existing and new concrete and as indicated on Drawings.
 2. Install chamfer strip at exposed external vertical corners.
 3. Install isolation joints where items penetrate concrete slabs.
 4. Apply form coatings and release agents to concrete contact surfaces of removable formwork.
- F. Installation of Reinforcing:
 1. Lap continuous grade 60 bars 30 or 36 diameters and not less than 24 inches, except where indicated otherwise on Structural Drawings.
 2. Lap continuous grade 40 bars 24 diameters and not less than 24 inches.
 3. Stagger reinforcing splices 36 inches minimum.
 4. Cover reinforcing with concrete to comply with building code.
- G. Concrete Placement:
 1. Comply with ACI 301 and 304, placing concrete in a continuous operation within planned sections.
 2. Consolidate placed concrete using mechanical vibrating equipment with hand rodding and tamping.
 3. Work concrete around reinforcement, embedded items, and forms.
- H. Adjusting, Removing, and Reusing Forms:
 1. Adjust formwork after pouring concrete, to eliminate excessive deflection.
 2. Remove forms when concrete has attained its required strength.
 3. Clean concrete contact surfaces and reapply form release agents prior to reusing forms.

3.2 FINISHING VERTICAL SURFACES

- A. Finishing Concealed Vertical Concrete Surfaces:
 1. Provide rough form finish, complying with ACI 301, paragraph 10.2.1.
 2. Remove fins and projections exceeding 1/4 inch in height and patch tie holes and surface defects.
- B. Finishing Exposed Vertical Concrete Surfaces:
 1. Provide smooth form finish complying with ACI 301, paragraph 10.2.2.
 2. Remove fins and projections and patch tie holes and surface defects.
 3. Provide smooth rubbed finish for exposed curb and walk edges, complying with ACI 301, paragraph 10.3.1.
 4. Within 24 hours after form removal, wet and rub exposed curb and walk edges with carborundum brick or other abrasive until uniform color and texture are produced.

3.3 FINISHING HORIZONTAL AND INCLINED CONCRETE SURFACES

- A. Floated Slab Surface:
 1. Provide floated slab surface to receive a hard troweled finish, complying with ACI 301, paragraph 11.7.2.

2. Begin floating when water sheen has disappeared and surface has stiffened sufficiently to permit float finishing.
 3. Check planeness of surface with a 10 foot straightedge at two or more angles during or after first floating.
 4. Cut high spots and fill low spots during floating to level concrete to 3/16 inch in 8 feet tolerance.
 5. Refloat immediately to a uniform sandy texture.
- B. Skate Park Finishing:
1. Provide a hard troweled finish for skate spot complying with ACI 301, paragraph 11.7.6.
 2. Provide a hard troweled finish for skate spot flats, ramps/banks, and transitional areas in areas indicated on Drawings, complying with ACI 301, paragraph 11.7.7.
- C. Horizontal Concrete Finishing Requirements:
1. Tool radius exterior [deck, flat and ramp] exposed edges.
 2. Saw cut, strip form or tool form crack control joints.
 3. Finish concrete horizontal surfaces to tolerances specified in Articles 11.7, 11.8, and 11.9 in ACI 301.
- D. Curing Procedures:
1. Cover exposed surfaces with concrete curing membrane and keep concrete and form surfaces wet for 48 hours minimum, complying with recommendations in ACI 308.
 2. As soon as finished concrete is free of surface water, apply curing compound at manufacturer's recommended rate, on exterior concrete surface.
- 3.4 COMPLETION
- A. Repairing Exposed Vertical Concrete Surfaces:
1. Clean, dampen, and brush-coat concrete patch areas with acrylic or epoxy bonding agents.
 2. Fill honeycomb voids and rock pockets with patching compound.
 3. Compact and screed patching compound in place as recommended by patching compound manufacturer.
 4. Finish exposed concrete patches to match adjacent surfaces.
 5. Strike off excess patching compound at exposed surface.
 6. If defects in color and texture of concrete surface cannot be repaired, remove and replace the defective concrete.
- B. Adjusting and Cleaning:
1. Remove and replace damaged and defective concrete.
 2. Broom clean exposed horizontal surfaces prior to Substantial Completion.
- C. Protection:
1. Barricade area containing fresh concrete slabs, stairs, ramps, curbs, and walks for 24 hours minimum.
 2. Cover fresh concrete with 1/2 inch thick, plywood or oriented strand board for 48 hours minimum where exposed to public, pedestrian, and animal traffic.
 3. Protect concrete from shrinkage crack damage until protected by curing procedure.
 4. Protect concrete from physical damage or reduced strength caused by air temperatures below 35 degrees F. during curing period, as recommended in ACI 306R.
 5. Protect concrete from physical damage or reduced strength caused by air temperatures above 75 degrees F. during curing period, as recommended in ACI 305R.

END OF SECTION 03 3010

SECTION 03 3700 – SPECIALTY PLACED CONCRETE

PART 1 - GENERAL

1.1 RELATED WORK SPECIFIED ELSEWHERE

- A. Section 03 3000: Cast-in-Place Concrete
- B. Section 03 6000: Grouting
- C. Comply with ASTM F2480 Standard Guide for In-ground Skatepark

PART 2 - PRODUCTS

2.1 MATERIALS

A. Non-Shrink Grout:

1. Non-shrink grout shall be Sika 212, Enco N-S, Five-Star, or approved equivalent non-metallic cementitious commercial grout exhibiting zero shrinkage per ASTM C-287 and CRD-C-621. Grout shall not be amended with sand or cement and shall not be reconditioned with water after initial mixing. Unused grout shall be discarded after 20 minutes and shall not be used.

B. Cast-in-Place Concrete:

1. Concrete shall be supplied from a central ready-mix plant regularly engaged in the production of concrete, and delivered by rotating drum truck.
2. Concrete mix for cast-in-place concrete shall be 3,500 psi design strength at 28 days, 570 pounds of cement per cubic yard. Maximum aggregate size is 3/4-inch. Concrete shall be air-entrained with admixture to 5 to 7 percent air. Slump shall be between 3" and 5".
3. Reinforcing steel shall be new billet steel conforming to ASTM A615, Grade 60.
4. Tie wire shall be 16 gauge conforming to ASTM A-82.
5. Curing compound shall be of the white liquid membrane forming type and conform to ASTM C309, for exterior concrete.

2.2 CONSTRUCTION

A. Concrete Float System:

1. Materials delivered and stored at either the manufacturing facility, staging area, or jobsite shall be properly stored on dunnage or by other appropriate means to prevent direct contact with the ground and unnecessary damage.
2. The manufacturing facility shall be designed to provide the proper environment and physical conditions necessary for float casting. The facility shall provide adequate work space, equipment, level casting surfaces, and protection from direct sunlight, wind, moisture and freezing.
3. Forms:
 - a. Floats shall be cast in steel forms, with a smooth, true surface.
 - b. Forms shall be designed in such a way to prevent unsightly finished surfaces or definite lines that could result in crack planes. Any rough edges, form marks, or defects shall be cleaned, ground smooth, or patched.
 - c. Float forms shall have a tolerance of not more than 1/8-inch from the dimensions shown on the shop drawings.

- d. Concrete shall be vibrated internally and/or externally to assure a smooth dense finish. The placement will be such that the concrete float is monolithic with no cold joints in any part of the finished float.
4. Concrete Reinforcement:
 - a. Rebar shall be grade 60, conform to ASTM 615, and shall be epoxy coated after bending in accordance with ASTM A-775.
5. Concrete Mix Design:
 - a. Prior to the manufacturing of any flotation units, the concrete mix design shall be approved by the City.
 - b. Concrete shall have a minimum twenty-eight (28) day compressive strength of 3,500 psi, per ASTM C-94. Floats made of concrete with less than specified strength may be rejected by the Owner.
 - c. The mix shall contain a minimum of 564 pounds (six sacks) of Portland Cement per cubic yard, either Type I or Type II modified, and low alkali. Type III cement may be used if the Tri-Calcium Aluminate of the cement is certified by the manufacturer to be between five (5) and eight (8) percent, and alkali content (Na_2O) and (K_2O) is less than 0.6 percent.
 - d. The theoretical concrete unit weight shall not be more than 120 pounds per cubic foot.
 - e. Coarse and fine aggregates shall conform to ASTM C-33-88, ASTM C-330 lightweight aggregates for structural concrete.
 - f. All concrete shall be air-entrained from five (5) to seven (7) percent and shall be tested in accordance with ASTM C-138, C-173, or C-231.
 - g. Water/cement ratio shall not exceed 0.45 for lightweight concrete.
 - h. Slump range shall be three (3) inches to six (6) inches when tested in accordance with ASTM C-143-78.
6. Through-Rod Connections:
 - a. The minimum dimension for all through-rods for structural attachment is 3/4-inch thread diameter.
 - b. All through-rods shall be placed within PVC sleeves cast in the float units. The inside diameter of PVC shall be 7/8-inch.
 - c. All cast in inserts will be galvanized steel, 3/4-inch diameter, with a welded loop or horizontal restraining bar.
 - d. Walers shall be securely fastened to the concrete floats using galvanized through-rods, plate washers, spur locker washers, and nuts.
 - e. A minimum of four (4) through-rods per float unit are required, with a minimum average of one (1) through-rod per two (2) lineal feet of float length.
 - f. Through-rods shall be placed through each float unit within six (6) inches of each end of that unit, within six (6) inches of each lumber splice and through all four holes of each pile hoop.
 - g. No connecting device shall protrude beyond the fascia into the berth area. Any connecting device protruding above the surface of the deck shall have a low, rounded profile.
7. Skate Spot Deck Finish:
 - a. The float deck surface shall be trowel finished with a steel trowel.
 - b. Contractor shall establish finishing methods and procedures to insure an even and consistent hard troweled finish on all transition and deck surfaces.
 - c. All top edges shall have a 3/8-inch tooled radius with a minimum 1-1/2 inch wide smooth hard steel finished face.
 - d. Outside top edges and corners shall be filed smooth.

8. Curing, Handling and Storage:
 - a. Except as otherwise approved, floats shall be cured for a minimum of seven (7) days before transporting or assembling.
 - b. The Contractor shall select his own method of curing and be responsible for the result, except that all curing shall be under cover and with complete protection from direct sunlight, wind, and freezing for a period of three (3) days.
 - c. Contractor shall take care in establishing handling methods to avoid damage to floats during form removal, storage, assembly and installation.
 - d. Storage of flotation units shall be on level surfaces, and it shall be the responsibility of the Contractor to determine how high to stack units to avoid damage. Care shall be taken to avoid damage caused by overstacking.
 - e. Floats shall be protected against damage from any cause.
 - f. Any damaged units shall be rejected and removed from the assigned job.
9. Cracks:
 - a. Cracks located below the structural deck that do not indicate migration to the deck surface may be repaired with the approval of the City's Representative.
 - b. Cracks which are open or which exceed two (2) feet in length shall be V-cut out and patched with a non-shrink patching compound approved by the Owner.
 - c. Excessive cracking in a single flotation unit shall be cause for rejecting that unit. Any frequently recurring pattern of cracking shall be considered indicative of inadequate design or improper handling. It shall be corrected by replacement and appropriate changes in design or procedures.
 - d. Rock pockets exceeding one (1) inch in diameter and/or 3/8-inch in depth and/or honeycombing, shall be patched with an approved non-shrink grout of a color similar to the cured concrete. Any pockets which expose mesh or rebar shall be chipped out, cleaned, filled with an approved epoxy patching compound.
10. Float Weight:
 - a. The weight of the complete flotation units shall not vary from the theoretical weight or mean weight of all similar units by more than six (6) percent.
 - b. Submit program to verify actual float weights, quantity to be weighed, and method of recordkeeping.
11. Float Identification:
 - a. All floats are to be clearly identified on one side and one end between the bottom of the waler and the waterline with the date of manufacture, specific float type, and job number.
12. Lumber:
 - a. All timber walers and bullrails shall be of Coast Region Douglas Fir; "No. 1" or better per West Coast Lumber Inspection Bureau (WCLIB) grading rules no. 16, paragraph 123 or paragraph 124 as applicable.
 - b. Lumber shall be fabricated accurately to provide uniform gaps and butt joint connections. Lumber splices shall not exceed 1/2-inch between adjoining ends.
 - c. All walers, fascia, spacers, plywood, or any other member which is subject to foot traffic, shall be flush with the concrete walking surface.
13. Lumber Treatment:
 - a. All lumber shall be pressure preservative treated with ACZA to .6 pound retention.

- b. All lumber will be cut to length and bolt holes drilled prior to pressure treatment as far as is possible.
 - c. Tie bands used for delivery must have plates between the bands and the wood to prevent crushing. Bundle identification shall be done so as not to stain lumber surfaces.
 - d. All field cuts and bored holes exposed after pressure treatment shall be brush coated with the preservative solution.
 - e. Incise wood members prior to treatment.
14. Steel:
- a. All structural steel channels, angles, and plates shall be fabricated from mild steel conforming to ASTM A-36.
15. Hardware:
- a. Bolts, nuts, washers, and through-rods shall be mild steel, in accordance with ASTM A-307, and have a minimum of 1-1/2 inch of thread.
 - b. All hardware shall be hot dipped galvanized in accordance with ASTM A-123-78.

PART 3 - EXECUTION

3.1 INSTALLATION

- A. Deliver to project site and install configuration as shown on the drawings.
- B. Protect from damage before and during installation.

3.2 CAST-IN-PLACE CONCRETE

- A. Consolidate concrete during and immediately after depositing, with mechanical high frequency internal vibrators.
- B. All concrete shall be in final position in the forms within 140 minutes after the addition of the cement to the aggregate. Concrete mix which exceeds this time limit shall be immediately rejected by the Owner and shall not be placed in the forms.
- C. Protect concrete from rain during finishing and sealing operations.
- D. Finish skate spot slab/flat with hard trowel finish.
- E. Cure concrete by using curing compound of the white liquid forming type and conform to ASTM C309. Wet burlap, canvas or other additional protection acceptable to the Owner may be needed to keep the concrete moist for a minimum of seven (7) calendar days.
- F. Protect concrete from freezing for a seven (7) day minimum curing period.

END OF SECTION 03 3700

SECTION 03 3713 – SHOTCRETE

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
 - 1. Wet-mix shotcrete.

1.2 ACTION SUBMITTALS

- A. Product Data: For each type of product.
- B. Design Mixtures: For each shotcrete mixture.
- C. Shop Drawings: For shotcrete installation.
 - 1. Detail fabrication, bending, and placing of reinforcement; number and location of splices.
 - 2. Indicate locations of proposed construction joints.
- D. Samples: For each exposed product and for each color and finish specified.

1.3 INFORMATIONAL SUBMITTALS

- A. Material certificates.

1.4 QUALITY ASSURANCE

- A. Standard: Comply with ACI 506.2, "Specification for Shotcrete," unless otherwise indicated.
- B. Comply with ASTM F2480 Standard Guide for In-ground Skatepark

PART 2 - PRODUCTS

2.1 REINFORCING MATERIALS

- A. Reinforcing Bars: ASTM A615/A615M, Grade 60 deformed.
- B. Plain-Steel Wire: ASTM A1064/A1064M, galvanized.

2.2 SHOTCRETE MATERIALS

- A. Portland Cement: ASTM C150/C150M, Type I or Type III. Use only one brand and type of cement for Project.

1. Fly Ash: ASTM C618, Class C or Class F.
 2. Slag Cement: ASTM C989/C989M, Grade 100 or Grade 120.
 3. Silica Fume: ASTM C1240, amorphous silica.
- B. Blended Hydraulic Cement: ASTM C595/C595M, Type IP, portland-pozzolan cement.
- C. Normal-Weight Aggregates: ASTM C33/C33M, from a single source, and as follows:
1. Combined Aggregate Size: ACI 506R or ASTM C1436, Grading No. 1 sieve analysis.
- D. Synthetic Fiber: Monofilament or fibrillated polypropylene fibers engineered and designed for use in shotcrete, complying with ASTM C1116/C1116M, Type III.
- E. Admixtures: ASTM C1141/C1141M, Class A (liquid) or Class B (nonliquid), but limited to the following admixture materials. Provide admixtures for shotcrete that contain no more than 0.1 percent chloride ions. Certify compatibility of admixtures with each other and with other cementitious materials.
1. Accelerating Admixture, Conventional: ASTM C494/C494M, Type C or Type E.
 2. Pozzolanic Admixture: Fly ash, slag cement, and silica fume as limited in "Portland Cement" Paragraph in this article.
 3. Coloring Admixture: ASTM C979/C979M, synthetic mineral-oxide pigment or colored, water-reducing admixture, free of carbon black; color stable, nonfading, and resistant to lime and other alkalis.
 4. Air-Entraining Admixture: As limited in "Shotcrete Mixtures" Article.

2.3 CURING MATERIALS

- A. Absorptive Cover: AASHTO M 182, Class 3, burlap cloth made from jute or kenaf, weighing approximately 9 oz./sq. yd. dry, or cotton mats.
- B. Moisture-Retaining Cover: ASTM C171, polyethylene film or white burlap-polyethylene sheet.
- C. Curing Compound: ASTM C309, Type 1, Class B; clear, waterborne, membrane-forming curing compound.

2.4 SHOTCRETE MIXTURES

- A. Design Mixtures: Prepare design mixtures for each type and strength of shotcrete, proportioned on the basis of laboratory trial mixture or field test data, or both, according to ACI 506.2.
- B. Cementitious Materials Replacing Portland Cement: Use fly ash, pozzolan, slag cement, and silica fume as needed to reduce the total amount of portland cement, which would otherwise be used, by not less than 40 percent.
- C. Limit water-soluble chloride ions to maximum percentage by weight of cement or cementitious materials permitted by ACI 301.
- D. Design-Mixture Adjustments: Subject to compliance with requirements, shotcrete design-mixture adjustments may be proposed when characteristics of materials, Project conditions, weather, test results, or other circumstances warrant.
- E. Shotcrete Mixture: Proportion mixture to provide shotcrete with the following properties:

1. Compressive Strength (3,500 psi in 28 Days): 4000 psi.
2. Air Content: Add air-entraining admixture at manufacturer's prescribed rate to result in normal-weight wet-mix shotcrete having an air content before pumping of 7 percent with a tolerance of plus or minus 1-1/2 percent.
3. Synthetic Fiber: Uniformly disperse in shotcrete mix, according to manufacturer's written instructions, at a rate of 5 lb/cu. yd..

PART 3 - EXECUTION

3.1 STEEL REINFORCEMENT

- A. Comply with CRSI's "Manual of Standard Practice" for fabricating, placing, and supporting reinforcement.
- B. Clean reinforcement of loose rust and mill scale, earth, ice, and other materials that weaken shotcrete bonding.

3.2 APPLICATION

- A. Apply shotcrete applied by wet-mix process and according to ACI 506.2.
- B. Apply temporary protective coverings and protect adjacent surfaces against deposit of rebound and overspray or impact from nozzle stream.
- C. Apply dry-mix shotcrete materials within 45 minutes after predampening and wet-mix shotcrete materials within 90 minutes after batching.
- D. Deposit shotcrete continuously in multiple passes, to required thickness, without cold joints and laminations developing. Place shotcrete with nozzle held perpendicular to receiving surface. Begin shotcreting in corners and recesses.
 1. Remove and dispose of rebound and overspray materials during shotcreting to maintain clean surfaces and to prevent rebound entrapment.
 2. Remove and dispose of cuttings during the trimming or rodding process to prevent unconsolidated material from falling onto lower reinforcement.
- E. Maintain reinforcement in position during shotcreting. Place shotcrete to completely encase reinforcement and other embedded items. Maintain steel reinforcement free of overspray, and prevent buildup against front face during shotcreting.
- F. Do not place subsequent lifts until previous lift of shotcrete is capable of supporting new shotcrete.
- G. Do not permit shotcrete to sag, slough, or dislodge.
- H. Remove hardened overspray, rebound, and laitance from shotcrete surfaces to receive additional layers of shotcrete; dampen surfaces before shotcreting.
- I. Do not disturb shotcrete surfaces before beginning finishing operations.
- J. Installation Tolerances: Place shotcrete without exceeding installation tolerances permitted by ACI 117, increased by a factor of two.

- K. Cold-Weather Shotcreting: Mix, place, and protect shotcrete according to ACI 306.1. Protect shotcrete work from physical damage or reduced strength that could be caused by frost, freezing actions, or low temperatures.
- L. Hot-Weather Shotcreting: Mix, place, and protect shotcrete according to ACI 305.1 when hot-weather conditions and high temperatures would seriously impair quality and strength of shotcrete.

3.3 SURFACE FINISHES

- A. Finish shotcrete according to descriptions in ACI 506R.
- B. Natural Finishes:
 - 1. Gun Finish: Natural undisturbed finish as sprayed.
 - 2. Rod Finish: Rough-textured finish obtained by screeding or cutting exposed face of shotcrete to plane with cutting rod, edge of trowel, or straightedge after initial set. Do not push or float with flat part of trowel.
 - 3. Broom Finish: Rough-textured finish obtained by screeding or cutting exposed face of shotcrete to plane with cutting rod, edge of trowel, or straightedge after initial set; followed by uniform brooming.

3.4 CURING

- A. Protect freshly placed shotcrete from premature drying and excessive cold or hot temperatures.
- B. Begin curing immediately after placing and finishing but not before free water, if any, has disappeared from shotcrete surface.
- C. Curing Exposed Surfaces: Cure shotcrete by one of the following methods:
 - 1. Moisture Curing: Keep surfaces continuously moist for not less than seven days with water, continuous water-fog spray, water-saturated absorptive covers, or moisture-retaining covers. Lap and seal sides and ends of covers.
 - 2. Curing Compound: Apply uniformly in continuous operation by power spray according to manufacturer's written instructions. Recoat areas subjected to heavy rainfall within three hours after initial application. Maintain continuity of coating and repair damage during curing period.
 - a. Apply curing compound to natural gun and flash-coat finishes at rate of 1 gal./100 sq. ft..

3.5 REPAIRS

- A. Remove and replace shotcrete that is delaminated or exhibits laminations, voids, or sand/rock pockets.

3.6 CLEANING

- A. Immediately remove and dispose of rebound and overspray materials from final shotcrete surfaces and areas not intended for shotcrete placement.

END OF SECTION 03 3713**SECTION 05 5000 -- METAL FABRICATIONS****PART 1 - GENERAL****1.1 SUMMARY**

- A. Section Includes Factory Fabricated Items:
 - 1. Fittings for skatepark rails.
- B. Section Includes Custom Fabricated Steel Framing:
 - 1. Threshold and joint angles.
- C. Related Sections:
 - 1. Section 01 3300, Submittal Procedures
 - 2. Section 01 4000, Quality Procedures
 - 3. Section 03 3000, Cast-In-Place Concrete
 - 4. Section 05 5213, Pipe and Tube Railings

PART 2 - PRODUCTS**2.1 COMPONENTS**

- A. Steel Framing Materials:
 - 1. Steel Plates, Shapes, Bars: ASTM A 36 and UBC Standard 27-1.
 - 2. Round Steel Tubing: ASTM A 500, Grade B, $F_y = 42$ KSI, welded at concealed locations, and seamless at exposed locations.
 - 3. Steel Pipe: ASTM A 53, Grade B, $F_y = 35$ KSI, Schedule 40, Type S, seamless at exposed locations, Type E at concealed locations, except where indicated otherwise on Drawings.
 - 4. Checker Plate Steel: Minimum 3/16 inch thick, four way steel plate.
 - B. Malleable Iron Set Screw Pipe Fittings:
 - 1. Industry Standard: ASTM A 47, Grade 32510.
 - 2. Factory Finish: ASTM A 153, hot-dip galvanized, with 2 ounces of zinc per square foot.
 - 3. Set Screws: Zinc plated.
- Acceptable Fittings: Kee Klamp by Kee Industrial, or approved equal.

- C. Rail Fittings for Schedule 40 Steel Pipe:
 - 1. Pipe Diameter: 1-1/2 inches inside, 1.90 inches outside.

2.2 SHOP FABRICATION PROCESS

- A. Fabrication Requirements:
 - 1. Comply with UBC Standard 27.2, AISC Specifications for the Design, Fabrication, and Erection of Structural Steel for Buildings, and AISC Specifications for Architecturally Exposed Structural Steel.
 - 2. Fabricate items to dimensions required by field measurements and shop drawings.
 - 3. Use welds for shop connections and bolts for field connections, except where indicated otherwise on Drawings.
 - 4. Preassemble items in shop and disassemble units only as required for shipping and handling.
 - 5. Mark assembled components for field assembly and coordinated installation.

6. Use materials of size and thickness indicated or, if not indicated, as required to meet structural requirements.

B. Welded Steel Connections:

1. Form exposed connections with flush hairline joints.
2. Comply with AWS Structural Welding Code D1.1.
3. Fabricate assemblies to meet UBC Standard 27-6 with welded joints using shielded metal-arc process (SMAW).
4. Shop weld joints with 3/16 inch minimum welds, unless indicated otherwise on shop drawings.
5. Grind exposed welds smooth.

C. Bolted Connections:

1. Provide anchor bolts for connecting to other work.
2. Drill and tap steel as required to receive bolted connections.
3. Make bolt holes 1/16 inch larger than nominal bolt diameter.
4. Do not furnish bolts with threads within sheer plane of the bolt.
5. Furnish beveled washers for bolt heads and nuts bearing on sloped flanges.

2.3 SHOP FABRICATED ASSEMBLIES

A. Fabrication of Structural Framing:

1. Fabricate custom fabricated bolts, plates, tie rods, anchors, dowels, and welded steel shapes for framing, and supporting.

B. Fabrication of Bearing Plates:

1. Fabricate loose bearing plates for steel items and equipment bearing on concrete or masonry.
2. Drill bearing plates to receive anchor bolts.

PART 3 - EXECUTION

3.1 PERFORMANCE

A. Preparation:

1. Furnish inserts, anchors, setting drawings, templates, and instructions for items to be embedded in concrete and masonry substrates.

B. Field Fabrication:

1. Perform required cutting, drilling, and fitting.
2. Fit components to form tight hairline joints.
3. Apply prime paint to damaged galvanized and prime painted steel surfaces.
4. Field weld where required by shipping size limitations as indicated on shop drawings.
5. Field weld joints using shielded metal-arc process (SMAW) complying with UBC Standard 27-6.
6. Grind exposed field welds smooth.
7. Install bolted connections as detailed on shop drawings.
8. Comply with UBC Standard 27-7 for high strength bolts.

C. Installation Requirements:

1. Comply with AISC Manual of Steel Construction and UBC Standard 27-2.
2. Set work accurately in location, alignment and elevation, measured from established lines and levels.
3. Align members to tolerance as indicated in AISC Specifications for Structural Steel.

4. Install temporary bracing to support fabrications indicated to be supported by concrete and masonry structures.
 5. Anchor fabrications to substrates with threaded fasteners.
- D. Installation of Bearing Plates:
1. Set bearing plates on cleaned bearing surfaces, using wedges and anchor bolts as required.
 2. Secure bearing plates and anchor bolts complying with requirements in Section 03 6000, Grouting – Skate Spot.

3.2 COMPLETION

- A. Adjusting and Cleaning:
1. Replace damaged and defective members.
 2. Adjust alignment when members are installed more than 1/4 inch from design dimension.
 3. Remove pits, bumps, and irregular weld grinds from exposed surfaces.
 4. Touch up damaged shop primer on exposed steel after installation.
 5. Clean field welds, bolted connections, and abraded areas, and apply same type primer paint as used in shop.
 6. Remove dirt and oil from metal items scheduled for field finishing.

END OF SECTION 05 5000

SECTION 05 5213 – PIPE AND TUBE RAIL

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
1. Skatepark steel rails.
- B. Related Sections:
1. Section 03 6000, Grouting
 2. Section 05 5000, Metal Fabrications

1.2 SYSTEM DESCRIPTION

- A. Structural Requirements:
1. Design rail to resist design load of 200 pounds in any direction at any point on the railing or 50 pounds per lineal foot whichever is greater without deflection in excess of $L/180$ and without permanent member deformation.
 2. Use AISC Manual of Steel Construction, Eighth Edition for steel railing structural requirements.

PART 2 - PRODUCTS

2.1 MATERIALS

- A. Steel Materials:

1. Structural Steel Plates, Shapes, and Bars: ASTM A 36.
2. Steel Bars: ASTM A 108, Grade 1045.
3. Cold-Formed Steel Tubing: Round, square and rectangular, ASTM A 500, $F_y=42$ KSI, Grade B, Seamless.
4. Hot-Formed Steel Tubing: Round, square and rectangular, ASTM A 501, $F_y=36$ KSI, Seamless.
5. Steel Pipe: ASTM A 53, Type E, Electric Resistance Welded, $F_y=30$ KSI, Grade A. Standard Schedule 40, 1-1/4 inch inside diameter, 1.66 inches outside diameter, except where indicated otherwise on Drawings.

B. Connecting Materials:

1. Standard Bolts: ASTM A 307, Grade A.
2. Steel Welding Electrodes: AWS A5.1, E60XX.
3. Aluminum Welding Electrodes: Aluminum alloy as recommended by pipe manufacturer.
4. Concrete Anchors: ICBO approved FS FF-S-325, Group II, Type 4, Class I, Sup-R-Stud by Diamond, Inc., Kwik-Bolt II by Hilti Fastening Systems, Inc., Red Head Wedge Anchors by ITW Ramset, Rawl-Stud by Rawlplug Company, Inc.
5. Masonry Anchors: Sleeve anchor by Hilti, Red Head Sleeve Anchor by Phillips.
6. Epoxy Adhesive for Drilled Anchors: Concessive Epoxy Cartridge by Master Builders, Inc. or HV by Hilti Fastening Systems.
7. Brass Adhesive: Brass Lock.

C. Finishing Materials:

1. Shop Primer for Painted Exterior Steel: Polyamide epoxy
2. Paint Finish: Rust-oleum or approved equal (color: black, SKU 7578838).
3. Protective Coating: Rust-oleum or approved equal (crystal clear, SKU 7701830).

D. Fittings for Steel Pipe:

1. Fitting Material: Cast or Malleable iron.
2. Acceptable Fittings: Schedule 40 steel pipe fittings by Braun, TSCO International, or Wagner.

E. Anchoring Cement:

1. Type: Premixed, packaged, shrink resistant.
2. Minimum Compressive Strength: $f_c = 4,000$ psi in 28 days.
3. Acceptable Anchoring Cements: Burke Stone by Burke, K-Ment by Euclid Chemical, Embecco 153 by Master Builders, Thorogrip by Thoro System Products.

2.2 FABRICATION

A. Fabrication Requirements:

1. Drill and tap rail as required to receive hardware.
2. Finish required anchors for connecting to other work.
3. Install closer plate or hemisphere cap on railing ends.
4. Provide for thermal expansion of rail.
5. Form exposed connections with flush hairline joints.
6. Preheat ASTM A 108 steel to not less than 400 degrees F prior to welding.

B. Shop Finishing:

1. Commercial blast clean rail surfaces to meet SSPC SP-6 requirements.
2. Heat railings to 400 degrees F. as recommended by coating manufacturer.
3. Pretreat surfaces with iron phosphate as recommended by coating manufacturer.

4. Apply zincrich gray colored TGIC polyester coat to 3.5 mils thick.
5. Apply TGIC polyester finish coat to 3.5 mils thick as recommended by coating manufacturer.

PART 3 - EXECUTION

3.1 PERFORMANCE

- A. Substrate Preparation:
 1. Perform cutting, drilling, blocking and shimming of substrate as required for installation.
 2. Verify location of solid blocking and structural framing to support floor mounted rail.
- B. Installation Procedures:
 1. Set rail accurately in location, alignment, and elevation, measured from established lines and levels.
 2. Secure rail with concealed anchors and set screws except where exposed screws or bolts are indicated on Drawings.
- C. Installation of Rail Standards:
 1. Set rail standard in concrete opening not less than 1/2-inch diameter greater than outside diameter of railing standard.
 2. Set rail standard in anchoring cement.
 3. Comply with requirements in Section 03 6000, Grouting – Skate Spot.

3.2 COMPLETION

- A. Adjusting and Cleaning:
 1. Replace damaged and defective members and adjust alignment of rail.
 2. Remove pits, bumps, and irregular weld grinds from exposed surfaces.
 3. Apply primer and paint (black) on exposed steel rail.
 4. Clean field welds, bolted connections, and abraded areas, and apply type primer paint as used in shop.
 5. Touch up finished steel.
 6. Remove dirt and oil from rail prior to Substantial Completion.

END OF SECTION 05 5213

SECTION 03 6000 – GROUTING

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
 1. Non-shrink non-metallic grout.
 2. Non-shrink metallic grout.
 3. Epoxy grout.
- B. Related Sections:
 1. Section 01 3300, Submittal Procedures
 2. Section 01 4000, Quality Procedures
 3. Section 05 5000 - Metal Fabrications.

1.2 SUBMITTALS

A. Product Submittals:

1. Submit product data for grout materials.

B. Quality Assurance Submittals:

1. Submit building code required compression test reports for structural grout.
2. Submit manufacturer's installation instructions for structural grout.

1.3 SITE CONDITIONS

A. Environmental Requirements:

1. Do not place grout when temperature or humidity will affect the performance or appearance of the grout.
2. Do not place grout on dirty, wet, or frozen substrates.

PART 2 - PRODUCTS

2.1 MATERIALS

A. Nonmetallic Nonshrink Grout.

1. Industry Standard: ASTM C 1107.
2. Type: Shrink resistant, nonstaining, noncorrosive.
3. Minimum Compressive Strength: $f_c = 5,000$ psi in 28 days.
4. Acceptable Grouts: Upcon by Bostik Construction Products, Nonmetallic Grout by Burke, Euco N-S Grout or Euco Dry Pack Grout by Euclid Chemical, Conbextra S by Fosroc Preco, Sealtight 588 by W.R. Meadows, Masterflow 713 by Master Builders, SikaGrout 212 by Sika, SonogROUT and SonogROUT G.P. by Sonneborn, Five Star Grout by U.S. Grout.

B. Epoxy Grout:

1. Industry Standard: ASTM C 881.
2. Type: Premixed, packaged, two component, epoxy resin.
3. Minimum Compressive Strength: $f_c = 6,000$ psi in 28 days.
4. Acceptable Grouts to Bond Plastic Concrete to Existing Concrete: Concessive 1001 LPL by Adhesive Engineering, Upcon Epoxy Grout by Bostik Construction Products, Medium Viscosity 881 LPL Patch and Bond Epoxy by Burke, High Strength Grout by Euclid Chemical, Probond 812 medium viscosity by ProKrete Industries, Sikadur 32 Hi-Mod by Sika, Sonobond by Sonneborn, Five Star Epoxy Grout by U.S. Grout.
5. Acceptable Grouts to Bond Concrete to Reinforcing Steel: Concessive 1441 by Adhesive Engineering, 881 LPL Topping and Crack Grouting Epoxy by Burke.

PART 3 - EXECUTION

3.1 PERFORMANCE

A. Surface Preparation:

1. Remove loose aggregate and coating materials from substrate surfaces prior to placing grout and anchoring cement.
2. Support bearing plates above cleaned bearing surfaces with double nutted anchor bolts and wedges.

3. Position and plumb supporting steel members then tighten double nutted anchor bolts.
4. Cut off part of wedges and shims which protrude beyond the edge of base and bearing plates.

B. Installation of Epoxy Grout:

1. Coat existing concrete contact surfaces with epoxy grout at spalled concrete areas prior to filling with plastic cement.
2. Fill space between existing drilled and dowel sleeved concrete and new reinforcing bars and dowels with epoxy grout.

3.2 COMPLETION

A. Grout Testing:

1. Test nonmetallic nonshrink grout in accordance with ASTM C 109.
2. Test epoxy grout in accordance with ASTM C 579, Method B.

B. Adjusting and Cleaning:

1. Replace damaged and defective grout and anchoring cement work.
2. Remove excess materials from the site.

C. Physical Barrier Protection:

1. Cover fresh grout and anchoring cement for 24 hours minimum.
2. Cover fresh grout and anchoring cement with plywood or oriented strand board where exposed to public, pedestrian, and animal traffic.

END OF SECTION 03 6000

PREFACE

Statement of Fundamental Values

Accountability: We recognize that, as members and representatives of this organization, we are the Columbia Falls Police Department. We are accountable for our actions and omissions.

Commitment: We are proactive members of this organization and community. We are self-directed and self-motivated. We identify problems and develop and implement solutions to improve the overall quality of life in our community and the workplace.

Compassion: We treat people with fairness, dignity, and compassion. We are responsive to the needs of others and we are civil, courteous, and professional at all times.

Cooperation: We are supportive of those we work with, those we work for, and for the community as a whole.

Innovation: We continually search for new, creative, and improved methods of doing business. We ensure that all options are examined and we reduce bureaucracy and redundancy in our work.

LAW ENFORCEMENT CODE OF ETHICS

My fundamental responsibility as a public safety officer is to serve the community, safeguard lives and property, protect the innocent, keep the peace, and ensure the constitutional rights of all are not abridged;

I will perform all duties impartially, without favor or ill will and without regard to status, sex, race, religion, creed, political belief or aspiration. I will treat all citizens equally and with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct;

I will enforce or apply all laws and regulations appropriately, courteously, and responsibly;

I will never employ unnecessary force or violence, and will use only such force in the discharge of my duties as is objectively reasonable in all circumstances. I will refrain from applying unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person;

Whatever I see, hear, or learn, which is of a confidential nature, I will keep in confidence unless the performance of duty or legal provision requires otherwise;

I will not engage in nor will I condone any acts of corruption, bribery, or criminal activity; and will disclose to the appropriate authorities all such acts. I will refuse to accept any gifts, favors, gratuities, or promises that could be interpreted as favor or cause me to refrain from performing my official duties;

I will strive to work in unison with all legally authorized agencies and their representatives in the pursuit of justice;

I will be responsible for my professional development and will take reasonable steps to improve my level of knowledge and competence;

I will at all times ensure that my character and conduct is admirable and will not bring discredit to my community, my agency, or my chosen profession.

MISSION STATEMENT

The Columbia Falls Police Department, as part of, and empowered by the community, is committed to protecting the lives, property, and rights of all people, and to enforcing the law impartially. We will provide quality police service and partnership with other members of the community. To fulfill our mission, we will strive to attain the highest degree of ethical behavior and professional conduct at all times.

Table of Contents

Preface.	1
Law Enforcement Code of Ethics.	2
Mission Statement.	3
Chapter 1 - Law Enforcement Role and Authority.	8
100 - Law Enforcement Authority.	9
101 - Chief Executive Officer.	12
102 - Oath of Office.	13
103 - Policy Manual.	14
Chapter 2 - Organization and Administration.	17
200 - Organizational Structure and Responsibility.	18
201 - General Orders.	20
202 - Emergency Operations Plan.	21
203 - Training.	23
204 - Electronic Mail.	26
205 - Administrative Communications.	27
206 - Retiree Concealed Firearms.	28
Chapter 3 - General Operations.	31
300 - Use of Force.	32
301 - Handcuffing and Restraints.	40
302 - Control Devices.	45
303 - Conducted Energy Device.	50
304 - Officer-Involved Shootings and Deaths.	57
305 - Firearms.	65
306 - Vehicle Pursuits.	75
307 - Foot Pursuits.	88
308 - Officer Response to Calls.	93
309 - Domestic Violence.	96
310 - Search and Seizure.	102
311 - Child Abuse.	104
312 - Adult Abuse.	110
313 - Discriminatory Harassment.	116
314 - Missing Persons.	121
315 - Public Alerts.	128
316 - Victim and Witness Assistance.	131
317 - Hate Crimes.	133
318 - Standards of Conduct.	135
319 - Information Technology Use.	142
320 - Department Use of Social Media.	146
321 - Report Preparation.	149

322 - Media Relations.	153
323 - Subpoenas and Court Appearances.	156
324 - Part-Time Officers.	158
325 - Outside Agency Assistance.	161
326 - Registered Offender Information.	163
327 - Major Incident Notification.	166
328 - Death Investigation.	168
329 - Identity Theft.	171
330 - Private Person's Arrest.	173
331 - Limited English Proficiency Services.	174
332 - Communications with Persons with Disabilities.	181
333 - Chaplains.	189
334 - Public Safety Video Surveillance System.	195
335 - Child and Dependent Adult Safety.	199
336 - Service Animals.	203
337 - Native American Graves Protection and Repatriation.	206
338 - Off-Duty Law Enforcement Actions.	208
 Chapter 4 - Patrol Operations.	 210
400 - Patrol.	211
401 - Bias-Based Policing.	213
402 - Pass-on.	216
403 - Crime and Disaster Scene Integrity.	218
404 - Ride-Alongs.	220
405 - Hazardous Material Response.	223
406 - Hostage and Barricade Incidents.	226
407 - Response to Bomb Calls.	231
408 - Crisis Intervention Incidents.	236
409 - Emergency Evaluations.	241
410 - Citation Releases.	244
411 - Foreign Diplomatic and Consular Representatives.	246
412 - Rapid Response and Deployment.	250
413 - Immigration Violations.	253
414 - Utility Service Emergencies.	256
415 - Aircraft Accidents.	258
416 - Field Training.	262
417 - Air Support.	265
418 - Contacts and Temporary Detentions.	266
419 - Criminal Organizations.	270
420 - Shift Supervisors.	274
421 - Mobile Audio/Video.	275
422 - Mobile Data Terminal Use.	281
423 - Portable Audio/Video Recorders.	284
424 - Public Recording of Law Enforcement Activity.	288
425 - Homeless Persons.	291
426 - Medical Aid and Response.	294
427 - First Amendment Assemblies.	300

428 - Civil Disputes.	306
429 - Suspicious Activity Reporting.	308
Chapter 5 - Traffic Operations.	310
500 - Traffic.	311
501 - Traffic Accidents.	314
502 - Vehicle Towing.	318
503 - Impaired Driving.	322
504 - Traffic and Parking Citations.	327
505 - Disabled Vehicles.	329
Chapter 6 - Investigation Operations.	330
600 - Investigation and Prosecution.	331
601 - Sexual Assault Investigations.	335
602 - Asset Forfeiture.	339
603 - Informants.	345
604 - Eyewitness Identification.	349
605 - Brady Information.	353
606 - Unmanned Aerial System.	356
607 - Warrant Service.	359
608 - Operations Planning and Deconfliction.	363
Chapter 7 - Equipment.	369
700 - Department-Owned and Personal Property.	370
701 - Personal Communication Devices.	372
702 - Vehicle Maintenance.	376
703 - Vehicle Use.	378
704 - Cash Handling, Security and Management.	384
705 - Personal Protective Equipment.	385
Chapter 8 - Support Services.	390
800 - Crime Analysis.	391
801 - Evidence Room.	393
802 - Records Section.	402
803 - Records Maintenance and Release.	404
804 - Protected Information.	407
805 - Animal Control.	410
Chapter 9 - Custody.	413
900 - Temporary Custody of Adults.	414
901 - Temporary Custody of Juveniles.	424
902 - Custodial Searches.	431
903 - Transporting Detainees.	436
Chapter 10 - Personnel.	440
1000 - Reporting of Arrests, Convictions and Court Orders.	441

1001 - Communicable Diseases.	443
1002 - Smoking and Tobacco Use.	448
1003 - Personnel Complaints.	449
1004 - Seat Belts.	458
1005 - Body Armor.	460
1006 - Personnel Records.	462
1007 - Commendations and Awards.	466
1008 - Fitness for Duty.	468
1009 - Lactation Breaks.	471
1010 - Outside Employment and Outside Overtime.	473
1011 - Personal Appearance Standards.	478
1012 - Uniforms and Civilian Attire.	481
1013 - Conflict of Interest.	485
1014 - Badges, Patches and Identification.	487
1015 - Performance History Audits.	489
1016 - Speech, Expression and Social Networking.	492
1017 - Illness and Injury Prevention.	496
1018 - Line-of-Duty Deaths.	501
1019 - Wellness Program.	513
Attachments.	517
Use of Force Fact Sheet.pdf.	518

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Columbia Falls Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Columbia Falls Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Certified members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE COLUMBIA FALLS POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Columbia Falls Police Department includes:

- (a) When the officer possesses an arrest warrant (§ 46-6-210, MCA).
- (b) When the officer reasonably believes an arrest warrant has been issued within the State of Montana (§ 46-6-210, MCA).
 - 1. An arrest based on a warrant for a city ordinance violation may only be made if the violation occurred within the jurisdiction of the Columbia Falls Police Department unless otherwise provided by law.
- (c) When the officer reasonably believes a felony arrest warrant has been issued in another jurisdiction to arrest the person (§ 46-6-210, MCA).
- (d) When the officer reasonably believes he/she has probable cause that an offense is being committed or was committed by the person to be arrested and existing circumstances necessitate immediate arrest (§ 46-6-311, MCA). See the Citation Releases Policy for guidance on when to arrest and when to issue a notice to appear in court or apply for an arrest warrant for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.
- (e) No person may be arrested in the person's home or private dwelling place at night for a misdemeanor offense committed at some other time and place, other than partner or family member assault, unless a judge includes express direction to do so in an arrest warrant (See the Domestic Violence Policy for arrests specific to those crimes) (§ 46-6-105, MCA).

Law Enforcement Authority

100.3.2 AUTHORITY OUTSIDE THE JURISDICTION OF THE COLUMBIA FALLS POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Columbia Falls Police Department includes the following:

- (a) When the officer possesses an arrest warrant (§ 46-6-210, MCA; § 46-6-215, MCA).
- (b) When the officer reasonably believes that a warrant has been issued within the State of Montana (§ 46-6-210, MCA; § 46-6-215, MCA).
 - 1. An arrest based on a warrant for a city ordinance violation may only be made within the city limits where the violation occurred unless otherwise provided by law.
- (c) When the officer reasonably believes that a felony warrant has been issued in another jurisdiction to arrest the person (§ 46-6-210, MCA; § 46-6-215, MCA).
- (d) When the officer reasonably believes he/she has probable cause that an offense is being committed or was committed by the person to be arrested and existing circumstances necessitate immediate arrest (§ 46-6-502, MCA). See the Citation Release Policy for guidance on when to arrest and when to issue a notice to appear in court or apply for an arrest warrant for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.
- (e) As part of a request for assistance from another peace officer or law enforcement entity with jurisdiction within the State of Montana (§ 44-11-101, MCA).
- (f) To the extent that the City council has extended the authority of the Columbia Falls Police Department to arrest a person for a crime within five miles or along the water supply line of the City under § 7-32-4301, MCA.
- (g) No person may be arrested in the person's home or private dwelling place at night for a misdemeanor offense committed at some other time and place, other than partner or family member assault, unless a judge includes express direction to do so in an arrest warrant (§ 46-6-105, MCA). See the Domestic Violence Policy for arrests specific to those crimes.

100.4 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Montana Constitutions.

100.4 INTERSTATE PEACE OFFICER POWERS

The authority of officers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state (§ 44-11-304, MCA).
- (b) When an officer enters the state of Idaho in fresh and continuous pursuit of a person the officer believes to have committed a felony (Idaho Code 19-701).
- (c) When an officer enters the state of North Dakota in fresh and continuous pursuit of a person the officer believes to have committed a felony, misdemeanor or traffic violation (N.D.C.C. § 29-06-05).

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Law Enforcement Authority

- (d) When an officer enters the state of South Dakota in fresh and continuous pursuit of a person the officer believes to have committed a felony or misdemeanor that was committed in the officer's presence (SDCL 23A-3-9; SDCL 23A-3-10).
- (e) When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Montana (Wyo. Stat. § 7-3-103).

When an officer makes an arrest in another state, the arresting officer shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; N.D.C.C. § 29-06-06; SDCL 23A-3-12).

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Montana are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Columbia Falls Police Department, who exercises the powers and duties of the office.

101.2 POLICY

It is the policy of the Columbia Falls Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of employment, shall meet all requirements set forth by the municipal hiring authority.

The Chief of Police should not, during his/her term of office, practice law or otherwise act as an attorney, or have a law partner who engages in the practice of law.

The exercise of peace officer powers, including the power of arrest, by the Chief of Police requires successful completion of an appropriate course of training and certification as prescribed by the Montana Public Safety Officer Standards and Training (POST) Council (§ 7-32-303, MCA).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Columbia Falls Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Mont. Const. art. III, § 3; § 2-16-211, MCA; § 7-32-303, MCA; § 7-1-4137, MCA).

The form of the oath should be as follows:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

102.3.1 CODE OF ETHICS

Officers shall abide by the public safety officers' code of ethics as specified in ARM 23.13.203.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (§ 7-4-101, MCA; § 7-1-4137, MCA).

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Columbia Falls Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Columbia Falls Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Columbia Falls Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (Mont. Const. art. II, § 14).

City - The City of Columbia Falls.

Policy Manual

Non-sworn - Employees and volunteers who are not certified peace officers.

Department/CFPD - The Columbia Falls Police Department.

Employee - Any person employed by the Department.

Manual - The Columbia Falls Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Columbia Falls Police Department, including:

- Full- and part-time employees
- Certified peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

Officer - Those employees, regardless of rank, who are certified peace officer employees of the Columbia Falls Police Department (§ 46-1-202, MCA).

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - Montana Public Safety Officer Standards and Training Council (ARM 23.13.101 et seq.).

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

Policy Manual

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

The Chief of Police will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Chief of Police, who will consider the recommendations.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Columbia Falls Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 ORGANIZATIONAL STRUCTURE

The Chief of Police is responsible for administering and managing the Columbia Falls Police Department. All functions of the Department are organized under the Operations Division.

200.3.1 OPERATIONS DIVISION

The Operations Division is commanded by the Chief of Police, whose primary responsibility is to provide general management, direction and control. The Operations Division consists of uniformed patrol; special operations; traffic enforcement; school resources (SRO) officers; police aides/assistants; investigative functions; property control; records maintenance and release; internal investigations; crime analysis; forensic services; technical and administrative services.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Columbia Falls Police Department. During planned absences, the Chief of Police will designate an acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Lieutenant
- (b) Sergeant
- (c) On-duty Shift Supervisor

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

Organizational Structure and Responsibility

200.5 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

General Orders will be used to modify policies of the Columbia Falls Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements and other alternatives should be considered before a General Order is issued.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief of Police or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief of Police.

201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

Emergency Operations Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Columbia Falls Police Department and responsibilities of its members pertaining to large-scale emergencies and the Montana Disaster and Emergency Services (MT DES) Division Montana Emergency Response Framework (MERF) (§ 10-3-105, MCA; § 10-3-301, MCA).

202.2 POLICY

The Columbia Falls Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Operations Plan complies with the State of Montana's MERF. This plan provides guidance for City emergency operations within and outside its borders as may be required (§ 10-3-105, MCA).

202.2.1 COLUMBIA FALLS CODES/ORDINANCES

An emergency management organization has been established by the City of Columbia Falls. This ordinance has been approved by the City Council (§ 10-3-101, MCA, et seq.; § 10-3-401, MCA).

202.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Columbia Falls Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the State Emergency Coordinator Center's (SECC) to assist with mutual aid response from local, state and federal law enforcement agencies.

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Columbia Falls Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

202.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in the Shift Supervisor's office and Dispatch. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Chief of Police should ensure that department members are familiar with the roles they will play when the plan is implemented.

Emergency Operations Plan

202.5 EMERGENCY OPERATIONS PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

202.6 TRAINING

The Department should provide annual training on the Emergency Operations Plan for all appropriate personnel. Supervisors should familiarize themselves with the Emergency Operations Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Montana Public Safety Officer Standards and Training (POST) Council training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

203.4 TRAINING LIEUTENANT

The Chief of Police shall designate a Training Lieutenant who is responsible for developing, reviewing, updating and maintaining the department training plan so that required training is completed. The Training Lieutenant should review the training plan annually.

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training

Training

(b) State-mandated training:

1. Members of the Department must successfully complete a discipline-specific basic course at the Montana Law Enforcement Academy (MLEA) or a POST-approved equivalent and successfully complete a full year of discipline-specific employment with the agency before being issued a basic certificate.
 - (a) The discipline-specific basic course must be completed within one year of a member's initial appointment. The POST Council may extend this one year time frame upon written request by the member and the Department but may not be extended more than 180 days (§ 7-32-303, MCA).
2. Members of the Department must successfully complete a minimum of 20 hours agency in-service or POST-approved training every two calendar years (ARM 23.13.201).
3. Members of the Department must successfully complete any applicable re-certification training as mandated for the use and deployment of firearms (ARM 23.13.215).

203.6 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 1. Court appearances.
 2. Previously approved vacation or time off.
 3. Illness or medical leave.
 4. Physical limitations preventing the member's participation.
 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 1. Document his/her absence in a memorandum to his/her supervisor.
 2. Make arrangements through his/her supervisor or the Training Lieutenant to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Columbia Falls Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Lieutenant.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Lieutenant. Members should not share their password with others and should

Training

frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.8 TRAINING RECORDS

The Training Lieutenant is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

204.2 POLICY

Columbia Falls Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Montana public records law).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

204.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Montana public records laws and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

The Columbia Falls Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

205.3 MEMORANDUMS

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

205.6 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the General Orders Policy).

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Columbia Falls Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

206.2 POLICY

It is the policy of the Columbia Falls Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

206.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a peace officer for an aggregate of 10 years or more or, if employed as a peace officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Columbia Falls Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

206.3.2 AUTHORIZATION

Any qualified former peace officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a peace officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Retiree Concealed Firearms

agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty peace officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Montana law or by a private person or entity on his/her property if such prohibition is permitted by Montana law.

206.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

206.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

206.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

206.6 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the

Retiree Concealed Firearms

date of the qualification. The Firearms Instructor will maintain a record of the qualifications and weapons used.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Columbia Falls Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Use of Force

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Use of Force

300.3.2 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to arrest a person (§ 46-6-104, MCA).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

Use of Force

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Columbia Falls Police Department for this specific purpose.

Use of Force

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the [officer_deputy] has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer should not use deadly force against a person whose actions are a threat solely to themselves or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Use of Force

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department requires the completion of a Use of Force Fact Sheet as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

[See attachment: Use of Force Fact Sheet](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

Use of Force

be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

Use of Force

- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Sergeant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Columbia Falls Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Columbia Falls Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide

Handcuffing and Restraints

assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

Subject to available resources, the Training Lieutenant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

Handcuffing and Restraints

- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Columbia Falls Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training on this policy and the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

302.4 RESPONSIBILITIES

302.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

302.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Instructor

Control Devices

for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Shift Supervisor, Incident Commander or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

302.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Control Devices

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

302.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.

Control Devices

- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Control Devices

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

302.10 TRAINING FOR CONTROL DEVICES

The Training Lieutenant shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Firearms Instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

303.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Firearms Instructor for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

Conducted Energy Device

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

Conducted Energy Device

- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

Conducted Energy Device

be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

303.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Lieutenant should also conduct audits of CED

Conducted Energy Device

device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

Conducted Energy Device

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Firearms Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Lieutenant. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Lieutenant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.

Conducted Energy Device

- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Columbia Falls Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Columbia Falls Police Department would control the investigation if the suspect's crime occurred in Columbia Falls.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

Officer-Involved Shootings and Deaths

304.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved CFPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved CFPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any CFPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

Officer-Involved Shootings and Deaths

scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional CFPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved CFPD officer should be given an administrative order not to discuss the incident with other involved officers or CFPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Lieutenant.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Officer-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

Officer-Involved Shootings and Deaths

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved CFPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-CFPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved CFPD officer. A licensed psychotherapist may also be provided to any other affected CFPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member or a critical incident stress management team member is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved CFPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

Officer-Involved Shootings and Deaths

- (a) CFPD supervisors and Chief of Police personnel should not participate directly in any voluntary interview of CFPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED CFPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved CFPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved CFPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved CFPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

Officer-Involved Shootings and Deaths

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Operations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Operations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Chief of Police.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved CFPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from

Officer-Involved Shootings and Deaths

the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

Officer-Involved Shootings and Deaths

304.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Attorney's Office, as appropriate.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Columbia Falls Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

304.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Chief of Police and Public Information Officer in the event of inquiries from the media.

No involved CFPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

305.2 POLICY

The Columbia Falls Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.3.1 SHOTGUNS

The authorized department-issued shotgun is the Mossberg 500 12 gauge. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

305.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Officer supplied. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER

Firearms

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

305.3.3 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order.
- (b) The firearm shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.

305.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.

Firearms

- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain a list of the information.

305.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, **based on their authority as peace officers**, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.

Firearms

- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Columbia Falls Police Department identification cards under circumstances requiring possession of such identification.

305.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

305.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Instructor.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Chief of Police.

305.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Instructor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Firearms

305.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Firearms Instructor or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

Firearms

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

305.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (§ 45-8-345, MCA).

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course (ARM 23.13.805).

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

Firearms

- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Chief of Police or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Firearms

305.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

305.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Lieutenant after each range date. Failure of any member to sign in and out with the Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms Instructor has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Firearms Instructor.

The Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Firearms Instructor shall complete and submit to the Training Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Lieutenant.

305.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Columbia Falls Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must

Firearms

present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

- (c) The Columbia Falls Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Columbia Falls Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Columbia Falls Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Firearms

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

306.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

306.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting or sirens as required by law.

Vehicle Pursuits

Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (§ 61-9-402, MCA).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (§ 61-8-107, MCA):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

306.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights,

Vehicle Pursuits

concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards posed to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

Vehicle Pursuits

- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

306.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

306.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

306.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

306.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.

Vehicle Pursuits

- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

306.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

Vehicle Pursuits

2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Montana Highway Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

306.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

306.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

306.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide

Vehicle Pursuits

some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Columbia Falls Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

306.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and

Vehicle Pursuits

requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward them to the Chief of Police.

306.7 DISPATCH

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

306.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

306.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

Vehicle Pursuits

306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Columbia Falls Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Columbia Falls Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

Vehicle Pursuits

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

306.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

306.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

306.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

306.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.

Vehicle Pursuits

3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.
 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

Vehicle Pursuits

- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

306.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

306.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The secondary or subsequent pursuing officer(s) shall complete the appropriate supplemental report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of the pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved vehicles and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - 7. Arrestee information, if applicable.

Vehicle Pursuits

8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.
 11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

306.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

Foot Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

307.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

307.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

Foot Pursuits

- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

307.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.

Foot Pursuits

- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

307.5 RESPONSIBILITIES IN FOOT PURSUITS

307.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

Foot Pursuits

307.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

307.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

307.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

Foot Pursuits

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - (g) Arrestee information, if applicable.
 - (h) Any injuries and/or medical treatment.
 - (i) Any property or equipment damage.
 - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

308.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (§ 61-9-401, MCA; § 61-9-402, MCA).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation

Officer Response to Calls

- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

308.5 SAFETY CONSIDERATIONS

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However, the officer may, when responding to a call with an emergency response with the use of an audible and/or visual signal as required by law, and provided there is no endangerment or unnecessary risk to persons and property (§ 61-8-107, MCA):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand.

308.5.1 NUMBER OF OFFICERS ASSIGNED

The number of officers assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

An emergency response involving more than one police vehicle should be coordinated by Dispatch to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the Shift Supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to an emergency response as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Supervisor or the

Officer Response to Calls

dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

308.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The Shift Supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding officers and the location of the incident.

Domestic Violence

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Columbia Falls Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

309.1.1 DEFINITIONS

Definitions related to this policy include (§ 45-5-206, MCA):

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence (or partner or family member assault) - Purposely or knowingly causing bodily injury to a partner or family member; negligently causes bodily injury to a partner or family member with a weapon; or purposely or knowingly causing reasonable apprehension of bodily injury in a partner or family member.

Family member - Mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

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

309.2 POLICY

The Columbia Falls Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

Domestic Violence

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Operations Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
 - 1. This is mandatory when a weapon was used or threatened to be used in the alleged assault (§ 46-6-603, MCA).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) If it cannot be established that the offender was served, but there is sufficient evidence the offender had knowledge of the order and its content, facts establishing such knowledge should be included in the report (§ 45-5-626, MCA).
- (k) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.

Domestic Violence

4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the violence occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

309.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department domestic violence information handout, even if the incident may not rise to the level of a crime (§ 46-6-602, MCA).
 1. The investigating officer should review and provide the resources and materials to the victim outside the presence of any suspect.
- (b) Victims shall also be alerted to any available victim advocates, shelters and community resources.

Domestic Violence

1. The investigating officer should review the resources outside the presence of any suspect.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time (§ 46-6-603, MCA).
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists (§ 46-6-603, MCA).
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

309.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order (§ 40-15-303, MCA).

309.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265; § 40-15-301, MCA). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

309.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.

Domestic Violence

- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

309.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) Officers should arrest upon probable cause for domestic violence involving injury to the victim, use or threatened use of a weapon, violation of a court order, or other imminent danger to the victim. Any decision not to arrest under these circumstances requires supervisor approval (§ 46-6-311, MCA).
- (b) When investigating a domestic violence complaint and if it appears that the parties were involved in mutual aggression, the investigating officer shall evaluate the situation to determine who is the predominant aggressor. If, based on the officer's evaluation, the officer determines that one person is the predominant aggressor, the officer may arrest only that person. Factors to be considered in this determination include (§ 46-6-311, MCA):
 - 1. The prior history of violence between the partners or family members, if available.
 - 2. The relative severity of injuries received by each person.
 - 3. Whether an act of or threat of violence was taken in self-defense.
 - 4. The relative sizes and apparent strength of each person.
 - 5. The apparent fear or lack of fear between the partners or family members.
 - 6. Statements made by witnesses.
- (c) Persons arrested for domestic violence or violations of protection orders must appear before a judge before release on bail (§ 46-9-302, MCA).

309.10 REPORTS AND RECORDS

Officers shall document their investigations of any reported incident of domestic violence and, when applicable, explain the reason for when an arrest is not made (§ 46-6-601, MCA).

309.11 SERVICE OF COURT ORDERS

Members shall serve a standing no contact order on a person charged with or arrested for domestic violence as set forth in § 45-5-209, MCA and § 46-6-311, MCA.

Domestic Violence

309.12 COURT ORDER DATABASE ENTRIES

The Records Section supervisor or designee shall ensure that court orders received from the court are entered into the appropriate law enforcement databases within 24 hours, to include the National Crime Information Center (NCIC) of the United States Department of Justice (§ 40-15-303, MCA).

Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Columbia Falls Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Columbia Falls Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

310.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to:

- Valid consent.
- Incident to a lawful arrest.
- Legitimate community caretaking interests.
- Vehicle searches under certain circumstances.
- Exigent circumstances.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Search and Seizure

310.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

310.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of:

- Reason for the search.
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- What, if any, injuries or damage occurred.
- All steps taken to secure property.
- The results of the search including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Child Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Columbia Falls Police Department members are required to notify Department of Public Health and Human Services (DPHHS) of suspected child abuse.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

311.2 POLICY

The Columbia Falls Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DPHHS is notified as required by law.

311.3 MANDATORY NOTIFICATION

Members of the Columbia Falls Police Department shall notify DPHHS when it is known or there is reasonable cause to suspect that a child is abused or neglected by anyone regardless of whether the person is a parent or other person responsible for the child's welfare (§ 41-3-201, MCA).

For purposes of notification, child abuse or neglect includes (§ 41-3-102, MCA):

- (a) Actual physical or psychological harm to a child.
- (b) Substantial risk of physical or psychological harm to a child, including exposure to dangerous drugs.
- (c) Abandonment.
- (d) Any form of child sex trafficking or human trafficking.

311.3.1 NOTIFICATION PROCEDURE

Notification shall occur promptly by contacting the Child Abuse Hotline. Notification shall include, if known, (§ 41-3-201, MCA):

- (a) The names and addresses of the child, child's parents or other persons responsible for the child's care.
- (b) The child's age and the nature of the injuries, including any evidence of previous injuries.
 - 1. Photographs may be taken of any visible trauma on the child (§ 41-3-204, MCA).

Child Abuse

- (c) Any other information that may be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect.
 - 1. Visible evidence that the child suffered abuse or neglect shall be documented by a written description and/or photographs and included in the report (§ 41-3-204, MCA).
- (d) Facts that led the reporting member to believe that the child has suffered injury or injuries or willful neglect.

Any written, photographic, or radiological evidence gathered or obtained shall be included with the report or submitted to DPHHS as soon as possible (§ 41-3-204, MCA).

311.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
 - 1. All information related to a report of child sexual abuse or sexual exploitation, including all case notes, correspondence, evaluations, interviews, and other investigative materials, shall be forwarded to the prosecutor throughout the investigation (§ 41-3-210, MCA).
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (§ 41-3-107, MCA).

311.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.

Child Abuse

- (d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

311.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DPHHS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DPHHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian when there is reason to believe a child is in immediate or apparent danger of harm (§ 41-3-301, MCA).

311.6.1 MONTANA SAFE HAVEN NEWBORN PROTECTION ACT

A member may accept a newborn, who is 30 days or younger, into temporary protective custody when surrendered by a parent. The member shall take necessary action for the newborn's safety and transfer the newborn to a hospital for evaluation (§ 40-6-405, MCA; § 40-6-406, MCA). The member shall provide the parent with written material from the DPHHS regarding the safe haven law and make a reasonable effort to do the following (§ 40-6-405, MCA):

Child Abuse

- (a) Inform the parent that the newborn will be placed for adoption, including the state's attempt to identify the other parent to obtain medical family history and then ask if the surrendering parent will identify the other parent.
- (b) Inform the parent he/she has 60 days to petition the court to regain custody of the newborn.
- (c) Ascertain whether the newborn has a tribal affiliation and, if so, obtain information pertaining to any Indian heritage of the newborn.
- (d) Encourage the parent to provide relevant family or medical information.
- (e) Provide the parent with information that he/she may receive counseling or medical attention and that DPHHS can provide confidential services.
- (f) Inform the parent that information provided will not be made public.
- (g) Ask the parent for his/her name.
- (h) Inform the parent that he/she may sign a relinquishment for the newborn to be used at a hearing to terminate parental rights.

A child abuse investigation should not be initiated when a newborn is surrendered unless there is reasonable suspicion of actual abuse or neglect (§ 40-6-417, MCA).

311.7 INTERVIEWS

311.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

311.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

Child Abuse

311.7.3 RECORDED INTERVIEW OF CHILD

If a child's interview is audio or video recorded, the family, upon request, may view an unedited version unless exempted by law (§ 41-3-202, MCA).

311.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

311.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

311.9.1 SUPERVISOR RESPONSIBILITIES

The Operations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DPHHS, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Operations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

311.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Operations Division supervisor so an interagency response can begin.

Child Abuse

311.10 STATE MANDATES AND OTHER RELEVANT LAWS

Montana requires or permits the following:

311.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (§ 41-3-205, MCA).

311.10.1 CHILD DEATH TEAMS

An officer shall notify the Coroner, when there is reasonable cause to believe that a child has died from abuse or neglect (§ 41-3-206, MCA).

311.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Columbia Falls Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

312.2 POLICY

The Columbia Falls Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Columbia Falls Police Department shall notify the Department of Public Health and Human Services, Adult Protective Services (APS) when the member knows or has reasonable cause to suspect, that a vulnerable adult is subjected to abuse, sexual abuse, neglect, or exploitation (§ 52-3-811, MCA).

For purposes of notification, abuse includes:

- (a) The infliction of physical or mental injury.
- (b) Deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of a vulnerable adult without lawful authority.
- (c) Personal degradation (e.g., publishing or distributing certain photographs or videos that demean or humiliate).
- (d) Sexual abuse.
- (e) Neglect by a person who has assumed or is legally responsible or has a contractual obligation for caring for the vulnerable adult.
- (f) Exploitation, which generally means the unreasonable use of the vulnerable adult's money, assets, or property to obtain control of or to divert to the advantage of another (§ 52-3-803, MCA).

A vulnerable adult is an older person 60 years or older or a person 18 years or older with a developmental disability as defined by § 53-20-102, MCA (§ 52-3-803, MCA).

312.3.1 NOTIFICATION PROCEDURE

Notification should occur by phone by contacting APS as soon as practicable. Notification shall include the following (§ 52-3-812, MCA):

Adult Abuse

- (a) Names and address of the vulnerable adult and the person, if any, responsible for the adult's care.
- (b) Name and address, if available, of the person who is alleged to have abused the vulnerable adult.
- (c) Age of the vulnerable adult.
- (d) The nature and extent of the abuse including any evidence of previous injuries or prior instances of abuse.
- (e) The name and address of the person making the report.

If the vulnerable adult resides in a long-term care facility, the long-term care ombudsman program shall also be contacted.

If the Department receives a report of abuse, a written report shall be prepared and provided to APS as soon as possible, except if the abuse involves an act or omission by APS, the written report shall be provided to the County Prosecutor (§ 52-3-811, MCA; § 52-3-812, MCA; § 52-3-815, MCA).

Any photographs of injuries or evidence of abuse, neglect or exploitation obtained or gathered shall be included with the report or submitted as soon as possible after submission of the report (§ 52-3-815, MCA).

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (§ 52-3-805, MCA).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

Adult Abuse

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation (§ 52-3-804, MCA).

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

Adult Abuse

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

Adult Abuse

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Operations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Operations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Operations Division supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Montana requires or permits the following:

312.10.1 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (§ 52-3-813, MCA).

312.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.

Adult Abuse

- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

313.2 POLICY

The Columbia Falls Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law, including creed, and political beliefs (§ 49-2-303, MCA; § 49-3-201, MCA).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

Discriminatory Harassment

313.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

313.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Montana Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

313.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the City Clerk, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

Discriminatory Harassment

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

313.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the City Clerk, or the City Manager for further information, direction, or clarification.

313.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the City Clerk in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

Discriminatory Harassment

any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to, details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the City Clerk, or the City Manager.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the City Clerk, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

Discriminatory Harassment

313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

313.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Missing Persons

314.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

314.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for his/her chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation
 - 6. In the company of others who could endanger his/her welfare
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes missing children who are under 21 years of age (§ 44-2-502, MCA).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Montana Missing Persons Clearinghouse (MMPC).

314.2 POLICY

The Columbia Falls Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

Missing Persons

314.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Operations Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits
- Montana Department of Justice (MTDOJ) Authorization to Release Dental Records form
- Forms to collect biographical and contact information for all involved parties in investigations of custodial interference involving a suspected missing child (§ 45-5-304, MCA; § 44-2-504, MCA).

314.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

314.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast an alert if the person is under 21 years of age or there is evidence that the missing person is at risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk.
 1. The alert shall be broadcast to other law enforcement agencies in the county within two hours (§ 44-2-505, MCA).
- (e) Ensure that entries are made into the appropriate missing person networks:

Missing Persons

1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
1. Provide the MTDOJ Authorization to Release Dental Records form to the reporting party (§ 44-2-401, MCA).
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
 - (a) If the missing person is a child enrolled in a Montana public school district, request the child's directory photograph from the Superintendent of Public Instruction within two hours of receiving the report of the missing child, and include that photograph with the missing person report (§ 44-2-505 MCA).
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Continue with the investigation and associated database entries even when custodial interference is suspected as the reason for a child being missing (§ 45-5-304, MCA; § 44-2-504, MCA).

314.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

314.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.

Missing Persons

- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

314.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Operations Division.
- (e) Coordinating with the National Crime Information Center (NCIC) Terminal Contractor for Montana to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).
- (f) Forwarding to MTDOJ the missing child report.

314.7 OPERATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

Missing Persons

- (d) Shall verify and update MMPC, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or child care institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
 - 1. The Coroner shall be conferred with after 45 days (§ 44-2-401, MCA).
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
 - 1. If after 30 days the missing person has not been found and no relative exists or can be located, the investigator may sign a written declaration attesting to the investigation and that dental records may be necessary to the investigation and present the declaration to the dentist of the missing person for dental records (§ 44-2-401, MCA).
- (i) Shall attempt to obtain the most recent photograph for persons under 21 years of age if it has not been obtained previously and forward the photograph to MTDOJ and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).
- (l) In cases where the missing person is still missing after 45 days, shall submit to the MTDOJ the approved MTDOJ missing person report including any obtained dental records (§ 44-2-401, MCA).

314.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Front office Clerk should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MTDOJ (§ 44-2-401, MCA).
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.

Missing Persons

- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MTDOJ.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

314.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

314.9 CASE CLOSURE

The Operations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Columbia Falls or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

314.10 TRAINING

Subject to available resources, the Training Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio/Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response

Missing Persons

5. Identifying the zone of safety based on chronological age and developmental stage
 - (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., internet use, cell phone use).
 - (n) Media relations.

Public Alerts

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

315.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

315.3 RESPONSIBILITIES

315.3.1 MEMBER RESPONSIBILITIES

Members of the Columbia Falls Police Department should notify their supervisors, Shift Supervisor or Operations Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

315.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of Police.

315.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

315.4.1 CRITERIA

The following criteria are required for activation:

- (a) A child is missing and is 17 years of age or younger or has a proven physical or mental disability.
- (b) Law enforcement reasonably believes a child has been abducted or has disappeared under suspicious circumstances.

Public Alerts

- (c) Law enforcement believes the child is in imminent danger of death or serious bodily injury.
- (d) Information exists that could assist the public in the safe recovery of the missing child.

315.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert:

- (a) The supervisor in charge will contact the Montana Department of Justice (DOJ) Help Desk.
- (b) The supervisor in charge or the authorized designee will enter the child into the National Crime Information Center (NCIC) using the appropriate message key (Child Abduction flag).
- (c) The supervisor in charge or the authorized designee will ensure Dispatch is prepared for a potential increase in call volume.
- (d) The supervisor in charge or the authorized designee will ensure the PIO is prepared to utilize what may be a significant media response.

315.5 MISSING AND ENDANGERED PERSON ALERT

Missing and Endangered Person Alerts (MEPA) are used to provide a statewide system for the rapid dissemination of information regarding a missing person when circumstances fail to meet the criteria for an AMBER Alert but the Department determines a public alert may still be helpful.

315.5.1 CRITERIA

The following criteria should be considered for issuance of a MEPA:

- (a) Circumstances do not meet the criteria for an AMBER Alert.
- (b) The missing individual is missing under unexplained, involuntary or suspicious circumstances.
- (c) The missing individual is believed to be in danger because of age, health, mental or physical disability, or environmental or weather conditions; is believed to be in the company of a potentially dangerous person; or is believed to be put in peril due to some other factor.
- (d) Information exists that could assist the public in the safe recovery of the missing person.

315.5.2 PROCEDURE

The following is the procedure for initiating a MEPA:

- (a) The supervisor in charge will contact the Montana DOJ Help Desk.
- (b) The supervisor in charge or the authorized designee will enter the person into NCIC using the appropriate message key (Missing, Endangered or Involuntary).
- (c) The supervisor in charge or the authorized designee will ensure Dispatch is prepared for a potential increase in call volume.

Public Alerts

- (d) The supervisor in charge or the authorized designee will ensure the PIO is prepared to utilize what may be a significant media response.

The Department may use the missing person locator system to create a MEPA poster or may request the Montana DOJ assist with the same.

315.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer. Blue Alerts may also be used if a peace officer is missing in connection with his/her official duties, or if there is an imminent and credible threat that an individual intends to seriously injure or kill a peace officer (§ 44-2-801, MCA).

315.6.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued in any of the following situations (§ 44-2-801, MCA):

- (a) A peace officer has been seriously injured or killed in the line of duty and all of the following apply:
 - 1. An individual suspected to have caused the injury or death is at large.
 - 2. The individual poses a serious threat to the public, to other peace officers or both, as determined by a law enforcement agency.
 - 3. Sufficient information exists such that the issuance of a Blue Alert would materially assist in the capture of the individual.
- (b) A peace officer is missing in connection with official duties.
- (c) An imminent and credible threat exists that an individual intends to cause serious injury to or death of a peace officer.

315.6.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

- (a) The supervisor in charge will contact the Montana DOJ Help Desk.
- (b) The supervisor in charge or the authorized designee will ensure Dispatch is prepared for a potential increase in call volume.
- (c) The supervisor in charge or the authorized designee will ensure the PIO is prepared to utilize what may be a significant media response.

Victim and Witness Assistance

316.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

316.2 POLICY

The Columbia Falls Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Columbia Falls Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

316.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Columbia Falls Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

316.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison shall:

- (a) Make notifications in accordance with § 46-24-203, MCA.
- (b) Provide assistance with the completion of nonimmigrant T or U visa forms (§ 44-4-1503, MCA).

316.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

316.5 VICTIM INFORMATION

The Chief of Police shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims (§ 46-24-201, MCA).
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; § 46-15-411, MCA).

Victim and Witness Assistance

- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (§ 53-9-103, MCA; § 46-24-201, MCA).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) Forms and notices required for victims of partner and family member assault (§ 46-6-602, MCA).
- (j) A place for the officer's name, badge number and any applicable case or incident number.
 - 1. This shall also include a place for the name, office address and contact information for the investigator and prosecuting attorney assigned to the case (§ 46-24-201, MCA).
- (k) Materials distributed by the Attorney General setting forth the rights and services available pursuant to § 46-24-101, MCA, et seq.
- (l) Information regarding the address confidentiality program administered by the Attorney General's Office (§ 40-15-117, MCA).

316.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, creed, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim or the victim's involvement in civil rights or human rights activities.

317.2 POLICY

The Columbia Falls Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

317.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

317.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

Hate Crimes

- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (Temporary Order of Protection) through the courts or County Attorney.

317.4.1 OPERATIONS DIVISION RESPONSIBILITIES

If a hate crime case is assigned to the Operations Division, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the County Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

317.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Columbia Falls Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisor.

318.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

318.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

318.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

Standards of Conduct

318.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

318.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Montana constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

318.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

318.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

318.5.2 ETHICS

Standards of Conduct

- (a) Using or disclosing one's status as a member of the Columbia Falls Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

318.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

318.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

Standards of Conduct

318.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

318.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

318.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

Standards of Conduct

318.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

318.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

Standards of Conduct

enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

318.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

Standards of Conduct

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

318.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Columbia Falls Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

319.2 POLICY

It is the policy of the Columbia Falls Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

319.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Information Technology Use

However, the Department may not require a member to disclose a personal user name or password or open a personal social website, except when the employer has specific information about activity by an employee and access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (§ 39-2-307, MCA).

319.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

319.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

319.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Information Technology Use

319.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail and data files.

319.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

319.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

319.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

Information Technology Use

involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Department Use of Social Media

320.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

320.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

320.2 POLICY

The Columbia Falls Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

320.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

320.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Department Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

320.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

320.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Columbia Falls Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

320.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

320.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

320.7 RETENTION OF RECORDS

The Chief of Police should work with the Records Manager to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

320.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Report Preparation

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

321.2 POLICY

It is the policy of the Columbia Falls Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

321.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

321.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

321.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

321.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.

Report Preparation

- (b) All felony crimes.
- (c) Non-felony criminal incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy
 - 5. Hate Crimes Policy
 - 6. Suspicious Activity Reporting Policy
 - 7. Identity Theft Policy
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

321.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

321.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

Report Preparation

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

321.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

321.5.5 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

321.6 ALTERNATIVE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information or serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.

Report Preparation

- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

321.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

321.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 POLICY

It is the policy of the Columbia Falls Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

322.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Chief of Polices, Shift Supervisors and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

322.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

322.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department

Media Relations

without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

322.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

322.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

322.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

322.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

Media Relations

Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

322.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Supervisor or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Public Records Act).

322.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

322.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Supervisor.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Columbia Falls Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 POLICY

Columbia Falls Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Columbia Falls Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Columbia Falls Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

Subpoenas and Court Appearances

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Part-Time Officers

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Columbia Falls Police Department part-time officers to supplement and assist regular full-time police officers in their duties. These officers provide professional and special functions and part-time services that can augment regular staffing levels.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Part-time officer- A person who works less than 40 hours a week as a peace officer.

324.2 POLICY

The Columbia Falls Police Department shall ensure that part-time officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

324.3 RECRUITMENT AND SELECTION

The Columbia Falls Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time police officers before appointment.

324.3.1 APPOINTMENT

Applicants who are selected for appointment as part-time officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Part-time officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Part-time officers shall have no property interest in continued appointment. However, if a part-time officer is removed for alleged misconduct, the part-time officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

324.4 IDENTIFICATION AND UNIFORMS

Part-time officers will be issued Columbia Falls Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Columbia Falls Police Department identification cards, with the exception that "Part-time" will be indicated on the cards.

324.5 AUTHORITY

Part-time officers shall perform peace officer duties within the scope of their approved training. Part-time officers:

Part-Time Officers

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (§ 46-6-210, MCA; § 46-6-311, MCA; § 7-32-214, MCA).
- (b) Shall not exercise peace officer duties when off-duty.

324.6 COMPENSATION

Compensation for part-time officers is provided as follows:

- (a) Part-time officers shall work as per the terms of their employment agreement.
- (b) Part-time officers are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time officers shall be returned to this department upon termination or resignation.

324.7 PERSONNEL WORKING AS PART-TIME

Qualified regular department personnel, when authorized, may also serve as part-time officers. However, this department shall not utilize the services of part-time officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a part-time officer for reduced pay or no pay). Therefore, the part-time officer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a part-time officer capacity (29 CFR 553.30).

324.8 COMPLIANCE

Part-time officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a part-time officer, unless by its nature it is inapplicable.

Part-time officers are required by this department to meet department-approved training requirements.

All part-time officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time officer coordinator.

324.9 FIREARMS

Part-time officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as part-time officers on behalf of the Columbia Falls Police Department.

Part-time officers will be issued duty firearms as specified in the Firearms Policy. Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-Time Officers

Part-time officers are required to maintain proficiency with firearms used in the course of their assignments. Part-time officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

324.10 PART-TIME OFFICER COORDINATOR

The Chief of Police shall delegate certain responsibilities to a part-time officer coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The part-time officer coordinator may appoint a senior part-time member or other designee to assist in the coordination of part-time officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning part-time officers.
- (b) Conducting part-time officer meetings.
- (c) Establishing and maintaining a part-time officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of part-time officers.
- (f) Monitoring individual part-time officer performance.
- (g) Monitoring overall part-time officer activities.
- (h) Maintaining a liaison with other agency part-time officer coordinators.

324.11 FIELD TRAINING

All part-time officers shall complete the same department-specified field training as regular full-time police officers, as described in the Field Training Policy.

324.12 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Part-time officers should not supervise a regular full-time officer.

324.12.1 EVALUATIONS

While in training, part-time officers should be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until he/she has satisfactorily completed training. Part-time officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time officer.

324.12.2 INVESTIGATIONS AND COMPLAINTS

If a part-time officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 POLICY

It is the policy of the Columbia Falls Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Columbia Falls Police Department shall notify his/her supervisor or the Shift Supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

Outside Agency Assistance

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

325.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Police or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the equipment and supplies.
 - 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Lieutenant should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Columbia Falls Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered sex and violent offenders.

326.2 POLICY

It is the policy of the Columbia Falls Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

The Operations Division supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information, including updated registration verifications and updates, are provided to the Montana Department of Justice (MTDOJ) within three days in accordance with § 46-23-504, MCA and § 46-23-505, MCA.

The refusal of a registrant to provide any of the required information or complete the process should necessitate a criminal investigation for failure to register (§ 46-23-507, MCA).

326.3.1 CONTENTS OF REGISTRATION

At the time of initial registration, the investigator shall obtain fingerprints and a photograph of the offender along with a DNA sample, unless already on file with MTDOJ. The offender shall sign a statement in writing that provides, at minimum, the following information (§ 46-23-504, MCA):

- (a) The name of the offender and any aliases
- (b) Driver's license and social security number
- (c) Residency, employment and student information
- (d) Vehicles owned or operated
- (e) All email addresses and social media screen names

Registered Offender Information

326.4 MONITORING OF REGISTERED OFFENDERS

The Operations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the Sexual or Violent Offender Registry (SVOR).
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to MTDOJ.

The Operations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Columbia Falls Police Department members, including timely updates regarding new or relocated registrants.

326.4.1 TRANSIENTS AND LEVEL 2 AND 3 OFFENDERS

The Operations Division supervisor shall ensure that an investigator is assigned to monitor transient and level 2 and 3 offenders. The assigned investigator shall ensure that offenders designated as level 2 or level 3 appear each year to provide an updated photograph. In addition, the assigned investigator shall establish a system to monitor transient offenders within the jurisdiction of the Columbia Falls Police Department to ensure that such offenders report on a monthly basis (§ 46-23-504, MCA).

326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the SVOR website or the Columbia Falls Police Department's website.

The Front office Clerk may release local registered offender information to residents in accordance with § 46-23-508, MCA and in compliance with the Montana Criminal Justice Information Act of 1979.

326.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.

Registered Offender Information

- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

326.5.2 DISSEMINATION

The Columbia Falls Police Department shall release information if the offender is a risk to public safety and disclosure may protect the public. The information disseminated to the victim and the public may include (§ 46-23-508, MCA):

- (a) If the offender is also a violent offender, notification may include:
 - 1. The offender's name.
 - 2. Registration offense.
- (b) If the offender is a level 1, notification may include the above information and:
 - 1. The offender's photograph, physical description, date of birth and address.
- (c) If the offender is level 1 for an offense committed against a minor, or is a level 2, notification may include the above information and:
 - 1. The offender's type of victim targeted.
 - 2. The offender's vehicle information.
 - 3. Any court imposed restrictions.
- (d) If the offender is level 3, notification shall include all of the above information and:
 - 1. The offender's date of release or sentencing.
 - 2. The community where the offense occurred.

Information that should not be released includes the victim's identity, social security numbers, references to arrests not resulting in conviction, medical information and information concerning the offender's family.

326.6 COOPERATION WITH THE COUNTY SHERIFF

If an offender registers with the Columbia Falls Police Department, a copy of the registration information will be forwarded to the county sheriff's office (§ 46-23-504, MCA).

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Columbia Falls Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Columbia Falls Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the City. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At-risk missing children or endangered missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Any incident involving a prominent Columbia Falls official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Columbia Falls official
- Any critical, criminal, or controversial incident involving a police officer from another incident
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- The involvement of any department member in a controversial, criminal, or compromising situation, on or off-duty
- Any other incident that has attracted or is likely to attract significant media attention

Major Incident Notification

327.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable.

327.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified.

327.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the Shift Supervisor will contact the appropriate investigator.

Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

328.2 POLICY

It is the policy of the Columbia Falls Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, conducted and properly documented.

328.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Operations Division Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

328.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

328.3.2 CORONER REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Deputy Coroners or appointed Coroner investigators. The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner be notified in any of the following cases, where the death (§ 46-4-122, MCA):

- (a) Was caused or is suspected to have been caused by an injury.
- (b) Resulted as an action or omission by the deceased or any other person regardless of whether or not it amounts to a criminal act.
- (c) Is medically suspicious, unusual or the result of unknown circumstances, including an accidental or fetal death.
- (d) Is the result of any condition, disease or agent that may pose a public health threat.
- (e) Occurred while the deceased was in the custody of any correctional or detention facility owned and operated by the state or a political subdivision of the state.
- (f) Occurred while the deceased was in custody.

Death Investigation

- (g) Occurred while the deceased was being pursued, apprehended or in the process of being taken into custody.
- (h) Was a result of, or occurred during, the deceased's employment.
- (i) Occurred within 24 hours after admission to a medical facility or if the deceased arrives at a medical facility as dead on arrival.
- (j) Was not witnessed and the deceased was not attended to by a physician at any time in the 30-day period prior to death.
- (k) Involves a dead human body that is to be cremated or shipped into the state and lacks proper burial transmit permits or proper medical certification.
- (l) Occurs under any suspicious circumstances.

328.3.3 SEARCHING DEAD BODIES

- (a) The Coroner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or his/her assistant shall be promptly notified.
- (c) The Coroner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or his/her assistant, the investigating officer should first obtain verbal consent from the Coroner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Coroner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

328.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Operations Division shall be notified to determine the possible need for an investigator to respond to the scene.

Death Investigation

If the on-scene supervisor, through consultation with the Shift Supervisor or Operations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

328.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

328.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

328.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Identity Theft

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

329.2 POLICY

It is the policy of the Columbia Falls Police Department to effectively investigate cases of identity theft.

329.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person living within the jurisdiction of the Columbia Falls Police Department reports that he/she has been a victim of identity theft. This includes:

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Encourage the individual to review the material, and assist with any questions.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Columbia Falls to facilitate the crime).

329.3.1 ACCEPTANCE OF REPORTS FROM OTHER JURISDICTIONS

The Department shall take reports of identity theft from jurisdictions outside the Columbia Falls Police Department. The Department may then refer reports to the appropriate agency for investigation and prosecution.

The Department will cooperate fully with other agencies for purposes of identity theft investigations but is not required to count cooperative investigations as open cases for statistical purposes (§ 46-24-218, MCA).

329.4 INVESTIGATION

When the Department receives a report that indicates a person has purposely or knowingly obtained the personal identifying information of another and has used it for any unlawful purpose, including but not limited to obtaining goods, services, credit or other protected information, the Department shall (§ 45-6-332, MCA; § 46-24-218, MCA):

- (a) Request two forms of identification sufficient to determine the identity of the reporting individual as the victim.
- (b) Immediately begin an investigation into the report of identity theft regardless of what, if any, identification the reporting individual is able to provide at the time of the report; however, within 72 hours of receipt of the initial complaint, the victim shall provide the requested forms of identification or provide reasons for why identification cannot be produced.

Identity Theft

- (c) Within 72 hours of receipt of the initial report, provide to the victim one copy of the police report, investigative report or filed complaint.
- (d) Forward another copy, along with the victim's completed application for an identity theft passport, to the Attorney General.

329.4.1 IDENTITY THEFT PASSPORT

When a victim files an identity theft report with the Columbia Falls Police Department, the victim may apply for an identity theft passport through the Columbia Falls Police Department. The Department shall send a copy of the identity theft report and the application for an identity theft passport to the Attorney General.

The Department will provide a copy of any police report or other substantial evidence of the victim having filed a complaint to a victim of identity theft from another state, in order that the victim may apply directly to the Montana Department of Justice (§ 46-24-220, MCA).

329.5 FOLLOW-UP INVESTIGATION

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

Private Person's Arrest

330.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

330.2 POLICY

It is the policy of the Columbia Falls Police Department to accept a private person's arrest only when legal and appropriate.

330.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another when there is probable cause to believe that the person is committing or has committed an offense and the existing circumstances require the person's immediate arrest (§ 46-6-502, MCA).

The private person may use reasonable force to detain the arrested person (§ 46-6-502, MCA).

330.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest (§ 46-6-505, MCA).

330.5 PRIVATE PERSON'S ARREST STATEMENT

The arresting person should be asked to complete and sign a private person's arrest statement. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Columbia Falls Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the Columbia Falls Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

331.3 FOUR-FACTOR ANALYSIS

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

Limited English Proficiency Services

enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

331.4 TYPES OF LEP ASSISTANCE AVAILABLE

Columbia Falls Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

331.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

331.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the

Limited English Proficiency Services

non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments who have been identified by the Department as having the requisite skills and competence may be requested.

331.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

331.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

Limited English Proficiency Services

331.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.9 CONTACT AND REPORTING

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

331.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Columbia Falls Police Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

Limited English Proficiency Services

or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

331.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

331.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the

Limited English Proficiency Services

assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

331.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

331.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

331.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Limited English Proficiency Services

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

332.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters and should be listed by the Department of Public Health and Human Services as provided in § 49-4-507, MCA.

332.2 POLICY

It is the policy of the Columbia Falls Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the City ADA coordinator regarding the Columbia Falls Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.

Communications with Persons with Disabilities

- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and 911 Director. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

332.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

332.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Columbia Falls Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

332.6 TYPES OF ASSISTANCE AVAILABLE

Columbia Falls Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Communications with Persons with Disabilities

332.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

332.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

332.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Communications with Persons with Disabilities

332.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

332.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

332.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

332.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Communications with Persons with Disabilities

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

332.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

332.13.2 FIELD INTERPRETER

Officers who arrest an individual with a hearing impairment shall make available to the individual, at the earliest possible time, a qualified interpreter to assist in any interrogation or in the taking of any statement (§ 49-4-503, MCA).

Officers may not begin questioning until the qualified interpreter is in full view of and spatially situated in a manner that ensures proper communication with the individual involved (§ 49-4-506, MCA).

Communications with Persons with Disabilities

332.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

332.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue

Communications with Persons with Disabilities

to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

332.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

Chaplains

333.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Columbia Falls Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

333.2 POLICY

The Columbia Falls Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

333.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Managing his/her household, family and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

333.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Columbia Falls Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

333.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

333.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

Chaplains

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

333.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued Columbia Falls Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Columbia Falls Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

333.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.

Chaplains

- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

333.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community as needed. Assignments of chaplains will usually be to augment the Operations Division, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Columbia Falls Police Department.

333.7.1 COMPLIANCE

Chaplains are volunteer members of this department and, except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

333.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Columbia Falls Police Department personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

Chaplains

- (d) Chaplains shall be permitted to ride with officers during any shift and observe Columbia Falls Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Columbia Falls Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent unauthorized access to the data.

333.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

333.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Shift Supervisor or supervisor believes the chaplain could assist in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

Chaplains

- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Training others to enhance the effectiveness of the Department.

333.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing a liaison with various civic, business and religious organizations.
- (d) Assisting the community when they request representatives or leaders of various denominations.
- (e) Assisting the community in any other function, as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

333.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

333.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Columbia Falls Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Columbia Falls Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

333.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Lieutenant, may include:

Chaplains

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

334.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

334.2 POLICY

The Columbia Falls Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

334.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

334.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.

Public Safety Video Surveillance System

- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Supervisor's office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Supervisor or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention of anything documented by public safety surveillance equipment is prohibited.

334.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

334.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, video enhancement or other analytical technology, requires additional safeguards.

334.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

Public Safety Video Surveillance System

334.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

334.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

334.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

334.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

Public Safety Video Surveillance System

334.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Columbia Falls Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

334.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

334.8 TRAINING

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Columbia Falls Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

335.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Child and Dependent Adult Safety

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child and Family Services Division (CFSD) or Adult Protective Services, if appropriate.
- (e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Child and Dependent Adult Safety

335.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether the person reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

335.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Child and Dependent Adult Safety

335.5 TRAINING

The Training Lieutenant is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. The term does not include emotional support animals (28 CFR 35.104; § 49-4-203, MCA).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i); § 49-4-203, MCA).

336.2 POLICY

It is the policy of the Columbia Falls Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service animal (§ 49-4-214, MCA).

336.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals in training should be appropriately identified (§ 49-4-214, MCA).

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

Service Animals

- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

336.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Columbia Falls Police Department affords to all members of the public (28 CFR 35.136; § 49-4-214, MCA).

336.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

336.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

336.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

Service Animals

336.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ) or the Montana Human Rights Bureau.

336.4.5 NOTICE OF INVESTIGATION RESULTS

An officer who investigates an allegation of misrepresentation of a service animal shall provide the written results of the investigation to the place or accommodation where the instance occurred and to the handler of the animal in question (§ 49-4-221, MCA).

Native American Graves Protection and Repatriation

337.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

337.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes, or to contain human remains.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

337.2 POLICY

It is the policy of the Columbia Falls Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

337.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Montana land management agency, and the Coroner, when appropriate (§ 22-3-805, MCA).
- Tribal land - Responsible Indian tribal official

337.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

337.5 MONTANA BURIAL PRESERVATION BOARD AUTHORIZATION REQUIRED

Absent consent from a group authorized by the Montana Burial Preservation Board to control the remains or burial material, a person may not (§ 22-3-808, MCA):

- (a) Knowingly disturb, pilfer or destroy a marked or unmarked grave or burial site.
- (b) Buy, sell, transfer or display human remains for a commercial purpose.
- (c) Disclose information that is highly likely to result in the pilfering, destruction or disturbance of a burial site.

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Columbia Falls Police Department with respect to taking law enforcement action while off-duty.

338.2 POLICY

It is the policy of the Columbia Falls Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

338.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive instead of immediately intervening and, while waiting, gather as much accurate intelligence as possible. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other peace officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding peace officers.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

338.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Columbia Falls Police Department until acknowledged. Official identification should also be displayed when possible.

Off-Duty Law Enforcement Actions

338.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

338.4.1 NON-SWORN RESPONSIBILITIES

Non-sworn members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

338.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Supervisor regarding any law enforcement action taken while off-duty. The Shift Supervisor may send a supervisor to the location. The supervisor may request assistance from the Chief of Police, if deemed appropriate.

The Shift Supervisor shall determine whether a crime report or an administrative report should be completed by the involved officer.

Chapter 4 - Patrol Operations

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Columbia Falls Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Columbia Falls. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and accidents, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily pass-ons and to attend pass-ons of other divisions or specialized units.

Patrol

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Columbia Falls Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (§ 44-2-117, MCA). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

401.2 POLICY

The Columbia Falls Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited (§ 44-2-117, MCA).

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy (§ 44-2-117, MCA).
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Chief of Police should review the efforts of the Department to provide fair and objective policing and prepare an annual report, including public concerns and complaints. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

Bias-Based Policing

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

401.7.1 ADDITIONAL STATE REQUIREMENTS

Training shall include cultural awareness training certified by the Montana Public Officer Standards and Training Council (§ 44-2-117, MCA).

Pass-on

402.1 PURPOSE AND SCOPE

This policy discusses the activity of pass-on and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Pass-on is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 PASS-ON

All divisions and specialized units will conduct regular pass-on to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct pass-on. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Pass-on should include, but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
 - 1. Wanted persons.
 - 2. Crime patterns.
 - 3. Suspect descriptions.
 - 4. Intelligence reports and photographs.
 - 5. Community issues affecting law enforcement.
 - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about General Orders and any recent policy changes.

402.3.1 RETENTION OF PASS-ON TRAINING RECORDS

Pass-on training materials and a curriculum or summary shall be forwarded to the Training Lieutenant for inclusion in training records, as appropriate.

Pass-on

402.4 PREPARATION OF MATERIALS

The member conducting pass-on is responsible for preparation of the materials necessary for a constructive pass-on.

402.5 TRAINING

Pass-on training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Columbia Falls Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

Crime and Disaster Scene Integrity

Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any peace officer of this department should, when requested, enforce lawful orders of a state or local health officer that have been issued for the purpose of protecting the public health (§ 50-2-120, MCA).

403.7 REPORTING CONTAMINATED PROPERTY

Whenever a member of the Columbia Falls Police Department becomes aware that an inhabitable property has been contaminated by an illegal drug lab, that information shall be reported to the Montana Department of Environmental Quality and the local health officer (§ 75-10-1306, MCA).

Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Columbia Falls Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

404.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the Columbia Falls Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department,

404.3 ELIGIBILITY

A ride-along is available to Columbia Falls residents and business owners, students currently attending class in Columbia Falls and those employed within the City of Columbia Falls. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the City.
- Denial by any supervisor.

404.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Administration.

404.5 REQUESTS TO PARTICIPATE

Ride-along and job observation requests will be maintained and scheduled by Department Administration.. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birth date, address and telephone number.

The Administration will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate Supervisor as soon as possible for scheduling considerations.

Ride-Alongs

If the request is denied, a representative will advise the applicant of the denial.

404.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than twice every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains
- Reserves
- Columbia Falls Police Department applicants
- Any others with approval of the Administration.
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

404.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of Department Administration.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

404.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Montana Department of Justice Criminal Justice Information Network (CJIN) check prior to approval of the ride-along.

404.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct

Ride-Alongs

the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 POLICY

It is the policy of the Columbia Falls Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

Hazardous Material Response

- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the Montana Disaster and Emergency services.

405.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

Hazardous Material Response

405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the Columbia Falls Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

Hostage and Barricade Incidents

406.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has reasonable cause to believe a crime is being committed by a person holding hostages may contact a phone service provider to have the phone service disconnected, rerouted or isolated as the situation may dictate (§ 69-6-104, MCA).

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

Hostage and Barricade Incidents

- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

Hostage and Barricade Incidents

- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

Hostage and Barricade Incidents

406.6 SWAT RESPONSIBILITIES

It will be the SWAT Commander's decision, with input from the Incident Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the SWAT Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the SWAT. The Incident Commander and the SWAT Commander or the authorized designees shall maintain direct communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Columbia Falls Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Columbia Falls Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 COLUMBIA FALLS POLICE DEPARTMENT FACILITY

If the bomb threat is against the Columbia Falls Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Columbia Falls Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Supervisor deems appropriate.

Response to Bomb Calls

407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Columbia Falls, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

Response to Bomb Calls

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
 - 1. Two-way radios.
 - 2. Cell phones.
 - 3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

Response to Bomb Calls

- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Supervisor including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services

Response to Bomb Calls

- Field supervisor
- Shift Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

408.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

408.2 POLICY

The Columbia Falls Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

408.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

408.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate the Lieutenant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

408.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Crisis Intervention Incidents

408.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

408.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

408.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Crisis Intervention Incidents

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Chief of Police.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

408.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

408.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

408.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

Crisis Intervention Incidents

408.11 EVALUATION

The Chief of Police designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

408.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Emergency Evaluations

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person into custody for an emergency evaluation (§ 53-21-129, MCA).

409.2 POLICY

It is the policy of the Columbia Falls Police Department to protect the public and individuals through legal and appropriate use of the emergency evaluation process.

409.3 AUTHORITY

An officer may take a person into custody for an emergency evaluation when an emergency situation exists as defined by § 53-21-102, MCA and the person appears to have a mental disorder and presents an imminent danger of death or bodily harm to him/herself or to others or who appears to have a mental disorder and to be substantially unable to provide for his/her own basic needs of food, clothing, shelter, health or safety (§ 53-21-129, MCA).

The person may be taken into custody only for sufficient time to contact a professional person (i.e., medical doctor, advanced practice registered nurse with a specialty in psychiatric mental health nursing, licensed psychologist or a person certified by the Department of Public Health and Human Services) to determine if the person should be transported to the appropriate facility. If possible, the medical professional should be called prior to taking the person into custody (§ 53-21-129, MCA).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergency evaluation, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with obtaining an emergency evaluation, if appropriate.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for an emergency evaluation should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.

Emergency Evaluations

- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

An emergency evaluation should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

When transporting any individual for an emergency evaluation, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer should remain present to provide clarification of the grounds for the evaluation, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer should complete a report of the incident and forward to the County Attorney, if applicable.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the emergency evaluation.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for an emergency evaluation should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.

Emergency Evaluations

- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the evaluation.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency evaluation.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency evaluation, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergency evaluations and crisis intervention.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Columbia Falls Police Department with guidance on when to release adults who are suspected offenders on a notice to appear in court or apply for an arrest warrant for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Columbia Falls Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a notice to appear in court or later seek an arrest warrant, when authorized to do so.

410.3 RELEASE

A suspected offender should be released on the issuance of a notice to appear in court for a misdemeanor offense he or she has committed unless the person's identification is at issue or there is a reasonable concern for the safety of the person or the public if the person is not taken into custody. Officers may seek an arrest warrant in lieu of issuing a notice to appear (§ 46-6-310, MCA; § 46-6-311, MCA).

Generally, an arrest warrant should be sought in lieu of arrest when a person is suspected of a felony offense that has been committed unless the person's identification is at issue or there is a reasonable concern for the safety of the person or the public if the person is not taken into custody (§ 46-6-311, MCA).

An arrest should be made when there is probable cause to believe a person is committing a felony offense. An arrest may be made when there is probable cause to believe a person is committing a misdemeanor offense (§ 46-6-311, MCA).

See the Domestic Violence Policy for further arrest direction.

410.3.1 FINGERPRINTING AND PHOTOGRAPHING

An individual who is issued a notice to appear but not taken into custody for a misdemeanor traffic, regulatory, or fish and game offense should not be photographed or fingerprinted (§ 44-5-202, MCA).

410.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.

Citation Releases

- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Columbia Falls Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Columbia Falls Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Foreign Diplomatic and Consular Representatives

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving, may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Foreign Diplomatic and Consular Representatives

411.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Foreign Diplomatic and Consular Representatives

Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability
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Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

412.2 POLICY

The Columbia Falls Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

412.5 PLANNING

The Chief of Police should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

412.6 TRAINING

The Training Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Columbia Falls Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Columbia Falls Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Montana constitutions.

413.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

Immigration Violations

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

413.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.7.2 COMPLYING WITH IMMIGRATION DETAINERS

The Columbia Falls Police Department will comply with lawful immigration detainer requests related to an individual already in custody and shall arrest the person unless there is reason to believe the individual is a citizen of the United States or has lawful immigration status in the United States based on credible evidence (§ 27-16-801, MCA).

An individual who is being held in custody and who is the subject of a federal immigration detainer shall be informed that the individual is being held pursuant to an immigration detainer request issued by federal immigration officials (§ 27-16-801, MCA).

Immigration Violations

The individual subject to the immigration detainer shall not be detained for longer than 48 hours, excluding weekends and holidays, beyond the time that the individual would otherwise have been released from custody (§ 27-16-801, MCA).

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Operations Division supervisor assigned to oversee the handling of any related case. The Operations Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.9 TRAINING

The Training Lieutenant should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Utility Service Emergencies

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

414.2 POLICY

It is the policy of the Columbia Falls Police Department to appropriately respond to City emergency utility service requests received by this department.

414.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Dispatch.

414.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

414.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

414.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

414.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

414.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Dispatch of the problem with the traffic signal. The dispatcher should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

Utility Service Emergencies

A decision to place a signal on flash should include a consultation with the appropriate traffic signal maintenance agency, unless exigent circumstances exist.

Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Columbia Falls Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

415.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

Aircraft Accidents

- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the City of Columbia Falls shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of CFPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

Aircraft Accidents

415.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

416.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Columbia Falls Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

416.2 POLICY

It is the policy of the Columbia Falls Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

416.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with POST requirements. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the Training Lieutenant and FTO coordinator.
 - 2. Assignment of the trainee to a variety of shifts and geographical areas.
 - 3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
 - 1. All performance evaluations.
 - 2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

Field Training

416.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Shift Supervisor informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO coordinators from other law enforcement agencies.
- (j) Maintaining a liaison with police academy staff on recruit officer performance during academy attendance.
- (k) Performing other activities as may be directed by the Chief of Police.

The FTO coordinator will be required to successfully complete a training course approved by this department that is applicable to supervision of field training within one year of appointment to this position.

416.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

416.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Evaluation by supervisors and current FTOs.
- (e) Possession of, or ability to obtain, department-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

Field Training

416.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved FTO course prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this department every three years while assigned to the position of FTO.

416.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

416.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
 - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.
- (d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.
- (f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

Air Support

417.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

417.2 POLICY

It is the policy of the Columbia Falls Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

417.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

417.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Vehicle pursuits.
- (e) Pre-planned events or actions that require air support.
- (f) Due to a request under an existing mutual aid agreement.
- (g) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

417.3.2 ALLIED AGENCY REQUEST

After consideration and approval of the request for air support, the Shift Supervisor or the authorized designee will call the closest agency having available air support and will apprise that agency of the specific details of the incident prompting the request.

Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 POLICY

The Columbia Falls Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Columbia Falls Police Department to strengthen community involvement, community awareness and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

Contacts and Temporary Detentions

- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Columbia Falls Police Department appropriately utilizes criminal intelligence systems and temporary information files.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Columbia Falls Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

Criminal Organizations

with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Front office Clerk may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, FI forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

Criminal Organizations

419.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Lieutenant to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Operations Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above-average familiarity with the Montana Street Terrorism Enforcement and Prevention Act (§ 45-8-401, MCA, et seq.).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

419.8 TRAINING

The Training Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

Criminal Organizations

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Shift Supervisors

420.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Shift Supervisor and, as needed, an acting Shift Supervisor for each shift.

420.2 POLICY

Each shift will be directed by a Shift Supervisor capable of making decisions and managing in a manner consistent with the mission of the Columbia Falls Police Department. To accomplish this, a Designated officer shall be designated as the Shift Supervisor for each shift.

420.3 DESIGNATION AS ACTING SHIFT SUPERVISOR

With prior authorization from the Chief of Police, generally when a Designated officer is unavailable for duty as Shift Supervisor, a qualified lower-ranking member shall be designated as acting Shift Supervisor in accordance with the terms of applicable collective bargaining agreements and the Temporary Supervisors subsection of the Supervision Staffing Levels Policy.

420.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring sufficient members are on-duty to accomplish the mission of the Columbia Falls Police Department.
- (b) Providing command-level oversight of major crime scenes, tactical situations or disasters.
- (c) Establishing service-level priorities.
- (d) Providing job-related training and guidance to subordinates.
- (e) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (f) Handling service inquiries or complaints from the public.
- (g) Managing risk exposure.
- (h) Ensuring the security of all department facilities.
- (i) Ensuring the proper equipment and vehicles are available for member use.
- (j) Representing the Department at community functions.
- (k) Serving as a temporary Chief of Police when so designated.

Mobile Audio/Video

421.1 PURPOSE AND SCOPE

The Columbia Falls Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods and storage and retrieval methods and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

421.2 POLICY

It is the policy of the Columbia Falls Police Department to use mobile audio/video recording technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

421.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Columbia Falls Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Mobile Audio/Video

421.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated, or when manually turned on by the member. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

421.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while under the influence (DUI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated enforcement activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Domestic violence
 - 2. Disturbance of the peace

Mobile Audio/Video

3. Offenses involving violence or weapons

- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on patrol.

421.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

421.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

421.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date the media was issued.
 - 3. The name of the department member or the vehicle to which the media was issued.
 - 4. The date the media was submitted for retention.
 - 5. The name of the department member submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

Mobile Audio/Video

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

421.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection.
- (l) As may be directed by the Chief of Police or the authorized designee

Mobile Audio/Video

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

421.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

421.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days or as determined by the local government records committee and disposed of in accordance with the established records retention schedule (§ 2-6-1202, MCA).

421.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

421.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Columbia Falls Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

421.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

Mobile Audio/Video

- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff.

421.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

421.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

422.2 POLICY

Columbia Falls Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Mobile Data Terminal Use

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Mobile Data Terminal Use

422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Columbia Falls Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

423.2 POLICY

The Columbia Falls Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

423.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a

Portable Audio/Video Recorders

conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a recorder, the assigned member shall record his/her name, CFPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

423.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

423.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Portable Audio/Video Recorders

423.6.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Montana law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, Montana law expressly exempts law enforcement from this prohibition during the course of a criminal investigation. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation (§ 45-8-213, MCA).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

423.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

423.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

Portable Audio/Video Recorders

- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.

423.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

423.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Records Manager prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Columbia Falls Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

424.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

Public Recording of Law Enforcement Activity

example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

425.2 POLICY

It is the policy of the Columbia Falls Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Columbia Falls Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

425.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

Homeless Persons

425.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

425.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

425.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under an emergency evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Emergency Evaluations Policy).

Homeless Persons

425.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

425.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Aid and Response

426.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

426.2 POLICY

It is the policy of the Columbia Falls Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

426.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

426.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

426.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with emergency detention in accordance with the Emergency Evaluations Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

426.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Medical Aid and Response

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

426.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

426.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Chief of Police should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.

Medical Aid and Response

- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

426.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) PLAN

The Chief of Police is responsible for developing a written AED plan that complies with the requirements of § 50-6-502, MCA and the rules adopted by the Montana Department of Public Health and Human Services (DPHHS) pursuant to § 50-6-502, MCA including (ARM 37.104.610):

- (a) The physical address where AEDs will be located and for a mobile AED, the geographic area in which the AED will be used and how the AED will be transported to the scene.
- (b) The names of members authorized to use the AED.
- (c) A description of how AED use will be coordinated with each licensed emergency medical service provider providing coverage in the area where the AED is located, including how emergency medical services will be activated every time that an AED is attached to a patient.
- (d) The name, telephone number(s) and address of a Montana licensed medical supervisor who will be providing medical supervision to the AED program and how the medical supervisor, or the medical supervisor's designee, will supervise the AED program.
- (e) The name, telephone number(s) and address of the medical supervisor's designee, if any, who will assist the medical supervisor in supervising the AED program.
- (f) Procedures for how the AED will be maintained, tested and operated according to the manufacturer's guidelines.
- (g) A description of the records that will be maintained by the program, including records of all maintenance and testing performed on the AED.
- (h) Identification of information required by the medical supervisor to be reported by members using an AED.
- (i) A description of how the required reports of AED use will be made to the medical supervisor and to the DPHHS.
- (j) Procedures to ensure AEDs obtained by the Columbia Falls Police Department are the types approved by the U.S. Food and Drug Administration (ARM 37.104.616).
- (k) Anything else specified by the DPHHS.

426.9.1 AED USE

A member may use an AED under the plan only after completing initial training and after receiving refresher training no less than every two years on cardiopulmonary resuscitation and the proper use of an AED (ARM 37.104.610).

Medical Aid and Response

426.9.2 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS (§ 50-6-502, MCA).

426.9.3 AED REPORTING

Any member using an AED will complete an incident report detailing its use and including information required to be reported by the AED plan. A copy of the report shall be forwarded to the AED medical supervisor so that the AED use can be reported to DPHHS as required by the AED plan (§ 50-6-502, MCA).

426.9.4 AED TRAINING AND MAINTENANCE

The Training Lieutenant should ensure appropriate initial and refresher training that is approved by DPHHS, and meets the standards or the American Heart Association is provided to members authorized to use an AED (ARM 37.104.610).

The Training Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule and the AED plan.

426.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members with the required training may administer opioid overdose medication in accordance with protocol specified by a physician or other medical professional as set forth in § 50-32-604, MCA and § 50-32-605, MCA.

426.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Lieutenant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

426.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

Medical Aid and Response

The Training Lieutenant will ensure that the Front office Clerk is provided enough information to meet applicable state reporting requirements (§ 50-32-607, MCA).

426.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication (§ 50-32-604, MCA; § 50-32-606, MCA).

426.11 FIRST AID TRAINING

Subject to available resources, the Training Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Columbia Falls Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter (Mont. Const. art. II, § 6; Mont. Const. art. II, § 7).

These rights may be limited by laws or ordinances regulating such matters as:

- Civil disorder (§ 45-8-109, MCA)
- Criminal incitement (§ 45-8-105, MCA)
- Disorderly Conduct (§ 45-8-101, MCA)
- Failure to disperse (§ 45-8-102, MCA)
- Funeral picketing (§ 45-8-116, MCA)
- Incitement to riot (§ 45-8-104, MCA)
- Obstructing health care facility access (§ 45-8-110, MCA)
- Public nuisance (§ 45-8-111, MCA)
- Riot (§ 45-8-103, MCA)

However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

First Amendment Assemblies

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

427.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

First Amendment Assemblies

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.

First Amendment Assemblies

- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

First Amendment Assemblies

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Columbia Falls Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

427.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the

First Amendment Assemblies

event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Dispatch records/tapes.
- (g) Media accounts (print and broadcast media).

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the Columbia Falls Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Montana law.

428.2 POLICY

The Columbia Falls Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

428.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

428.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

428.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

428.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

429.2 POLICY

The Columbia Falls Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.3 RESPONSIBILITIES

The Chief of Police and the authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Operations Division include, but are not limited to:

- (a) Remaining familiar with those databases available to the department that would facilitate the purpose of this policy.

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If, during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to:

- The Operations Division supervisor.
- The Crime Analysis unit.
- Other authorized designees.

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Columbia Falls Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

Traffic

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish citation quotas. The number of arrests or citations issued by any member shall not be used for evaluating member overall performance (§ 46-6-420, MCA; § 7-32-2107, MCA).

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (§ 46-6-310, MCA):

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the date, time and location of the court and the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) An explanation that failure to pay or appear may result in a summons or warrant or suspension of their license.

500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with but are not limited to:

- (a) Vehicular homicide while under the influence (§ 45-5-106, MCA).
- (b) Driving under the influence (DUI) of alcohol or drugs (§ 61-8-1002).
- (c) Felony or misdemeanor hit-and-run (§ 61-7-118, MCA).
- (d) Fleeing from or eluding a peace officer (§ 61-8-316, MCA).

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate (§ 61-5-212, MCA).

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Traffic

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic or will be maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.6.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle, in the side box of each police motorcycle and in the gear bag of each patrol bicycle. Each vest should be stored inside a resealable plastic bag to protect and maintain the vest in a serviceable condition. Before going into service, each member shall ensure that a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Lieutenant should be promptly notified whenever the supply of vests needs replenishing.

Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Columbia Falls Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A City vehicle involved.
 - 4. A City official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
 - 1. A City of Columbia Falls vehicle involved.
 - 2. A City of Columbia Falls official involved.
 - 3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.

Traffic Accidents

- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Supervisor. The Shift Supervisor or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Supervisor will ensure notification is made to the Patrol Sergeant, department command staff and City Manager in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), driving under the influence, or hit-and-run is involved (§ 61-7-109, MCA; § 61-8-1002, MCA).
- (b) An on-duty member of the City of Columbia Falls is involved.
- (c) The accident results in any damage to any City-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) There is damage to any vehicle to the extent that towing is required.
- (g) There is property damage of at least \$1,000 (§ 61-7-109, MCA).
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

Traffic Accidents

501.5.2 CITY VEHICLE INVOLVED

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Chief of Police. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum (§ 61-7-111, MCA):

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Officer in charge or on-duty Patrol Sergeant should request that the Montana Highway Patrol or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Columbia Falls Police Department and involves:

- (a) An on- or off-duty member of the Department.
 - 1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on- or off-duty official or employee of the City of Columbia Falls.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

Traffic Accidents

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms approved by the Montana Division of Justice (MTDOJ) Motor Vehicle Division as required for the reporting of traffic accidents. All such reports shall be forwarded to the Operations Division for approval and filing (§ 61-7-111, MCA).

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Patrol Sergeant include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Chief of Police or other persons as required.
- (b) Ensuring that within ten days after completing an investigation, the officer's report is forwarded to the MTDOJ Motor Vehicle Division (§ 61-7-109, MCA).

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 POLICY

The Columbia Falls Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (§ 61-12-401, MCA).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

Vehicle Towing

- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.6 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

502.6.2 NOTICE OF TOW

It shall be the responsibility of the Records Section to send a notice of tow by the most expeditious means to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail with return receipt requested. The notice shall include (§ 61-12-402, MCA):

- (a) The name, address and telephone number of the Columbia Falls Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
 1. Color.
 2. Manufacturer year.
 3. Make and model.
 4. License plate number and/or Vehicle Identification Number (VIN).
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) An explanation that the failure to respond within the time period provided will be deemed as consent to sell or dispose of the vehicle or personal property pursuant to § 61-12-404, MCA.

Vehicle Towing

502.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

502.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members may be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Evidence Room Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Vehicle Towing

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of DUI.

503.2 POLICY

The Columbia Falls Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Montana's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The Standardized Field Sobriety Tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Montana or another jurisdiction.

503.4 FIELD TESTS

The Patrol Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

503.5 CHEMICAL TESTS

A person implies consent under Montana law to a chemical test or tests for the presence of drugs and alcohol, and to providing chemical samples for the associated tests, under any of the following (§ 61-8-1016, MCA):

- (a) The arresting officer has particularized suspicion to believe the person was driving or in actual physical control of a vehicle while under the influence of alcohol, drugs, or a

Impaired Driving

combination of the two and the person has been detained for § 61-8-1002, MCA (DUI) or an offense that meets the definition of § 61-8-1001, MCA (aggravated DUI).

- (b) An officer has particularized suspicion to believe a person under the age of 21 was operating or in actual physical control of a vehicle with an alcohol concentration of 0.02 or more.
- (c) An officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:
 - 1. In violation of a DUI and has been placed under arrest.
 - 2. In violation of a DUI and the person was involved in an accident resulting in property damage.
 - 3. And the person has been involved in a motor vehicle accident resulting in serious bodily injury or death.
 - 4. In violation of a DUI and meets the definition of aggravated DUI.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample for testing.

503.5.1 STATUTORY NOTIFICATIONS

Prior to requesting a chemical sample, the officer should read the person the Montana Implied Consent Advisory.

503.5.2 PRELIMINARY ALCOHOL SCREENING TESTS

A properly certified officer who has a particularized suspicion that a person was driving or in actual physical control of a vehicle while under the influence of alcohol or in violation of § 61-8-1002, MCA (DUI) or § 61-8-1001, MCA (Aggravated DUI) may request that the person submit to a preliminary alcohol screening test (PAST). Prior to administering the PAST, the officer must inform the person of the person's right to refuse and that refusal will result in suspension of the person's license for up to one year (§ 61-8-1016, MCA).

If the person refuses to submit to a PAST test, none shall be given unless the officer requests a warrant in accordance with § 61-8-1016(4), MCA.

503.5.3 BREATH SAMPLES

The Patrol Sergeant should ensure that all devices used for the collection and analysis of breath samples are approved and properly serviced and tested, and that a record of such service and testing is properly maintained (ARM 23.4.209; ARM 23.4.213).

Officers obtaining a breath sample must possess a current permit (ARM 23.4.218). Officers should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Chief of Police.

Impaired Driving

503.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples using the collection kits provided by the Forensic Science Division of the Department of Justice (FSD) (§ 61-8-1019, MCA; ARM 23.4.220). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.5 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant shall ensure that:

- (a) All equipment used for breath testing, including PAST equipment, is certified, approved, and maintained as required by the FSD (ARM 23.4.213; ARM 23.4.225).
- (b) Records of the certification are maintained and submitted to the FSD as required by law (ARM 23.4.213; ARM 23.4.215).
- (c) Forms approved by the FSD are available to report breath analysis test results as required by ARM 23.4.212.
- (d) Collection kits and request forms provided by the FSD are available for the collection of blood samples (ARM 23.4.220).

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test, officers shall immediately seize the person's driver's license and immediately forward it to the Department of Justice (DOJ) along with the certified report required by § 61-8-1016, MCA. The officer shall issue the person a temporary driving permit and provide the person with written notice of the license suspension and the right to a hearing under § 61-8-1017, MCA (§ 61-8-1016, MCA).

Impaired Driving

503.6.2 SAMPLES WITHOUT CONSENT

A blood or an oral fluid sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained (§ 61-8-1016, MCA).

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.7 RECORDS SECTION RESPONSIBILITIES

The Front office Clerk will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

Impaired Driving

503.8 ADMINISTRATIVE HEARINGS

The Front office Clerk will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Montana Department of Justice (DOJ).

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOJ file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Traffic and Parking Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

504.2 POLICY

It is the policy of the Columbia Falls Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department. Citations will be kept in a secure location and issued to members by the Records Section staff. Members will sign for the citation books when issued or upon return of unused citations.

Members of the Columbia Falls Police Department shall only use department-approved traffic and parking citation forms.

504.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

504.4 TRAFFIC CITATIONS

504.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Section. The Front office Clerk or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

504.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Section.

504.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall

Traffic and Parking Citations

be referred to the Chief of Police. Upon a review of the circumstances involving the issuance of the traffic citation, the Chief of Police may recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Chief of Police to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Chief of Police for review.

504.4.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Section.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Records Section.

504.4.5 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

504.4.6 DATA COLLECTION

Officers shall record the race and ethnicity of individuals cited for violations of the Montana Motor Vehicle Code in the manner provided by the Department (§ 44-2-117, MCA).

504.5 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Columbia Falls Police Department.

505.2 POLICY

It is the policy of the Columbia Falls Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another department member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle. The use of push bumpers, with consent of the owner, to relocate vehicles to a position of safety is not considered a mechanical repair.

505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4.3 RELOCATION OF MOTORISTS

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the motorist or transport him/her to a safe area to await pickup.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Columbia Falls Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

Investigation and Prosecution

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (§ 46-4-408, MCA).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Operations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

Investigation and Prosecution

- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or

Investigation and Prosecution

legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Chief of Police or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in the Montana Code (§ 45-5-502, MCA, et seq.).

Sexual Assault Response Team (SART) - A multidisciplinary team generally composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Columbia Falls Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

Sexual Assault Investigations

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a detective should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a detective should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

Sexual Assault Investigations

- (a) Upon notice from a health care facility, facilitate the collection of a sexual assault evidence kit within five business days after the evidence was collected (§ 46-15-404, MCA).
 - 1. If it is determined that the alleged sexual assault occurred in another jurisdiction and that the Columbia Falls Police Department does not otherwise have jurisdiction over the assault, the investigating member shall notify the agency of jurisdiction within five business days of receiving the kit and forward the evidence to that agency (§ 46-15-404, MCA).
- (b) Sexual assault evidence kits received from a health care facility or another agency and related police reports should be forwarded to the appropriate lab as set forth in § 46-15-404, MCA within 30 days of receipt. All other sexual assault kits received should be forwarded to the Montana Forensic Science Division within 30 days of receipt (§ 46-15-412, MCA).
- (c) The status of a sexual assault evidence kit shall be updated in the Sexual Assault Kit Tracking System as follows (§ 46-15-405, MCA; ARM 23.12.904):
 - 1. Within 72 hours when received from a healthcare facility or the Department of Justice Victim Services (DOJ).
 - 2. Within 72 hours of receiving a tested kit from a crime laboratory.
 - 3. Prior to the transfer of a kit to a crime laboratory, another law enforcement agency, or the DOJ.

Refer to the Evidence Room Policy for additional guidance regarding evidence retention and destruction.

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A detective should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of Department Administration..

Classification of a sexual assault case as unfounded requires the Administration to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement,

Sexual Assault Investigations

there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Operations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The detective and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Operations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
 6. Techniques for communicating with victims to minimize trauma.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Columbia Falls Police Department seizes property for forfeiture or when the Columbia Falls Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

Property subject to forfeiture - Property subject to forfeiture may, depending on the facts, include (§ 44-12-102, MCA; § 45-9-206, MCA):

- (a) Money and equipment used or intended for use in manufacturing, preparing, cultivating, compounding, processing, delivering, importing, or exporting of a dangerous drug or conspiracy of a sale of a dangerous drug (unless connected to less than 60 grams of marijuana).
- (b) Conveyances, used or intended for use to facilitate the commission of a dangerous drug or conspiracy of the sale of a dangerous drug (unless connected to less than 60 grams of marijuana).
- (c) Everything of value furnished or intended to be furnished in exchange for a dangerous drug, all proceeds traceable to such an exchange, and money used or intended to be used to facilitate a dangerous drug crime.
- (d) Personal property constituting or derived from proceeds obtained directly or indirectly from a dangerous drug crime punishable by more than five years in prison;
- (e) Real property, directly used or intended to be used to commit or facilitate the commission of a dangerous drug offense or that was purchased from the proceeds of a dangerous drug crime punishable by more than five years in prison.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

Asset Forfeiture

602.2 POLICY

The Columbia Falls Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Columbia Falls Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following property may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (§ 44-12-102, MCA; § 44-12-103, MCA):

- (a) Property taken under the authority of a court order.
- (b) A vehicle, without a court order, when there is probable cause to believe it was used to transport a controlled substance and a related arrest of a person in the vehicle was made.
- (c) Property subject to forfeiture, without a court order, when there is probable cause to believe the property is lawfully accessed incident to an arrest or the service of a search warrant.
- (d) Property subject to forfeiture, without a court order, when there is probable cause to believe that the property is subject to forfeiture, can be lawfully accessed, and was used or is intended to be used for a dangerous drug crime.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
- (b) Property that the officer reasonably believes the owner or interest holder of did not know about the related offense (an "innocent owner") (§ 45-9-206, MCA; § 44-12-211, MCA)

Asset Forfeiture

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so (§ 44-12-208, MCA).
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

Asset Forfeiture

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly regarding seizures related to controlled substances under § 44-12-101, MCA et seq., property subject to criminal forfeiture under § 45-9-206, MCA and the forfeiture policies of forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures (§ 45-9-206, MCA).
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers (§ 44-12-208, MCA). The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

Asset Forfeiture

- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (§ 44-12-208, MCA; § 44-12-210, MCA).
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property (§ 44-12-212, MCA).
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Columbia Falls Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (§ 44-12-213, MCA).

602.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Asset Forfeiture

602.7.1 PURCHASES OF FORFEITED PROPERTY

No department member or person related to a department member by blood or marriage may purchase forfeited property that is being sold at auction (§ 44-12-212, MCA).

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Columbia Falls Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Columbia Falls Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Columbia Falls Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

Informants

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, the Operations Division supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Columbia Falls Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Operations Division supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Operations Division supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member.

Informants

The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Operations Division. The Operations Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Operations Division supervisor or their authorized designees.

The Chief of Police should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Operations Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Informants

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Columbia Falls Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Operations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

Eyewitness Identification

stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

Eyewitness Identification

- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Brady Information

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Columbia Falls Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Columbia Falls Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Columbia Falls Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

Brady Information

605.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the County Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

605.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.
- (b) The prosecuting attorney or County Attorney should be requested to file a motion in order to initiate an in camera review by the court.
 - 1. If no motion is filed, the Records Manager should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Records Manager shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

Brady Information

605.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

605.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

Unmanned Aerial System

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

Information from a UAS is not admissible as evidence in a prosecution or other proceeding, unless (§ 46-5-109, MCA):

- (a) There is a search warrant authorizing the use of a UAS.
- (b) The information is otherwise obtained in a manner that is consistent with state and federal law.
- (c) The information is obtained during the investigation of a motor vehicle crash scene occurring on or involving a public roadway.

Unmanned Aerial System

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Columbia Falls Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy). Requirements for obtaining a search warrant electronically or by telephone can be found in § 46-5-222, MCA.

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

Warrant Service

to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so (§ 45-8-213, MCA).
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

Warrant Service

designated members to the presence of potential evidence and not touch or disturb the items.

- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

Warrant Service

- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Columbia Falls Police Department are utilized appropriately. Any concerns regarding the requested use of Columbia Falls Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If officers intend to serve a warrant outside Columbia Falls Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Columbia Falls Police Department when assisting outside agencies or serving a warrant outside Columbia Falls Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Columbia Falls Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

Operations Planning and Deconfliction

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Special Weapons and Tactics Team (SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

Operations Planning and Deconfliction

8. Canines
 9. Evidence Room or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

Operations Planning and Deconfliction

- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

Operations Planning and Deconfliction

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

Operations Planning and Deconfliction

608.11 TRAINING

The Training Lieutenant should ensure officers and SWAT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or department-owned property is damaged or lost.

700.2 POLICY

The Columbia Falls Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

700.3 DEPARTMENT-ISSUED PROPERTY

The Administration supervisor should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of department property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Chief of Police. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

Department-Owned and Personal Property

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the City department responsible for issuing payments.

700.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Chief of Police. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

700.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through his/her chain of command.

700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Columbia Falls or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

The Columbia Falls Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable Montana's right to know provisions and public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Personal Communication Devices

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, Montana's right-to-know provisions and public records laws, retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Columbia Falls Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the

Personal Communication Devices

member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

Personal Communication Devices

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Columbia Falls Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

-
- One roll crime scene barricade tape

Vehicle Maintenance

- One first-aid kit and CPR mask
- One blanket
- One fire extinguisher
- One bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask
- One sharps container
- One hazardous waste disposal bag
- One high-visibility vest
- One hazardous materials emergency response handbook
- One evidence collection kit
- Spare tire, jack and lug wrench

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Patrol officers shall obtain clearance from the dispatcher before going to the car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Columbia Falls to provide assigned take-home vehicles.

703.2 POLICY

The Columbia Falls Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

Vehicle Use

703.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Dispatch. Use of the MDT is governed by the MDT Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Chief of Police approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

Vehicle Use

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

department

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Columbia Falls City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) The vehicle will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

Vehicle Use

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Columbia Falls is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Columbia Falls may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Chief of Police gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Chief of Polices and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Chief of Polices.
 - 4. When the vehicle is being used by the Chief of Police, Chief of Polices or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

Vehicle Use

- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Columbia Falls Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

Vehicle Use

- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 POLICY

It is the policy of the Columbia Falls Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year, by the Chief of Police or the City.

704.4 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., evidence technicians, the Operations Division supervisor, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Evidence Room and Informants policies).

704.5 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Evidence Room Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory protection equipment does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Columbia Falls Police Department endeavors to protect employees by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR § 1910.95 (ARM 24.30.102).

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

Personal Protective Equipment

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 29 CFR § 1910.133 (ARM 24.30.102).

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Chief of Police is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; ARM 24.30.102):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; ARM 24.30.102):

Personal Protective Equipment

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; ARM 24.30.102):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; ARM 24.30.102).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

Personal Protective Equipment

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; ARM 24.30.102).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; ARM 24.30.102):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; ARM 24.30.102):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Lieutenant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

Personal Protective Equipment

- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020 (ARM 24.30.102).

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; ARM 24.30.102).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; ARM 24.30.102).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Columbia Falls Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.2 POLICY

It is the policy of the Columbia Falls Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview (FI) cards.
- Parole and probation records.
- Activity records from Dispatch.

Office of Justice Assistance-Statistical Analysis Center/Montana Department of Transportation crash data/Department of Public Safety-Crime Records Service, Montana Crime Information Bureau (CIB) and the Criminal Justice Information Network (CJIN).

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of

Crime Analysis

specific line members should be sent directly to them. Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

Evidence Room

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

801.2 POLICY

It is the policy of the Columbia Falls Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

801.3 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property in the custody of this department. A evidence technician shall be appointed by and will be directly responsible to the Chief of Police or the authorized designee. The evidence technician is responsible for the security of the Evidence Room.

801.3.1 REFUSAL OF PROPERTY

The evidence technician has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Evidence Room.

801.3.2 KEY CONTROL

Evidence Room keys should be maintained by the evidence technician and members assigned to the Evidence Room. An additional set of keys should be kept in a sealed and initialed envelope in an after-hours key box. Evidence Room keys shall not be loaned to anyone and shall be

Evidence Room

maintained in a secure manner. If an Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to the Evidence Room via the additional set of keys must be documented in a memorandum and submitted to the Chief of Police as soon as practicable.

801.3.3 ACCESS

Only authorized members assigned to the Evidence Room shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Chief of Police and accompanied by the evidence technician. Each individual must sign the Evidence Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

801.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence technician and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

801.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A property form shall be completed describing each item. List all known information, including:
 - 1. The serial number.
 - 2. The owner's name.
 - 3. The finder's name.
 - 4. Other identifying information or markings.
- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.

Evidence Room

- (c) Property shall be packaged in a container suitable for its size.
- (d) A property tag shall be completed and attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The property form, without the hard card portion (property control card), shall be submitted with the case report.
- (g) The property control card shall be submitted with the property directly to the evidence technician or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.

801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

The evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

Evidence Room

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Motor Vehicle Division. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

801.4.3 NARCOTICS AND DANGEROUS DRUGS

- (a) Narcotics and dangerous drugs shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing narcotics and dangerous drugs shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated narcotics and dangerous drugs locker, accompanied by the property control card and lab copy of the property form.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the result of the test shall be included in the crime report.
 - 1. The member shall package narcotics and dangerous drugs as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the property envelope and cover the initials with cellophane tape.
 - (c) Weigh the property envelope to obtain the Gross Package Weight (GPW).
 - (d) Write the GPW and then initial and date both the outside of the package and the property form.
- (d) When the quantity of narcotics and dangerous drugs exceeds the available safe storage capacity as determined by the evidence technician, the quantity shall be photographed and weighed.
 - 1. A representative sample of sufficient quantity to allow scientific analysis of the narcotics and dangerous drugs should be taken as allowed by state law and placed in a separate package or container.
 - 2. Excess quantities should be stored or disposed of as required by law or directed by court order.

Evidence Room

- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence technician shall monitor stored marijuana for growth of mold.

801.5 RECORDING OF PROPERTY

The evidence technician receiving custody of property shall ensure a property control card for each item or group of items is created. The property control card will be the permanent record of the property in the Evidence Room. The evidence technician will record on the property control card his/her signature, GPW if the package contains narcotics and dangerous drugs, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag and the property control card. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tag number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Columbia Falls Police Department shall be noted in the property log.

801.6 PROPERTY CONTROL

The evidence technician temporarily relinquishing custody of property to another person shall record on the property control card his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property to the Evidence Room should be recorded on the property control card, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property control card shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the Operations Division supervisor or investigator.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the property control card, stating the date, time and to whom it was released.

Evidence Room

Requests for items of evidence needed for court proceedings shall be submitted to the evidence technician at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence technician. This request may be submitted any time after the property has been processed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence technician releasing items of evidence for laboratory analysis must complete the required information on the property control card. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property control card. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the lab form and the property control card, and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Section for filing with the case.

801.6.3 NARCOTICS AND DANGEROUS DRUGS

The Evidence Room will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department. The GPW will be verified every time narcotics and dangerous drugs are checked in or out of the Evidence Room and any discrepancies noted on the outside of the package. Any change in weight should be immediately reported to the Chief of Police.

801.6.4 UNCLAIMED MONEY

The evidence technician shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police and the City department responsible for auditing property. The evidence technician may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Police.

801.7 RELEASE OF PROPERTY

The Chief of Police or the authorized designee shall authorize the release of all property coming into the care and custody of the Department.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator, and must conform to the items listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property control card.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Evidence Room

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Evidence Room members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the property control card.

A evidence technician shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the property control card.

If any item listed on a property control card has not been released, the property control card will remain with the Evidence Room. When all property listed on the card has been released, the card shall be forwarded to the Records Section for filing with the case, and the release of all items shall be documented in the property log.

801.7.1 DISCREPANCIES

The Shift Supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor will interview the person claiming the shortage. The Shift Supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized Operations Division investigator or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Narcotics or dangerous drugs declared by law to be illegal to possess without a legal prescription

Evidence Room

801.8.1 BIOLOGICAL EVIDENCE

The evidence technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim

Biological evidence shall be retained for a minimum period established by § 46-21-111, MCA or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Chief of Police.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Chief of Police should be consulted and the sexual assault victim should be notified.

801.8.2 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence technician shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence technician should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

801.8.3 MEDICAL MARIJUANA

The investigating member should advise the evidence technician and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The evidence technician shall store marijuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

Evidence Room

801.9 INSPECTION OF THE EVIDENCE ROOM

The Chief of Police shall ensure that periodic, unannounced inspections of the Evidence Room operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Chief of Police also shall ensure that an audit is conducted annually, or as directed by him/her. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Evidence Room operations.

Whenever there is a change of assignment for any member with authorized access to the Evidence Room, an inventory of all property shall be conducted by a person who is not associated with the Evidence Room or its function. This is to ensure that all property is accounted for and the records are correct.

Records Section

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Columbia Falls Police Department Records Section. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Columbia Falls Police Department to maintain department records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 FRONT OFFICE CLERK

The Chief of Police shall appoint and delegate certain responsibilities to a Front office Clerk. The Front office Clerk shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the Front office Clerk include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 1. Homicides
 2. Cases involving department members or public officials
 3. Any case where restricted access is prudent

802.3.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section include, but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.

Records Section

- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Front office Clerk. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

802.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Columbia Falls Police Department is committed to providing public access to records in a manner that is consistent with the Montana Constitution and public records laws.

803.3 CUSTODIAN OF RECORDS

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the preservation, retention, archiving, release and destruction of department public records (§ 2-6-1012, MCA; § 2-6-1013, MCA).
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Identifying records that are essential, as defined by § 2-6-1002, MCA, and ensure such records are efficiently and effectively secured (§ 2-6-1014, MCA).
- (f) Establishing rules regarding the processing of subpoenas for the production of records.
- (g) Ensuring the availability of a current schedule of fees for public records as allowed by law (§ 2-6-1006, MCA; § 2-6-1008, MCA).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for records shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following (§ 2-6-1006, MCA):

- (a) Requests for public information shall be responded to in a timely manner to the requester by:

Records Maintenance and Release

1. Making the public information maintained by the Department available for inspection and copying.
 2. Providing the requester with a time estimate to fulfill the request if the public information cannot be readily identified and gathered, and an estimate of any applicable fees.
- (b) The Department is not required to create records that do not exist.
- (c) The Department is not required to alter or customize public information to provide it in a form specified to the need of the requester.
1. If the Department agrees to customize a records request, the costs of the customization may be included in fees charged.
- (d) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
- (e) A written explanation shall be provided to a requester when an information or record request is denied (§ 2-6-1009, MCA).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; § 61-11-506, MCA).
- (b) Confidential information that is constitutionally protected because an individual privacy interest clearly exceeds the merits of public disclosure (§ 2-6-1002, MCA).
- (c) Information relating to an individual, public safety or the security of public facilities, including jails, if release of the information jeopardizes the safety of personnel, the public or inmates (§ 2-6-1003, MCA).
- (d) Confidential criminal justice information, except as allowed by law (§ 44-5-103, MCA; § 44-5-303, MCA).
- (e) Criminal history record information, except as allowed by law (§ 44-5-103, MCA; § 44-5-302, MCA).
- (f) Required traffic accident reports and supplemental reports except as allowed by law (§ 61-7-114, MCA).
- (g) Victim information as provided in § 44-5-311, MCA.

Records Maintenance and Release

- (h) Certain juvenile-related information (§ 41-5-216, MCA).
- (i) Child abuse information and reports (§ 41-3-205, MCA).
- (j) Adult abuse information and reports (§ 52-3-813, MCA).
- (k) Any other information that may be appropriately denied by Montana law.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Prosecutor, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 EXPUNGEMENT/SEALED RECORDS

Expungement or sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist. A sealed record is confidential and access is not permitted unless allowed by law or court order.

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Columbia Falls Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Columbia Falls Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Columbia Falls Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Motor Vehicle Division (MVD) records and Montana Criminal Justice Information Network (CJIN).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Columbia Falls Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Front office Clerk for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 DISSEMINATION OF CRIMINAL HISTORY RECORDS

The Front office Clerk shall maintain a record of all agencies and individuals who are provided copies of criminal history record information (§ 44-5-305, MCA).

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

Protected Information

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Columbia Falls Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of the patrol division and include the following:

- (a) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that patrol is available for investigation and resolution.
- (b) Follow-up on animal-related calls, such as locating owners of injured animals.

805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

Animal Control

2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty and aggravated animal cruelty (§ 45-8-211, MCA; § 45-8-217, MCA), and causing animals to fight (§ 45-8-210, MCA).

The following actions should be taken when members respond to these complaints:

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care of protection from acts of cruelty.

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Animal Control

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Columbia Falls Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Columbia Falls Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Columbia Falls Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Columbia Falls Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Evaluations Policy).

Temporary Custody of Adults

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody member is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

Temporary Custody of Adults

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer will ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

Temporary Custody of Adults

- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Chief of Police will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

Temporary Custody of Adults

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Columbia Falls Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Columbia Falls Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

Temporary Custody of Adults

- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Columbia Falls Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

Temporary Custody of Adults

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 VISITATIONS

Members shall not prohibit or interfere with any private consultation between individuals in custody and their attorneys (§ 37-61-418, MCA).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Columbia Falls Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

Temporary Custody of Adults

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.

Temporary Custody of Adults

3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Columbia Falls Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor and the Chief of Police.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the County Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Columbia Falls Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

Temporary Custody of Adults

If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as required.

900.11 ASSIGNED ADMINISTRATOR

The Chief of Police will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Columbia Falls Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (§ 41-5-103, MCA). It also includes an offense relating to handgun possession by a minor (18 USC § 922; 28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (§ 41-5-350, MCA).

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

Temporary Custody of Juveniles

- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Columbia Falls Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Columbia Falls Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Evaluations Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

Temporary Custody of Juveniles

901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Columbia Falls Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; § 41-5-349, MCA).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Columbia Falls Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133; § 41-5-350, MCA).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by a promise to appear or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; § 41-5-350, MCA).

901.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Columbia Falls Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

A juvenile offender may be taken into custody based upon a court order, probable cause that the juvenile offender committed an act that would justify the arrest of an adult and there is concern for the safety of the offender or the public if the juvenile were not taken into custody, or the juvenile violating a condition of a home placement program (§ 41-5-321, MCA).

Juvenile offenders taken into custody should generally be released to a responsible person after being issued a written promise to appear in court (§ 41-5-322, MCA).

Officers should notify a juvenile probation officer as soon as practicable when further detention of a juvenile offender may be warranted. This includes the following circumstances (§ 41-5-341, MCA; § 41-5-322, MCA):

Temporary Custody of Juveniles

- (a) A responsible person cannot be located to take custody of the juvenile offender and the juvenile may be in need of shelter care.
- (b) The juvenile is in custody for an alleged offense enumerated in § 41-5-206, MCA that could result in the prosecution of the offender as an adult.
- (c) The juvenile has escaped from a correctional facility or secure detention facility.
- (d) The juvenile has violated a valid court order or the terms and conditions of a conditional release agreement.
- (e) Further detention appears necessary to protect persons or property.
- (f) The juvenile has a pending court or administrative action or is awaiting a transfer to another jurisdiction and may abscond or be removed from the jurisdiction of the court.
- (g) There are reasons to suspect the juvenile offender will not appear for court when required.
- (h) The juvenile meets other criteria established by the juvenile court for detention.

901.5 ADVISEMENTS

Juveniles must be advised of their right against self-incrimination and their right to counsel when taken into custody for questioning regarding an offense or a suspected need for intervention (§ 41-5-331, MCA).

Parents, guardians, or legal custodians of a juvenile taken into custody shall be advised as soon as practicable of the reason for the custody and where the juvenile is being held. If the parents, guardian, or legal custodian cannot be found through diligent efforts, a close relative or friend chosen by the juvenile shall be notified (§ 41-5-331, MCA).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Columbia Falls Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

Temporary Custody of Juveniles

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Columbia Falls Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Columbia Falls Police Department shall ensure:

- (a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

Temporary Custody of Juveniles

- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

901.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Columbia Falls Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.12 SECURE CUSTODY

Juvenile offenders may not be placed in secure custody (§ 41-5-350, MCA).

901.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Columbia Falls Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Supervisor and the Chief of Police
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the County Attorney

Temporary Custody of Juveniles

- (f) Notification of the Coroner
- (g) Notification of the juvenile court
- (h) Evidence preservation

901.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

901.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be fingerprinted or photographed for criminal identification purposes if the custody is based on an act that would be a felony if committed by an adult or pursuant to a court order (§ 41-5-1206, MCA).

901.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Columbia Falls Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Columbia Falls Police Department facilities. Except in exigent circumstances, the search should be

Custodial Searches

conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Room Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Columbia Falls Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Columbia Falls Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention, or is concealing a weapon or contraband (§ 46-5-105, MCA).

Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

Custodial Searches

- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Columbia Falls Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift Supervisor.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.

Custodial Searches

6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.

Custodial Searches

- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Supervisor's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Transporting Detainees

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Columbia Falls Police Department.

Additional guidance can be found in the Medical Aid and Response Policy.

903.2 POLICY

It is the policy of the Columbia Falls Police Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

903.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief of Police should establish related procedures for safely transporting persons who have their legs restrained in some manner other than leg shackles.

903.4 PROCEDURES

Members transporting a person in custody should ensure:

- (a) All persons are properly restrained by a seat belt or other approved safety restraint system.
- (b) All persons in custody remain in a seated or otherwise safely restrained position in the rear of the vehicle.
- (c) Any person behaving in a manner so violent or uncooperative that he/she cannot or will not sit upright is:
 - 1. Reviewed for a medical condition by an emergency medical services provider and if a medical condition exists, transported by ambulance for a medical examination.
 - (a) If no medical condition exists or an ambulance is unavailable or unwilling to transport the prisoner, alternative transportation should be arranged (e.g., special transport van).
- (d) A verbal welfare check is made with a person in custody every 10 minutes.
 - 1. If a person being transported is not responsive or indicates a medical condition, the transporting member should advise dispatch and render aid as soon as practicable (see the Medical Aid and Response Policy).
 - 2. Special conditions (e.g., suicidal persons, persons wearing a spit hood) may require closer observations or visual monitoring as indicated in other parts of this

Transporting Detainees

policy and in the Handcuffing and Restraints and Temporary Custody of Adults policies.

- (e) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (f) A person in custody is searched immediately after his/her arrest, before transport in any department vehicle, after transportation and any time another person assumes custody.
 - 1. Whenever practicable, the search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
- (g) Transport is accomplished in a direct and timely manner.
- (h) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger (e.g., avoiding loud or objectionable music, excessive heat or cooling).
- (i) The manner in which a person being transported is not used as a form of punishment or retaliation.
- (j) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- (k) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances:
 - 1. Juveniles are not to be transported with adults.
 - 2. Females are not to be transported with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with.
 - 3. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, are not to be transported together.
- (l) Dispatch is advised of the following:
 - 1. The time when a transport begins and the vehicle's mileage.
 - 2. The time, vehicle's mileage and reason for any stops.
 - 3. The time of arrival at the destination and the vehicle's mileage.
- (m) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (n) Direct visual observation and audio communication is provided during transport of:
 - 1. Individuals in auxiliary restraints (see the Handcuffing and Restraints Policy).
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.

Transporting Detainees

4. Individuals who are a suspected suicide risk.

903.4.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment, (e.g., canes, wheelchairs or prosthetics) is transported in such a manner to not threaten the safety or security of the person or member and that such equipment is transported to the person's destination.

Members transporting a person with a disability should use their judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety and dignity of all persons.

903.5 PROHIBITIONS

When transporting a person in custody members should not:

- (a) Leave the vehicle unattended with the person in the vehicle.
- (b) Stop to conduct any personal activities.
- (c) Respond to calls or engage in other enforcement activities except in exigent circumstances.
- (d) Engage in a pursuit unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the person in transport.
 1. A vehicle containing more than a single person in custody should not be involved in any pursuit.
- (e) Transport persons in a vehicle that is not equipped to safely transport prisoners except in an emergency. A properly equipped vehicle should be requested.
- (f) Drive in a manner intentionally designed to punish or make the person uncomfortable.

903.6 ESCAPES

In the event that a person in custody escapes while being transported, the member transporting the person should immediately advise dispatch and other units of the escape, provide a description of the escapee, notify the Shift Supervisor and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Supervisor should notify the Chief of Police upon learning of an escape. The Shift Supervisor should review the report submitted by the transporting member, investigate the circumstances surrounding the escape and submit a report to the Chief of Police as soon as practicable.

903.7 NOTIFICATIONS

Members should notify a supervisor and any receiving facility of information regarding any circumstances the member reasonably believes would be potential safety concerns or medical

Transporting Detainees

risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

903.8 DOCUMENTATION

Members should document, in the appropriate report, when a person is injured during transportation. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other prisoners). Any visible injuries should be photographed and included with the report.

903.9 TRAINING

The Chief of Police should ensure that members receive training on detainee transportation policies and procedures, restraint systems and restraint devices.

Chapter 10 - Personnel

Reporting of Arrests, Convictions and Court Orders

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Columbia Falls Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1000.2 POLICY

The Columbia Falls Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1000.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Montana law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; § 45-8-313, MCA; § 45-5-206, MCA).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1000.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Montana law prohibits the possession of a firearm by anyone convicted of (§ 45-8-313, MCA):

- (a) A felony and who has received an additional sentence under § 46-18-221, MCA (offenses committed with a dangerous weapon) or equivalent law in another state that when committed in Montana is subject to an additional sentence under § 46-18-221, MCA.
- (b) A felony for which the person is currently required to register for the sexual or violent offender registry.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1000.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police

Reporting of Arrests, Convictions and Court Orders

in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Montana Public Safety Officer Standards and Training (POST) Council certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1000.5.1 NOTIFICATION REQUIREMENTS

If an officer of the Columbia Falls Police Department is in violation of the provisions of ARM 23.13.702, the Chief of Police or the authorized designee shall submit notice to the Montana POST Council pursuant to POST procedures (ARM 23.13.703).

The Chief of Police or the authorized designee shall notify the Montana POST Council whenever any officer resigns or is terminated because of any disciplinary action. The notification shall be made within 10 days of the resignation or termination (§ 7-32-303, MCA).

Communicable Diseases

1001.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1001.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Columbia Falls Police Department (see the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1001.2 POLICY

The Columbia Falls Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1001.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Communicable Diseases

2. Exposure control precautions in 29 CFR 1910.1030 (ARM 24.30.102).
3. Serving as the Department designated officer when notifying health care facilities regarding infectious disease exposures to members as required by § 50-16-702, MCA.
 - (a) The ECO shall name a designee to act in his/her absence and provide contact information of the ECO and designee to the Department of Public Health and Human Services (DPHHS) (§ 50-16-711, MCA).

The ECO should also act as the liaison with the Montana Department of Labor and Industry (DLI) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (29 CFR 1910.1030; ARM 24.30.102).

1001.4 EXPOSURE PREVENTION AND MITIGATION

1001.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; ARM 24.30.102):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

Communicable Diseases

- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1001.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1001.5 POST EXPOSURE

1001.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall (29 CFR 1910.1030; ARM 24.30.102):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1001.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; ARM 24.30.102):

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting

Communicable Diseases

requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

1001.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; ARM 24.30.102):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1001.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1001.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Filing a report of exposure form with the health care facility that the source of the exposure was transported for treatment (§ 50-16-702, MCA).
- (c) Requesting assistance from the local health board or the DPHHS (§ 50-1-202, MCA; § 50-2-116, MCA).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

Communicable Diseases

1001.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1001.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; ARM 24.30.102):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1002.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Columbia Falls Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1002.2 POLICY

The Columbia Falls Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1002.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Columbia Falls Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1002.4 ADDITIONAL PROHIBITIONS

Facilities owned or leased by the Columbia Falls Police Department shall be designated as smoke-free. No employee shall smoke tobacco products inside City facilities (§ 50-40-201, MCA).

Personnel Complaints

1003.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Columbia Falls Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1003.2 POLICY

The Columbia Falls Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1003.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1003.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Chief of Police is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Police, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Complaints

1003.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1003.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1003.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1003.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1003.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

Personnel Complaints

1003.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1003.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Chief of Police, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Chief of Police.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief of Police is notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Chief of Police for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Chief of Police, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

Personnel Complaints

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1003.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or the Chief of Police, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Columbia Falls Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult

Personnel Complaints

or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a lie detector examination, nor shall any refusal to submit to such examination be mentioned in any investigation (§ 39-2-304, MCA).

1003.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1003.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

Personnel Complaints

1003.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1003.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1003.6.7 COMPLAINTS ALLEGING RACIAL PROFILING

The Chief of Police or the authorized designee is responsible for reviewing all written complaints of racial profiling. The Chief of Police or the authorized designee shall ensure that the complainant is notified that the complaint was received and notified of the results of the review as required by § 44-2-117, MCA.

1003.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1003.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1003.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

Personnel Complaints

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Columbia Falls Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1003.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1003.10.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief of Police shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Chief of Police shall consider the disposition of any allegations and the amount of discipline, if any, to be imposed.

The Chief of Police may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

The Chief of Police shall consider all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file may be incorporated by reference.

1003.10.2 DETERMINATION OF DISCIPLINE

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline after conferring with the City Manager if appropriate, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify

Personnel Complaints

the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1003.10.3 NOTICE OF TERMINATION

When an officer is terminated from employment, the Chief of Police shall, at the time of termination, serve upon the officer a statement in writing that sets forth the cause or causes for the termination (§ 7-32-2108, MCA).

1003.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1003.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1003.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1003.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

Personnel Complaints

1003.14 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules. An officer has the right to appeal a termination to the county district court (§ 7-32-2109, MCA).

1003.15 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any police commission, collective bargaining agreement and/or personnel rules (§ 7-32-4155, MCA).

1003.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

1003.17 FRINGE BENEFITS

*** If there are state accreditation requirements regarding additional notices that are required upon dismissal, use this section. For example only: If the discipline issued is dismissal, the employee shall be provided written notice as to the status of his/her fringe and retirement benefits after dismissal. If there are no state accreditation requirements, omit this section in the state. ***

1003.18 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1003.19 NOTICE TO MONTANA PEACE OFFICER STANDARDS AND TRAINING (POST) COUNCIL

The Chief of Police or the authorized designee shall notify the Montana POST Council whenever any officer resigns or is terminated because of any disciplinary action. The notification shall be made within 10 days of the resignation or termination (§ 7-32-303, MCA).

Seat Belts

1004.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1004.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and § 61-9-420, MCA.

1004.2 POLICY

It is the policy of the Columbia Falls Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1004.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1004.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with § 61-9-420, MCA.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1004.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is

Seat Belts

not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1004.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1004.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1004.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1005.2 POLICY

It is the policy of the Columbia Falls Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1005.3 ISSUANCE

The Chief of Police shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Columbia Falls Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

1005.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

1005.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Body Armor

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1005.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1005.4 FIREARMS INSTRUCTOR RESPONSIBILITIES

The responsibilities of the Firearms Instructor include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

Personnel Records

1006.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1006.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Montana.

1006.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personnel Records

1006.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1006.5 TRAINING FILE

An individual training file shall be maintained by the Training Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1006.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police. Access to these files may only be approved by the Chief of Police or a designee..

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file.

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1006.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

Personnel Records

- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1006.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, County Attorney or other attorneys or representatives of the City in connection with official business.

1006.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Front office Clerk or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1006.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1006.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Personnel Records

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1006.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Commendations and Awards

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Columbia Falls Police Department and individuals from the community.

1007.2 POLICY

It is the policy of the Columbia Falls Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1007.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1007.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1007.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1007.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

Commendations and Awards

2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1007.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation should be maintained in a file designated for such records.

1007.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

Fitness for Duty

1008.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1008.2 POLICY

The Columbia Falls Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1008.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1008.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

Fitness for Duty

1008.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Shift Supervisor or the Chief of Police.

1008.4.2 DUTY STATUS

In conjunction with the Shift Supervisor or the Chief of Police, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Shift Supervisor or the Chief of Police should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1008.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1008.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order

Fitness for Duty

and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1008.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1008.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Lactation Breaks

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for or breastfeed the member's infant child.

The Department encourages members who want to express breast milk or breastfeed to do so (§ 39-2-215, MCA).

1009.2 POLICY

It is the policy of the Columbia Falls Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA) and Montana state law, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for or breastfeed her infant nursing child (29 USC § 207; § 39-2-215, MCA; § 39-2-216, MCA).

1009.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk or breastfeed. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time (29 USC § 207; § 39-2-217, MCA).

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (§ 39-2-217, MCA).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1009.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk or breastfeed in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; § 39-2-216, MCA).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Lactation Breaks

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1009.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends (§ 39-2-216, MCA).

Outside Employment and Outside Overtime

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1010.2 POLICY

Members of the Columbia Falls Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1010.3 OUTSIDE EMPLOYMENT

1010.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

1010.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

Outside Employment and Outside Overtime

1010.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1010.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1010.4 REQUIREMENTS

1010.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Columbia Falls Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.

Outside Employment and Outside Overtime

- (f) Activities that may conflict with any other policy or rule of the Department.

1010.4.2 SECURITY AND PEACE OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a peace officer, private security guard, private investigator, or other similar private security position.

1010.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1010.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Department may request that a member provide his/her personal financial records for review if the Chief of Police determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

1010.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1010.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention

Outside Employment and Outside Overtime

regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Columbia Falls Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1010.5 OUTSIDE OVERTIME

1010.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

Columbia Falls Police Department

Policy Manual

Policy Manual

Item No.10.

Outside Employment and Outside Overtime

1010.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1010.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief of Police, undercover officers or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

Personal Appearance Standards

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Columbia Falls Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1011.2 POLICY

Columbia Falls Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

1011.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1011.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1011.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1011.3.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

Personal Appearance Standards

1011.3.4 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1011.4 APPEARANCE

1011.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1011.4.2 TATTOOS

. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1011.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Columbia Falls Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

Personal Appearance Standards

- (d) Branding, scarification or burning to create a design or pattern.

1011.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Columbia Falls Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1011.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Columbia Falls Police Department in any official capacity.

1011.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1011.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1011.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

Uniforms and Civilian Attire

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for Columbia Falls Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

1012.2 POLICY

The Columbia Falls Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1012.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

Uniforms and Civilian Attire

1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1012.3.1 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - The designated insignia indicating the member's length of service may be worn on duty uniforms. The insignia shall be affixed above the nameplate and consist of silver stars. Each star identifies 5 years of service.
- (f) Assignment insignias - Assignment insignias (e.g., Special Weapons and Tactics Team SWAT, Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.
- (h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1012.3.2 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

Uniforms and Civilian Attire

- (a) Columbia Falls Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1012.4 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Columbia Falls Police Department or the morale of the members.
- (e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops or halter tops
 - 4. Sweatshirts, sweatpants or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Denim pants of any color
 - 7. Shorts
 - 8. Open-toed shoes
 - 9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

Uniforms and Civilian Attire

1012.5 OPTIONAL EQUIPMENT

Any items that are allowed by the Columbia Falls Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1012.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Columbia Falls Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

Conflict of Interest

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Columbia Falls Police Department.

1013.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1013.2 POLICY

Members of the Columbia Falls Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1013.3 PROHIBITIONS

Members are prohibited from:

- (a) Directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship (§ 2-2-121, MCA).
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship (§ 2-2-302, MCA).
- (c) Whenever possible, being assigned to train (either as field training officers (FTOs) or other trainers) relatives or members with whom they have a personal or business relationship.

Conflict of Interest

1. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.
- (d) Acquiring an interest in any business that the member has reason to know will experience a substantial financial benefit as a result of official action to be taken by the City (§ 2-2-105, MCA).

1013.4 CONFLICTS IN CONTRACTING

Members shall not (§ 2-2-201, MCA; § 7-3-4367, MCA; § 7-5-4109, MCA):

- (a) Enter into or otherwise hold an interest in a contract with the department or any other work or service provided to the department.
- (b) Be directly involved in any contract or other work between the department and any person or business the member has an employment or other interest with, unless the contract is awarded after a competitive bidding process or qualifies for any other exception provided by Montana law.

1013.5 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship or a competitive business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor (§ 2-2-105, MCA).

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1013.6 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1014.1 PURPOSE AND SCOPE

The Columbia Falls Police Department (CFPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1014.2 POLICY

The Columbia Falls Police Department issues each member appropriate identification, which may include a badge, patch and/or identification card, depending on the member's position within the Department.

1014.3 MEMBER RESPONSIBILITIES

Members of the Columbia Falls Police Department will use the CFPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally. The CFPD badge, patch and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the CFPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the CFPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the CFPD badge, patch or identification card, or the likeness thereof, or the Columbia Falls Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1014.4 BADGES

The Chief of Police shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1014.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

1014.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the CFPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

Badges, Patches and Identification

- (a) An authorized employee group may use the likeness of the CFPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Columbia Falls Police Department. The following modification shall be included:
 - 1. Any text identifying the Columbia Falls Police Department is replaced with the name of the employee group.
 - 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1014.5 IDENTIFICATION CARDS

All members will be issued an official CFPD identification card bearing the member's name, full-face photograph, member identification number, member's signature and signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their supervisors.

1014.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

1014.7 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their CFPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1014.8 PATCHES

The Chief of Police shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., K-9, SWAT) should be submitted to the Chief of Police in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may request additional patches, at their own expense.

Performance History Audits

1015.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1015.2 POLICY

The Columbia Falls Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1015.3 RESPONSIBILITIES

Under the authority of the Administration, the Lieutenant is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the Chief of Police. The Lieutenant will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

The Chief of Police should forward a copy of each performance history audit report to the County Attorney for review and retention as attorney work product and confidential personnel information.

1015.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

Performance History Audits

1015.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include but are not limited to the frequency and/or number of:

- (a) Use of force incidents.
- (b) Involvement and conduct during vehicle pursuits.
- (c) Personnel complaints, including the findings.
- (d) Commendations, compliments, and awards from the Department and the public.
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Personnel investigations.
- (h) County Prosecutor case rejections and the reasons.
- (i) Intentional or unintentional firearm discharges (regardless of injury).
- (j) Vehicle accidents.
- (k) Missed court appearances.
- (l) Documented counseling.

1015.4.2 DATA ANALYSIS

The Chief of Police will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1015.4.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Chief of Police of such recommendation. If the Chief of Police concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

Performance History Audits

1015.4.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Chief of Police, after discussion with the officer's immediate supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1015.5 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1015.6 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

Speech, Expression and Social Networking

1016.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Columbia Falls Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1016.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Columbia Falls Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1016.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Columbia Falls Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

Speech, Expression and Social Networking

- Otherwise disclosing where another officer can be located off-duty.

1016.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Columbia Falls Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Columbia Falls Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Speech, Expression and Social Networking

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1016.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Columbia Falls Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Columbia Falls Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1016.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

However, the Department may not require a member to disclose a personal user name or password or open a personal social website, except when the employer has specific information about activity by an employee and access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (§ 39-2-307, MCA).

Speech, Expression and Social Networking

1016.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1016.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Illness and Injury Prevention

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Columbia Falls Police Department, in accordance with the requirements of the Montana Safety Culture Act.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City-wide safety efforts.

1017.2 POLICY

The Columbia Falls Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1017.3 ILLNESS AND INJURY PREVENTION PLAN

The Chief of Police is responsible for developing an illness and injury prevention plan that shall include (§ 39-71-1504, MCA; ARM 24.30.2521):

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) As resources allow, annual self-inspection for hazards and unsafe work practices or conditions.

Illness and Injury Prevention

1017.3.1 SAFETY COMMITTEE

The safety committee shall meet at least once every four months and be composed of members and Department representatives. The committee shall be of sufficient size and number to provide for effective representation of the Department workforce. Members assigned the safety committee may be either volunteers or elected to the position and the number of Department representatives may not exceed the number of members assigned to the committee (§ 39-71-1505, MCA; ARM 24.30.2542).

1017.4 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures. Training should include job or task-specific training for members prior to the member performing the job or task without direct supervision.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. As resources allow, annual refresher training aimed at maintaining and expanding knowledge and awareness of safety issues in the workplace.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following (ARM 24.30.102):
 - (a) Communicable diseases (29 CFR 1910.1030)
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (c) Emergency Action Plan (29 CFR 1910.38)
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

Illness and Injury Prevention

- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

1017.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Chief of Police.
- (e) Notifying the Chief of Police when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1017.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Chief of Police via the chain of command.

Illness and Injury Prevention

The Chief of Police will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1017.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Chief of Police shall ensure that the appropriate documentation is completed for each inspection.

1017.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1017.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1017.9 TRAINING

The Chief of Police should work with the Training Lieutenant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

Illness and Injury Prevention

- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1017.9.1 TRAINING TOPICS

The Training Lieutenant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1017.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained for a minimum of three years. Records retained should include the date, time, location and description of training, inspections and corrective actions as well as the list of any participants (i.e., inspectors, trainers, member participants) (ARM 24.30.2521).

Line-of-Duty Deaths

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Columbia Falls Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1018.2 POLICY

It is the policy of the Columbia Falls Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1018.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Dispatch.
 - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

Line-of-Duty Deaths

- (c) If the member has been transported to the hospital, the Shift Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1018.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

Line-of-Duty Deaths

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Columbia Falls Police Department members may be apprised that survivor notifications are complete.

1018.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1018.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Line-of-Duty Deaths

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1018.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1018.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Chief of Police or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

Line-of-Duty Deaths

- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1018.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Columbia Falls Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

Line-of-Duty Deaths

- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1018.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Chief of Police. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

Line-of-Duty Deaths

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1018.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

Line-of-Duty Deaths

3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1018.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

Line-of-Duty Deaths

1018.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Columbia Falls Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1018.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Death benefit (§ 19-9-1101, MCA).
 - 2. Education benefit (§ 20-25-421, MCA).
 - 3. Montana end of watch trust (§ 2-15-2041, MCA).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

Line-of-Duty Deaths

- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1018.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1018.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

Line-of-Duty Deaths

- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1018.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1018.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1018.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

Line-of-Duty Deaths

1018.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1019.2 POLICY

It is the policy of the Columbia Falls Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1019.3 WELLNESS COORDINATOR

The Chief of Police should appoint a wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Human Resources Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers).
 1. Selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

Wellness Program

- (b) Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

1019.4 DEPARTMENT PEER SUPPORT

1019.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1019.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide awareness.

Wellness Program

- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1019.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1019.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members, and/or critical incident stress management team members and those directly involved in the incident.

1019.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with a critical incident stress management team member are generally confidential and may not be disclosed to a third party or in a criminal, civil, or administrative proceeding without a court order or as authorized by § 39-74-105, MCA. A critical stress management team member is an individual specially trained to provide critical incident stress management and response services as a member of an organized team or of this department (§ 39-74-104, MCA).

1019.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

1019.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including:

- (a) Allowable physical fitness activities.
- (b) Permitted times and locations for physical fitness activities.
- (c) Acceptable use of department-provided physical fitness facilities and equipment.
- (d) Making physical wellness information and education (e.g., nutrition, sleep habits, proper exercise, injury prevention) available to members.

Wellness Program

- (e) Standards for fitness incentive programs.
- (f) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress).

1019.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1019.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Lieutenant to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide awareness.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance abuse awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Lieutenant as appropriate for inclusion in training records.

Columbia Falls Police
Department Policy Manual
Policy Manual

Item No.10.

Attachments

Use of Force Fact Sheet.pdf

Columbia Falls Police Department

Use of Force Fact Sheet

Item No.10.

Incident Information

Date _____ Time _____ Approx. Outside Temp. _____ Compliant # _____
Suspect Name _____ Address _____
Phone # _____ DOB _____ SS# _____ Sex _____
Physical Description: Ht. _____ Wt. _____ Eyes _____ Hair _____ Race _____
Nature of Call _____ Location _____
Officers Involved _____ Supervisor on Scene _____

Suspect Level of Resistance (check appropriate levels)

☐ Dead Weight ☐ Pulling Away ☐ Pushing ☐ Wrestling ☐ Credible Threats
☐ Punching/Kicking ☐ Weapon Display ☐ Other _____
☐ Psychological Intimidation (describe) _____

Category and Type of Force Used (check appropriate levels and complete the sections below pertaining to the type of force)

☐ Category 1--Escape/Loss of Control--Verbal persuasion, commands, hands-on physical control
☐ Category 2--First-aid Level Injuries--Verbal persuasion and commands, chemical spray, come along holds and tactics
☐ Category 3--Loss of Work/Restricted Work--Chemical sprays, pain compliance control tactics/devices, electro-muscular disruption devices (EMDD)
☐ Category 4--Loss of Consciousness--Strikes, blows, kicks, impact devices (ASP's, bean bags, EMDD, K9 bites) directed at non-life threatening body areas
☐ Category 5--Death/Serious Disability Injuries--Any tactic or device readily available (firearms, EMDD, batons, flashlights, strikes&/or blows to any area of the body (center of mass, throat, head, eyes, groin) that will likely stop the threat
☐ Chemical Agent ☐ Taser X2/X26 ☐ ASP ☐ Firearm ☐ Less Than Lethal Munitions
☐ Other (describe) _____

Chemical Agent

Approx. Distance from Suspect _____ ☐ Indoors ☐ Outdoors Approx. Time Discharged _____
1st Spray Duration _____ 2nd Spray Duration _____ 3rd Spray Duration _____
Effectiveness of Spray ☐ Extremely ☐ Moderately ☐ Slightly ☐ Not Effective
Subject informed of flushing techniques? ☐ Yes ☐ No
Subject offered water to flush with? ☐ Yes ☐ No
Did subject accept flushing agent? ☐ Yes ☐ No

Taser 2X/26X

Taser Model ☐ 2X ☐ 26X Taser SN _____ Cartridge SN _____
Subject Human ☐ Animal Location ☐ Indoors ☐ Outdoors
Approx. subject distance at time of dart launch _____ Did both darts make contact? ☐ Yes ☐ No
Number of deployments Distance between probes in inches _____ Duration of deployment _____
Did probes penetrate skin? ☐ Yes ☐ No Were probes removed at scene by Fire Dept.? ☐ Yes ☐ No
Did deployment cause injury? ☐ Yes ☐ No if yes, describe _____
Was subject transported to the hospital? ☐ Yes ☐ No
Subject's demeanor after device Taser was used or displayed? _____

ASP

Area(s) struck on subject _____ # of Strikes _____
Effectiveness ☐ Extremely ☐ Moderately ☐ Slightly ☐ Not Effective

Firearm

Weapon Used ☐ Duty Sidearm ☐ Duty Shotgun ☐ Duty Rifle ☐ Backup/Off Duty Weapon
 Make _____ Model _____ Serial # _____ Caliber _____
 # of Rounds Fired _____ Type of ammo _____
 Subject ☐ Human ☐ Animal Where was subject hit? _____
 Effectiveness ☐ Extremely ☐ Moderately ☐ Slightly ☐ Not Effective

Less Lethal Munitions

Approx. distance from subject _____ # of shots fired _____ Was compliance gained? ☐ Yes ☐ No
 Point of aim _____ Point of impact _____

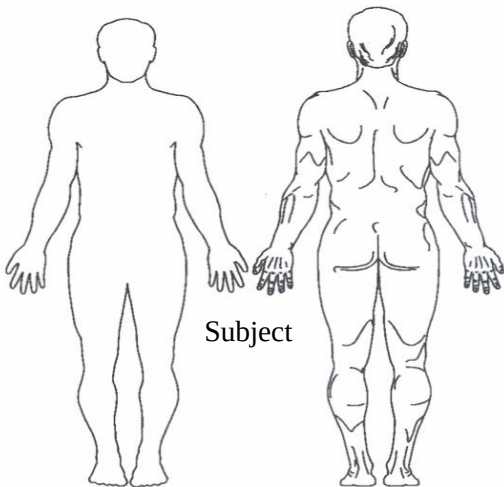
Injury Locations & Information –

For Taser--indicate with X's where probes hit
 indicate with O's where stunned

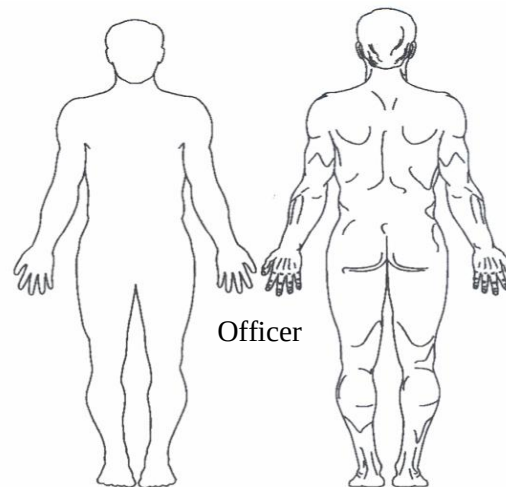
For ASP, Firearm, & Less Lethal--indicate
 where subject was injured

For Taser--indicate with X's where probes hit
 indicate with O's where stunned

Indicate where officer was injured



Subject



Officer

Does subject have visible injuries? ☐ Yes ☐ No

Describe injuries _____

Medical attention needed/requested? ☐ Yes ☐ No

Time medical attention requested? _____

☐ Treated on Scene ☐ Transported

Transported to _____

Photos Taken ☐ Yes ☐ No Camera # _____

Completed by Officer _____

Does officer have visible injuries? ☐ Yes ☐ No

Describe injuries _____

Medical attention needed/requested? ☐ Yes ☐ No

Time medical attention requested? _____

☐ Treated on Scene ☐ Transported

Transported to _____

Photos Taken ☐ Yes ☐ No Camera # _____

Signature _____ Date _____

Officers are to complete the following documents with this form and turn in all video devices:

☐ Long Form

☐ Incident Form/Narrative

☐ Digital Media Form

Administration

Reviewing Official

In Policy

Signature

Date

Sergeant _____

☐ Yes ☐ No

Captain _____

☐ Yes ☐ No

**Copies of this form, paper or electronic, are strictly prohibited without
 consent from the Chief of Police.**

INDEX / TOPICS

Numbers and symbols

*** EMERGENCY ADMISSIONS ***. . . 241

A

ACKNOWLEDGEMENTS. 16
ADMINISTRATIVE COMMUNICATIONS. . . 27
ADMINISTRATIVE INVESTIGATIONS. . . 62
ADMINISTRATIVE LEAVE. 67
ADULT ABUSE. 110
AIRCRAFT. 72
ALCOHOL. 70
AMBER ALERTS. 128
AMMUNITION. 68
ANIMALS. 71
APPOINTMENTS. 12
ARRESTS. 41
AUDIO/VIDEO RECORDING. 64
AUDITS. 142
AUTHORITY. 9

B

BACKGROUNDS. 221
BADGES. 487
BADGES, PATCHES AND IDENTIFICATION 67
BARRICADE INCIDENTS. 226
BATONS. 46
BIAS-BASED POLICING. 213
BICYCLES. 395
BIOLOGICAL SAMPLES. 259
BODY ARMOR. 65
BODY PIERCING. 479
BOMBS. 192
BRADY. 353
BUSINESS CARDS. 488

C

CANINES. 81
CASH. 320
CHAPLAINS. 189
CHIEF EXECUTIVE OFFICER. 12
CHILD AND DEPENDENT ADULT SAFETY 199

CHILDREN. 70
CITATIONS. 244
CIVIL. 64
CIVILIAN / NONSWORN. 14
COMMAND STAFF. 16
COMMENDATIONS AND AWARDS. . . . 27
COMMUNICABLE DISEASES. 414
COMMUNICATIONS CENTER. 21
COMMUNICATIONS FOR PERSONS WITH
DISABILITIES. 181
COMPUTERS. 24
CONDUCT. 29
CONFIDENTIALITY. 109
CONFLICT OF INTEREST. 474
CONTACTS AND TEMPORARY
DETENTIONS. 213
CONTROL DEVICES. 45
COURT APPEARANCES. 156
COURT ORDERS. 96
CRIME ANALYSIS. 196
CRIME AND DISASTER SCENE INTEGRITY 218
CRIMINAL INTELLIGENCE SYSTEMS. . . 270
CRIMINAL ORGANIZATIONS. 270
CRISIS INTERVENTION INCIDENTS. . . 236
CUSTODIAL INTERROGATIONS. 178
CUSTODIAL SEARCHES. 431
CUSTODIAN OF RECORDS. 26

D

DAILY TRAINING BULLETINS (DTBS). . . 24
DEATH. 151
DEBRIEFING. 238
DECONFLICTION. 365
DEFINITIONS. 14
DEPARTMENTAL DIRECTIVES. 20
DEPENDENT ADULTS. 98
DIPLOMATIC IMMUNITY. 248
DISABLED. 181
DISCIPLINE. 136
DISCLAIMER. 14
DISCRIMINATION. 181
DOMESTIC VIOLENCE. 96
DRIVING. 79

E

ELECTRONIC CIGARETTES. 448
ELECTRONIC MAIL. 26
EMERGENCY EVALUATION. 241
EMERGENCY EVALUATIONS. 292

Columbia Falls Police Department Policy Manual

EMERGENCY OPERATIONS PLAN.	21
ESCAPES.	438
ETHICS.	136
EVIDENCE.	197
EXPLOSIONS.	234
EXPOSURE CONTROL.	223
EXPUNGEMENT.	406
EYEWITNESS IDENTIFICATION.	269

F

FIELD TRAINING OFFICERS.	262
FIREARMS.	28
FIRST AMENDMENT ASSEMBLIES.	300
FITNESS FOR DUTY.	463
FLYING WHILE ARMED.	72
FOREIGN.	99
FORMS.	27

G

GANGS.	137
GRIEVANCES.	14

H

HANDCUFFING AND RESTRAINTS.	40
HANDCUFFING AND RESTRAINTS.	182
HATE CRIMES.	133
HAZARDOUS MATERIAL (HAZMAT) RESPONSE.	223
HAZARDS.	498
HIGH-VISIBILITY VESTS.	312
HOMELESS PERSONS.	291
HOSTAGE AND BARRICADE INCIDENTS	166
HOSTAGE SITUATIONS.	228

I

IDENTIFICATION CARDS.	488
IDENTITY THEFT.	171
ILLNESS AND INJURY PREVENTION.	496
IMMUNIZATIONS.	445
IMPAIRED DRIVING.	322
INFORMANTS.	345
INFORMATION TECHNOLOGY.	142
INFORMATION TECHNOLOGY USE.	142
INSPECTIONS.	45

INVESTIGATION AND PROSECUTION.	331
--	-----

J

JURISDICTION.	21
-----------------------	----

K

KEYS.	103
KINETIC ENERGY PROJECTILE.	47

L

LACTATION BREAKS.	471
LAW ENFORCEMENT AUTHORITY.	9
LIMITED ENGLISH PROFICIENCY.	174

M

MAJOR INCIDENT NOTIFICATION.	166
MEDIA.	64
MEDICAL.	41
MEDICAL, CHILD INVOLUNTARY DETENTION.	107
MISSING PERSONS.	150
MOBILE AUDIO/VIDEO (MAV).	64
MUTUAL AID.	10

N

NATIVE AMERICAN GRAVES (NAGPRA) NOTIFICATIONS.	206
	41

O

OC SPRAY.	41
OFF-DUTY LAW ENFORCEMENT ACTIONS.	208
OFFICER/DEPUTY RESPONSE TO CALLS.	93
OFFICER-INVOLVED SHOOTING (OIS).	57
OFFICER SAFETY.	28
OPERATIONS PLANNING AND DECONFLICTION.	363
ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY.	18
OUTSIDE AGENCY ASSISTANCE.	161

Columbia Falls Police Department Policy Manual

OUTSIDE EMPLOYMENT.	473
OVERTIME.	157

P

PARKING.	328
PATCHES.	488
PATROL.	211
PAYROLL RECORDS.	470
PEPPER PROJECTILES.	46
PERFORMANCE EVALUATIONS.	264
PERSONAL APPEARANCE STANDARDS.	478
PERSONAL COMMUNICATION DEVICES.	372
PERSONAL PROTECTIVE EQUIPMENT.	385
PERSONNEL COMPLAINTS.	179
PERSONNEL ORDERS.	27
PERSONNEL RECORDS.	462
PHOTOGRAPHS.	260
POLICY MANUAL.	14
PORTABLE AUDIO/VIDEO RECORDERS.	284
PREGNANCY.	414
PRIVACY EXPECTATIONS.	26
PRIVATE PERSON'S ARREST.	173
PROTECTED INFORMATION.	221
PROTECTIVE CUSTODY.	106
PUBLIC ALERTS.	128
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY.	288
PUBLIC RECORD REQUEST.	404
PUBLIC SAFETY VIDEO SURVEILLANCE.	195
PURSuits.	75

R

RANGEMASTER.	45
RAPID RESPONSE AND DEPLOYMENT.	250
RECORDS MANAGER.	464
RECORDS RELEASE.	114
RECORDS RETENTION.	26
REGISTRANTS.	163
RELIGION.	206
RESPIRATORY PROTECTION.	386
RETIREE CONCEALED FIREARMS.	28
REVIEWS.	16
RIDE-ALONGS.	220
RISK ASSESSMENT.	363

S

SAFETY.	48
SAFETY EQUIPMENT.	190
SEARCHES.	102
SEARCH WARRANTS.	359
SEAT BELTS.	458
SMOKING AND TOBACCO USE.	448
SOCIAL MEDIA.	146
SPEECH, EXPRESSION AND SOCIAL NETWORKING.	492
STANDARDS OF CONDUCT.	135
SUBPOENAS.	156
SUSPICIOUS ACTIVITY REPORTING.	308

T

TAKE-HOME VEHICLES.	381
TEAR GAS.	46
TECHNOLOGY USE.	142
TEMPORARY CUSTODY.	414
TEMPORARY MODIFIED-DUTY ASSIGNMENTS.	475
TRAFFIC.	256
TRAINING.	22

U

UNIFORMS.	157
UNLAWFUL ASSEMBLY.	303
UNMANNED AERIAL SYSTEMS.	356
USE OF SOCIAL MEDIA.	146
UTILITY SERVICE EMERGENCIES.	256

V

VEHICLE MAINTENANCE.	376
VEHICLES.	75

W

WARNINGS.	312
WARRANT SERVICE.	359
WATCH COMMANDERS.	274

RESOLUTION # 1928

**A RESOLUTION CANCELING THE NOVEMBER 4, 2024
GENERAL ELECTION OF
LOCAL GOVERNMENT STUDY COMMISSION MEMBERS**

WHEREAS, MCA Section 13-1-403(4) authorizes a municipality to cancel a general election for the election of a Local Government Study Commission Member by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled; and

WHEREAS, by email dated, August 13, 2024 the City of Columbia Falls received notice by the Flathead County Election Administrator that they had received one (1) candidate filing for the three (3) positions for the Local Government Study Commission; and

WHEREAS, the City Council established the Local Government Study Commission with Resolution # 1914 at three members, the remaining two members will be appointed by the City Council as provided in 13-1-403 (5)(b).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS MONTANA;

1. The City of Columbia Falls cancels the November 5, 2024 general election for the Local Government Study Commission Members.
2. The following person is hereby elected by acclamation to the Local Government Study Commission: Roger W. Hopkins.
3. The City Council shall call for letters of interest and appoint the remaining two Local Government Study Commission Members as set in Resolution # 1914.

ADOPTED AND APPROVED by the City Council of the City of Columbia Falls, Montana this 19th day of August, 2024, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 19TH DAY OF AUGUST 2024.

Mayor

ATTEST:

City Clerk

Return to:
 City of Columbia Falls
 130 6th Street West
 Columbia Falls, MT 59912

RESOLUTION NO. 1929

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY JACQUELINE SMITH AND CARL MORSETTE TO ADD A DRIVE-THRU COFFEE SHOP AT 262 1ST AVE WN, COLUMBIA FALLS, MORE PARTICULARLY DESCRIBED AS LOTS 2-4 OF THIRD ADDITION OF COLUMBIA FALLS, SECTION 8, TOWNSHIP 30N RANGE 20W, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

WHEREAS, an Application been filed with the City by Jacqueline Smith and Carl Morsette to add a coffee drive-thru at 262 1st Ave WN, more particularly described as Lots 2-4, Third Addition of Columbia Falls Montana, S8, T 30N R 20W, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, the property is currently zoned CB-2 General Business which allows, with conditional use pursuant to 18.336.030 (G) in the Columbia Falls Municipal Code, the proposed coffee drive-thru; and

WHEREAS, said requested conditional use permit was considered by the Columbia Falls Planning Commission at its regular meeting on Thursday, August 8, 2024, and said Commission recommended granting the proposed conditional use permit, with certain conditions; and

WHEREAS, said conditional use permit was considered by the City Council of the City of Columbia Falls, Montana, at a public hearing held during the Council's regularly scheduled meeting on Monday, August 19, 2024, pursuant to public notice as required by law, and all comments filed or voiced concerning said requested conditional use permit having been considered by the City Council, along with the recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact. That the City Council specifically finds that the conditions set forth in the Columbia Falls Municipal Code are accurately evaluated as set forth in Conditional Use Report #CCU-24-01 of the Columbia Falls Planning Office, and the City Council hereby adopts said report as findings of fact in support of the requested conditional use permit.

Section Two. Permit Approved. That based upon the findings of Section One of this Resolution, the Application by Jacqueline Smith and Carl Morsette to add a coffee drive-thru at 262 1st Ave WN, more particularly described as Lots 2-4, Third Addition of Columbia Falls Montana, S8, T 30 R 20W, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Section Three. Conditional Use Permit. That the conditional use permit is approved, specifically contingent upon the conditions set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section Four. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19th DAY OF AUGUST 2024, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

CITY CLERK

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 19th DAY OF AUGUST 2024.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

1. The applicant shall secure a sign permit from the City of Columbia Falls for new signage appropriated to the drive-thru espresso stand.
2. Secure approval from the Flathead City County Health Department food service operations.
3. The applicant shall submit engineered plans for water and sewer connections to the Columbia Falls Public Works Department.
4. The applicant shall establish a minimum four-foot landscape buffer between the building and the property lines on the north and east sides of the coffee stand/driving isles.
5. The driveways shall be constructed to a minimum of 10 feet wide for one-way traffic and 20 feet wide for two-way traffic. All driveways shall be paved in accordance with City requirements.
6. The applicants shall secure driveway approach permits from the Columbia Falls Public Works Department for the new approaches.
7. The applicant shall secure a Building Permit from the City of Columbia Falls for the placing and or construction of the drive-thru building.

**Columbia Falls Police Department
Monthly Activity Report
July 2024**

Police	July				4 Year
	2024	2023	2022	2021	Average
Arrests (Total)	38		25	36	23
Adult	34		22	32	21
Juvenile	4		3	4	2
Accidents Investigated	27		18	25	13
Stolen Property (Value)	1138		16234	12515	4355
Stolen Property (Recovered)	5196		3185	6230	0
Criminal Mischief (Incidents)	2		7	1	2
Damage Amount	0		1680	20	700
Misdemeanor Citations Issued	236		200	357	206
Traffic Offenses	217		183	348	190
Cell Phone Viol.	10		13	10	5
DUI Offenses	12		4	12	5
Drug Offenses	2		7	0	2
Traffic Stops	365		311	500	262
Court Fines and Forfeitures	28,467		18,617	32,186	19,251
Miles patrolled	8,364		5717	9040	6652
911 Phone Calls	303		126	206	141
Incident Reports	1019		973	1406	1032
Domestic Abuse/Assault	29		27	41	46
Felony Investigations	3		6	7	7
Business Check	81		73	84	67
Welfare Checks	11		11	12	13
Citizen Assist	60		64	51	44
Agency Assist	26		26	42	49

Columbia Falls Fire Department July 2024 Inspections

Item No.14.

[illegible]

Columbia Falls Fire Department
2024 Runs

Item No.14.

	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Calls YTD 2023	2024
calls	44	17	25	26	28	42	59						241	
Weeks	18	13	13	17	11	24	36						132	54.77%
Peterson	16	3	9	13	7	17	22						87	36.10%
Smith, R.	18	6	7	14	8	21	14						88	36.51%
Thomas	17	7	9	12	7	18	26						96	39.83%
Ross	3	2	0	4	3	12	27						51	21.16%
Loughery	8	0	2	4	1	4	7						26	10.79%
Smith, K.	0	6	12	2	7	4	16						47	19.50%
Arnold	3	6	10	8	12	9	15						63	26.14%
Perkins	3	0	2	9	6	8	3						31	12.86%
Willcut	12	1	5	7	10	16	19						70	29.05%
Woodruff	13	7	12	7	5	12	12						68	28.22%
O'Brien	16	6	2	6	8	9	15						62	25.73%
Shanks	1	0	1	4	4	3	3						16	6.64%
Bates	0	1	0	2	0	5	5						13	5.39%
Stuhler	5	1	5	6	7	1	17						42	17.43%
Schrader	5	1	1	1	0	3	5						16	6.64%
Grogan	32	10	19	24	26	36	54						201	83.40%
Dickerson	7	0	2	2	2	8	5						26	10.79%
Butts	1	1	1	1	2	0	5						11	4.56%
Hogan	16	9	10	11	13	17	26						102	42.32%
Kehl, S	9	3	7	8	3	0	1						31	12.86%
Kehl, M	4	2	3	2	1	1	0						13	5.39%
Ryan	0	1	7	5	6	5	9						33	13.69%
Vessels	28	13	22	16	21	30	34						164	68.05%
Kienas			5	7	16	25	27						80	33.20%
Johnson			2	3	6	12	11						34	14.11%
Dolph	9	6	1	0	2									
Kemppainen	1	0	1	1	0	0	7							
Vanhaverbeke	0	0	0	0	5	4								
			#1 month		#2 month		2024 #1					Department Ave	68	28.34%
	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	alls YTD 2023	#####
Total calls	44	17	25	26	28	42	59						241	
Rural	24	9	15	18	19	22	30						137	56.85%
City	20	8	10	8	9	20	29						104	43.15%
Mutual Aid Received	0	0	0	0	0	0	2						2	0.83%
Mutual Aid Given	4	1	0	1	2	3	1						12	4.98%
Medical & MVA	14	5	9	10	12	7	27						84	34.85%

**CITY OF COLUMBIA FALLS
CORRESPONDENCE LIST
COUNCIL MEETING
August 19, 2024**

08/06/24 - Received an email Re: Opposed to the letter to EPA

08/14/24 – Letter from MDOT – 2024-2028 Final Statewide
Transportation Improvement Program

08/15/24 Letter from Coalition for a Clean CFAC – Luncheon

08/15/15 Letter from Coalition for a Clean CFAC – scheduled meetings

From: Cbettyrun007 <cbettyrun007@gmail.com>
Sent: Tuesday, August 6, 2024 5:13 PM
To: B Staaland
Subject: DO NOT APPROVE!!!!!!

To: The Columbia Falls City Council for your 8/5/2024 meeting

Please do not give up on the potential for a brighter future for the Flathead! Support the time needed for a deep dive by independent experts and volunteers with the Coalition for a Clean CFAC into the proposed clean up plan for the Columbia Falls Aluminum Company Super Fund site (*Better known as the Leave the Waste in Place Plan and Don't Really Cleanup Anything Plan*). The Coalition, volunteers, and the independent experts helping them are working fast but still need time to identify and suggest some better solutions supported by sound science. EPA is currently supporting this deep dive with funding for experts. So please Do Not approve the letter on your city council agenda telling EPA to just move forward with the current plan,

August 7, 2024

HONORABLE DONALD BARNHART
MAYOR OF COLUMBIA FALLS
130 6TH ST W
COLUMBIA FALLS MT 59912

RECEIVED
AUG 14 2024
CITY OF COLUMBIA FALLS

Subject: **2024-2028 Final Statewide Transportation Improvement Program**

The Project Analysis Bureau of the Montana Department of Transportation has published the final version of the 2024-2028 Statewide Transportation Improvement Program (STIP), a listing of transportation improvements planned for Montana for the next five federal fiscal years. This document has been approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

To view the final STIP on-line, go to www.mdt.mt.gov/pubinvolve/stip.shtml.

If you would like a hard copy, or if you have any questions or comments, feel free to contact me at 1-800-714-7296, (406) 444-7259, or paujohnson@mt.gov.

Sincerely,



Paul Johnson
Project Analysis Manager
Rail, Transit and Planning Division

RECEIVED
AUG 15 2024
CITY OF COLUMBIA FALLS



COALITION for a
**CLEAN
CFAC**

August 15, 2024

TO: Clint Peters, City Manager/Planning & Zoning Administrator
Columbia Falls City Council
Donald Barnhart, Mayor
Kelly King, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Kathy Price, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

FROM: Coalition for a Clean CFAC, Shirley Folkwein-Contact Person

RE: No-Host Luncheon for Community & Business Leaders

Attached is information inviting you to a no-host luncheon on Wednesday, August 21st at 11:30 a.m. at Uptown Hearth, 3rd floor, 619 Nucleus Avenue, to meet and visit with Karmen King, the technical advisor Skeo Solutions assigned to the Columbia Falls community under the Technical Assistance Services for Communities (TASC) grant recently awarded to the Coalition for a Clean CFAC by the EPA.

The meeting, over lunch from 11:30 – 1:00 p.m., will allow for Karmen to respond to your questions, and comment on her review of issues raised by community members at recent public meetings. The focus at these August meetings is on barriers and opportunities to removing some or all waste from the CFAC site. Additional meetings will be held with Ms. King in September and October on other topics.

She is an independent expert and consultant on Superfund site cleanup projects around the country and is a compliance and ecological risk expert with many years of experience in community cleanups of hazardous waste Superfund sites. Her presence and support for the community is through a unique EPA program that supports independent analysis of Superfund cleanup plans led by affected communities. As you may recall, Karmen King was the technical advisor a year ago who reviewed the CFAC Proposed Cleanup Plan and presented comments to the community to consider for their own use as part of the community's proposed plan review, so she is familiar with the CFAC Proposed Plan and aluminum smelter.

This meeting is specifically for community and business leaders. For more information and to RSVP please e-mail coalition@cleancfac.org or call Shirley at 406-890-1659. Seating is limited so please RSVP.

Community-wide meetings are Tuesday, August 20, 7-9 p.m. at Glacier Gateway Elementary School and Drop-In Open House from 10:30 a.m. – 1:00 p.m. on the same day, same location.



PLEASE
JOIN
US!

No-Host Luncheon for Business & Community Leaders

Opportunity to Discuss CFAC Superfund Cleanup with Hazardous Waste Expert

- **Wednesday August 21st 11:30 – 1:00 P.M.**
Uptown Hearth, 3rd Floor (Elevator available)
Lunch available from menu
- Conversation with **Karmen King, independent expert and consultant on Superfund site cleanup projects around the country**
- Focused on barriers and opportunities to **removing some or all waste** from the CFAC site.
- Providing additional information available based on independent research
- Also presenting at community meeting, Tuesday, August 20th, 7:00 p.m. at Glacier Gateway Elementary School, 440 4th Ave. W.

Funded by EPA (Environmental Protection Agency) through a grant for TASC-
Technical Assistance Services for Communities

For more information & to RSVP please email coalition@cleancfac.org
or call Shirley at 406.890.1659
Limited Seating – Please RSVP



COALITION for a
**CLEAN
CFAC**

Press Release for immediate release –

Contact: Phil Matson, Coalition for a Clean CFAC,

406-249-2529, flbsphil@gmail.com

August 10, 2024

RECEIVED
AUG 16 2024
CITY OF COLUMBIA FALLS

Hazardous Waste Expert Will Be Available to Discuss CFAC Superfund Cleanup

The Coalition For A Clean CFAC will be hosting public meetings on August 20 and 21. These meetings invite the public's input regarding the proposed Columbia Falls Aluminum Plant (CFAC) Superfund cleanup plan. The August presentation and discussion sessions will focus on the barriers and opportunities to removing some or all of the waste from the CFAC Superfund site. Karmen King, as an independent expert and consultant on Superfund site cleanup projects around the country, will be part of the presentation. She is a compliance and ecological risk expert with many years of experience in community cleanups of hazardous waste Superfund sites. Her presence and support for the community is through a unique EPA (Federal Environmental Protection Agency) program that supports independent analysis of superfund cleanup plans led by affected communities. King and some of the Coalition members leading efforts to do a deep dive into the remedial investigations will present some tentative findings from their research and take questions. Public participation and feedback are crucial for the EPA, who is the final decision-maker, to get the cleanup accomplished with the community's best interest in mind.

The Coalition commends the Columbia Falls and Flathead Valley community for participation these past few months in the CFAC/Glencore-sponsored community meetings where CFAC consultants presented their plan and arguments for primarily leaving the toxic waste in place. However, these August Coalition-hosted meetings are designed to be different as they will feature recent independent research and be interactive with the opportunity for community members to raise and discuss questions and identify additional concerns.

Coalition Board member, Phil Matson says, "EPA's own research and survey of residents in 2022 demonstrated the public wanted assistance with having independent consultants review and help analyze some 10,000 pages of documents that are being used to justify Glencore's recommendation not to move this highly toxic waste. This toxic waste sits next to the Flathead River on glacier till soils where large fluctuations in groundwater levels occur. This waste sits in unlined landfills, with a history of long-term seepage of unknown quantities of toxic

chemicals moving slowly into the River, while the site lies along a fault zone prone to earthquakes and is subject to potential flood events. Does the cleanup plan satisfactorily address or mitigate these issues?” We think an independent look is needed to answer questions like this. Your voice is essential to help with this review.

On Tuesday, August 20th from 7-9 p.m. at the Glacier Gateway Elementary School (new building, main entrance), 440 4th Ave. West, Columbia Falls, a general community meeting will be held. There will be updates presented by Coalition members regarding information gleaned from the first set of questions they are focusing on regarding contaminated waste removal. Ms. King will help lead the Question-and-Answer session.

Also, on Tuesday, August 20 from 10:30 a.m. – 1:00 p.m. the public is welcome to drop by Glacier Gateway Elementary School to give Karmen King an opportunity to meet the community and provide an additional opportunity for the public to ask questions or share concerns.

August 21st from 11:30-1pm a no-host drop in-lunch time will be available in Columbia Falls for invited business and community leaders to meet Ms. King and have questions and concerns heard. The location is yet to be determined. Because space is limited, please RSVP by calling 406- 890-1659.

These public meetings are designed to be interactive and to assist the public in getting the information they need to both understand what is being proposed and what could be possible. “This is an exciting opportunity for residents in the Flathead Valley to be heard”, said Shirley Folkwein, a Board member of the Coalition. “We all live next to or downstream from the Flathead River and making sure the toxic waste at the CFAC site is cleaned up is vital to us all and to future generations.”

Additional interactive community meetings will be held in September and October (dates/times and locations TBD).

For more information, please email coalition@cleancfac.org