

Pennington County Sheriff's Office



Law Enforcement Policies

For restricted and public access

Revised 1-12-2024

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111-01: Oath of Office & Law Enforcement Code of Ethics

Chapter: Law Enforcement Agency Role

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. All sworn personnel at the Pennington County Sheriff's Office shall take a formal oath of office and abide by the law enforcement code of ethics.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Oath of Office:** All personnel, prior to assuming sworn status, shall take a formal oath of office as required by SDCL 3-1-5, and 7-12-10 or as may be otherwise required by law. The oath is to be taken before the nearest available judge of a court of record.
 - 1. The original oath of office will be delivered to the Administrative Assistant who sends it to the Register of Deeds to record bonding of deputy.
 - 2. Upon return of the original oath of office, the Administrative Assistant will update the electronic file on the PCSO intranet and file the original.
- B. **Code of Ethics:** All personnel are required to abide by the Law Enforcement Code of Ethics adopted by the Pennington County Sheriff's Office.
- C. **Law Enforcement Code of Ethics:** As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality and justice.
 - 1. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.
 - 2. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

3. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.
4. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, Law Enforcement.

112-01: Jurisdiction and Legal Authority

Chapter: Limits of Authority
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. Sworn Deputy Sheriffs, Reserve Deputy Sheriffs and Special Deputy Sheriffs receive their legal authority to perform law enforcement actions through South Dakota Codified Laws.

II. Definitions

- A. **Limits of Authority:** Concurrent Jurisdiction means the sharing of, or having equal jurisdiction or authority, within the same jurisdictional boundaries of two or more governmental entities. In the case of the City of Rapid City, the Pennington County Sheriff's Office has concurrent police jurisdiction with the law enforcement authorities of the State of South Dakota, and the City of Rapid City.
- B. **Legal Authority Defined:**
 - 1. Within the County of Pennington, the Pennington County Sheriff's Office shall enforce the ordinances of Pennington County, the laws of South Dakota and city ordinances within all incorporated cities, and carry out all duties and responsibilities attributed to the Sheriff's Office pursuant to SDCL 7-12-1 through 7-12-29, 24-11, and other related statutes.
 - 2. The Pennington County Sheriff's Office shall enforce the traffic ordinances of Pennington County, as well as all motor vehicle and traffic laws as denoted in the South Dakota Codified Laws on all public streets, county roads, state highways, and interstate road systems within Pennington County. This authority is pursuant to South Dakota Codified Law, Title 32 and Title 7-12.
 - 3. The Rapid City Police Department Evidence Technicians, Rapid City Police Officers assigned to the Joint Unified Narcotics Enforcement Team, Critical Accident Reconstruction Team (CAR Team), Special Response Team (SRT), Domestic Violence/Sexual Assault Investigation Team and School Liaison/Resource Officer are also appointed and sworn as Special Deputy Sheriffs for the Pennington County Sheriff's

III. General Information

- A. N/A

IV. Procedural Guidelines

A. N/A

112-03: Criminal Process

Chapter: Limits of Authority
Order No: LE 12-05
Effective: 08-01-2000
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide guidance to deputies in unusual arrest and detention situations.

II. Definitions

- A. **Arrest:** An arrest is defined as the taking of a person into custody in order that they may be forthcoming to answer for the commission of a crime.
- B. **Probable Cause:** Probable cause means that based on all the facts and circumstances within the deputy's knowledge, and of which he has reasonable trustworthy information, there is sufficient evidence to warrant a reasonable and prudent person to believe that the person to be arrested has committed or is committing or attempting to commit a crime. The evidence required to make an arrest is more than suspicion, but less than that needed to support a conviction. Each deputy should be aware of the circumstances and information which may be used to help establish probable cause.
 - 1. Direct observation by the deputy
 - 2. Knowledge of prior criminal record or bad reputation of the person arrested
 - 3. Evasive actions or flight from the scene by the suspect
 - 4. Evasive answers and/or conflicting stories
 - 5. Time of day or night
 - 6. Past experience of the deputy in similar situations
 - 7. The transfer of information or probable cause between deputies
 - 8. Reliable hearsay information in the form of statements from victims, witnesses or informants

III. General Information

- A. Deputies should make an arrest when appropriate. Deputies are encouraged to consider alternatives to arrest whenever possible (i.e., citations, summonses, referral,

informal resolution and warnings) to address the variety of problems they confront. Since the character of most arrestees is unknown to the deputy, preventative actions must be taken to protect citizens, deputies, prisoners and property from possible injury or destruction by the arrestee.

IV. Procedural Guidelines

A. Criminal Process

1. To constitute an arrest, there must exist intent on the part of the arresting deputy to take the person into custody and a corresponding understanding by the person arrested that they are in custody.
2. The test for determining the moment of arrest is whether, under all the circumstances, a reasonable person would believe that they are not free to leave.

B. Recommending Attorneys and Bail Bondsman

1. Deputies shall not suggest, recommend, advise or otherwise counsel the retention of any specific attorney or bail bondsman. This does not apply when a relative of the employee is seeking such service.

C. Use of Discretion

1. A deputy shall responsibly use the discretion vested in the position and exercise it within the law. The principle of reasonableness shall guide the deputy's determination and the deputy shall consider all surrounding circumstances in determining whether any legal action shall be taken.
2. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest—which may be correct in appropriate circumstances—can be more effective means of achieving a desired end.

D. Special Arrest Situation/Class II Citations

1. Great care is recommended in the handling and supervision of unusual arrest situations. Arrest for class II misdemeanor allows deputies to issue citations under South Dakota Codified Law 23-5-4.
2. An arresting deputy should reasonably believe that the person arrested does not present a danger to themselves or others and will appear in response to a summons.
3. Reasonable caution in conjunction with proper identification should be used in making the determination when a citation should be issued.
4. Proper identification should include;

- a. A valid driver's license
 - b. A valid address
 - c. Or other valid identification to include at least one photo ID
5. Deputies must check with dispatch to determine current warrant history of the offender.
6. If the arresting deputy determines that a class II arrest can be processed by issuing a summons, then a deputy is permitted to do so under the authority of SDCL 23-5-4. A summons may be used if the following information can be provided:
 - a. Name of subject arrested
 - b. Home address
 - c. Date of birth
 - d. Social security or driver's license number
 - e. Telephone number
 - f. Place of employment or school
7. All citizens arrest forms should be checked carefully by the deputy to ensure all the elements of the offense are included and it is complete and legible
8. For all other class II arrests, an addendum should be attached summarizing the event.
9. Deputies should try to avoid scheduling court appearances for adults on Monday or the day after a holiday

112-04: Service of Legal Process

Chapter: Limits of Authority

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The service of civil process will be handled within the requirements prescribed by SDCL. Civil processes necessary for the protection of victims in domestic violence and child abuse cases will be given priority.

II. Definitions

- A. N/A

III. General Information

- A. Deputies will follow the statutory requirement for the service of civil process on individuals, juveniles, and business. These requirements are listed in SDCL 15-6-4(d).

IV. Procedural Guidelines

A. Receipt of Legal Process:

1. All civil process will be received by the clerical staff.
2. Each legal process received by the Sheriff's Office will be recorded with the following information:
 - a. Date and time received.
 - b. Type of legal process.
 - c. Nature of document.
 - d. Source of document.
 - e. Name of plaintiff/complainant or name of defendant/respondent.
 - f. Date service is due.

B. Recording Execution/Attempted Service of Legal Process:

1. A record of executed or attempted legal process will include:

- a. The date and time service was executed or attempted.
- b. The name of the deputy executing or attempting service.
- c. The name of the person on whom legal process was executed/attempted.
- d. The method of service or reason for non-service.
- e. The address of service/attempted service.

112-06: Civil Suits

Chapter: Limits of Authority
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide direction to employees who become involved in civil litigation arising from the lawful discharge of their duties.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Acceptance of Civil Process:

1. Subpoenas for employees may be accepted at the Civil Office. Court appearance notification letters will be delivered directly to the employee or their immediate supervisor by the Law Enforcement Commander or designee.
2. Service of all other civil processes (Notice of Claim, Complaints or Summonses) shall be accepted only by the named employee.
3. If only the Pennington County Sheriff's Office is named, service is to be made only on the Sheriff. If the Pennington County Commissioners are named, service is to be made only upon a Commissioner.
4. If the Pennington County Sheriff's Office and an employee are named, the employee has no authority to accept process for the Pennington County Sheriff's Office and service is to be made only upon the Sheriff.
5. Acceptance of Civil Process will be in accordance with SDCL 15-6-4 (d).

B. Procedure Upon Employee Receipt of Civil Process:

1. Any employee who receives a civil process to appear as a defendant in any civil action related to any circumstances arising from the performance of their duties shall:

- a. Immediately make one photocopy of the entire civil process.
- b. Notify their immediate supervisor.
- c. Hand deliver the copy to the supervisor.

C. Duties of the Supervisor Upon Receiving Copies of Civil Process:

- 1. When the civil process lists the employee as a defendant, the supervisor shall immediately notify the Sheriff through the proper chain of command.
 - a. A copy of the entire civil process shall be delivered to the Sheriff.
 - b. The Sheriff or designee will assign an administrative assistant to obtain copies of all office reports and documents pertaining to the action and place them in an appropriate file.
 - c. The Sheriff shall notify the States Attorney's Office or designee and provide a copy of the complete file as appropriate.

D. Procedure upon Involvement in Incidents with Threat of Civil Process: When an employee becomes involved in a job-related incident involving a probable lawsuit, they shall immediately notify their supervisor in writing of the details of the incident. The Supervisor will compile the risk assessment file and forward it to the Chief Deputy.

E. Procedure when an Employee Initiates a Civil Suit Related to Employment with the County: When an employee determines that they shall initiate any civil action resulting from their employment with the county, they shall notify the Sheriff of such intention.

112-07: Intrusive Searches

Chapter: Limits of Authority

Order No: LE 12-09

Effective: 08-01-2000

Revised: 12-31-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Deputies must protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

II. Definitions

- A. **Probable Cause (Search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- B. **Probable Cause (Arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- C. **Reasonable Suspicion (Temporarily Detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- D. **Reasonable Suspicion (Frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- E. **Frisk (Weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.
- F. **Strip Search:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a female.
- G. **Consensual Contact:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement officer has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the deputy's efforts. Under this type of contact, a deputy has no power to detain an individual who chooses not to participate in the contact.

- H. **Arrest:** An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.
- I. **Fresh Pursuit:** The term "fresh pursuit" shall include fresh pursuit as defined by the common law and the pursuit of a person who has committed a crime or who is reasonably suspected of having committed a crime in this state.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Consensual Contact:** A deputy may approach anyone and attempt a consensual contact.
 - 1. Deputies are not required to have reasonable suspicion for this type of contact.
 - 2. A person cannot be compelled in any way to participate in the stop.
- B. **Reasonable Suspicion Based Stops/Terry Stops:** A deputy who is aware of facts and circumstances that would lead a reasonable law enforcement officer to conclude that criminal activity is afoot may stop a person using reasonable force and detain the person for a reasonable amount of time to investigate further.
 - 1. Deputies may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the deputy has an opportunity to confirm or dispel their suspicion.
 - 2. The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the deputy suspected at the time the stop was made.
 - 3. Deputies may not frisk every person who is stopped in accord with this policy. A deputy may only frisk those individuals for whom the deputy has reasonable suspicion to believe is armed with a weapon.
- C. **Reasonable Suspicion Based Frisk:** A deputy may conduct a limited frisk/pat-down of a person's outer clothing when the deputy has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the deputy or others present.
 - 1. Items that may support reasonable suspicion:
 - a. The type of crime for which the stop is based on, is one that would lead a reasonable deputy to conclude generally involves a weapon.
 - b. The deputy observes a bulge in the subject's clothing that has the appearance of a weapon.
 - c. The deputy has information indicating that the person is armed.

- d. The deputy is aware of the subject's history of carrying weapons.
 - e. The deputy observes the subject reach as if reaching for, or reaching to hide a weapon (furtive movements).
 - 2. The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the deputy feels an item during the frisk that the deputy reasonably believes is a weapon or evidence of a crime and is able to determine that information without manipulating the item.
- D. **Arrest:** A deputy may arrest an individual if the deputy has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established, a deputy may take custody of the subject and involuntarily transport the subject.
 - 1. If the person to be arrested is in a dwelling-refer to home search policy.
 - 2. If the person to be arrested is in a vehicle-refer to vehicle search policy.
- E. **Arrest without a Warrant:** Under South Dakota Law, deputies may make an arrest without a warrant:
 - 1. For a public offense, other than a petty offense, committed or attempted in his or her presences; or
 - 2. Upon probable cause, that a felony or Class 1 misdemeanor has been committed and the person arrested committed it, although not in the deputy's presence.
 - 3. Except as otherwise specifically provided, whenever a person is arrested for a violation of any provision of the motor vehicle code (Title 32) punishable as a Class 2 misdemeanor and that person has in their possession a valid state issued identification card or driver's license, the arresting deputy shall take the name and address of the person and issue a summons to appear at a time and place to be specified in the summons. The time shall be at least five days after the arrest unless the person arrested demands an earlier hearing. The arresting deputy shall, upon the person's written promise to appear, release them from custody. Any person refusing to give a written promise to appear and or any person who does not have a valid ID card or driver's license in their possession, may be physically arrested and transported to the Pennington County Jail to be booked in on the appropriate charge. A nonresident arrested for a violation of any provision of this title may be required to post bond in the amount set forth on the fine and bond schedule provided by the presiding circuit court judge, or in an amount set by a magistrate or judge for that offense, before being released from custody.
- F. **Search Incident to Arrest of Person:**
 - 1. When a deputy arrests a person on the street, the deputy may conduct a thorough search of the subject's person (not strip search).

2. The purpose of this search is the following:
 - a. Protecting the deputy from attack;
 - b. Preventing the person from escaping;
 - c. Discovering or seizing the fruits of the crime for which the person has been arrested; or
 - d. Discovering or seizing any instruments, articles, or things that was used or which may have been used in the commission of the crime for which the person has been arrested.
3. This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest. (For search incident to arrest in home-see home search policy-for incident to arrest search in vehicle see motor vehicle contacts policy.)
4. When the deputy is in the process of effecting a lawful search, he may discover or seize any stolen or embezzled property, any item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible evidence of the commission of a crime against the laws of this state.

G. **Strip Search:** In order to conduct a strip search of an individual two threshold issues must be met:

1. The person must first be arrested based upon probable cause to believe that person has or is committing a crime.
2. Field: The deputy must have probable cause to believe that the arrestee is concealing evidence, contraband, or weapons on their person. These searches shall be conducted at the sheriff's office or jail, unless exigent circumstances exist that make the search necessary to protect the deputy or others from serious bodily harm or death. In such a case, the deputy shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases, the deputy must seek a private area to conduct the search, which is out of view of the public and other persons.
3. Cross-gender strip searches are prohibited unless exigent circumstances exist that would justify such a search.
4. In all cases where a strip search has been conducted, the deputy will document the following:
 - a. The offense the suspect was arrested for.
 - b. Facts and circumstances that led the deputy to believe that the suspect was hiding weapons or contraband on their person.

- c. The manner in which the search was conducted.
- d. The persons who were present during the search.
- e. The location where the search occurred.
- f. The items that were recovered as a result of the search.

H. Privilege from Arrest:

1. **Diplomatic and Consular Immunity:** Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming to national and local laws and regulations.
2. **Categories of persons entitled to diplomatic immunity are as follows:**
 - a. **Diplomatic Agent:** Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested, or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.
 - b. **Diplomatic Administrative and Technical Staff:** Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested, or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Deputies may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
 - c. **Diplomatic Service Staff:** They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Deputies may issue a citation for traffic violations. Family members enjoy no privileges or immunities.
 - d. **Consular Officers:** Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors, but may not be arrested or detained prior to trial or other disposition of charges. Deputies may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.

- e. Consular Employees: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Deputies may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
 - f. Honorary Consuls: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Deputies may issue a citation for a traffic offense. Family members enjoy no privileges and immunity.
3. Notification when a Foreign National is arrested: Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- a. All foreign nationals must be told of their right to Consular notification.
 - b. If the foreign national's country is not on the mandatory notification list:
 - 1) Offer immediately, to notify the foreign national's consular officials of the arrest/detention.
 - 2) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country immediately.
 - c. If the foreign national's country is on the list of mandatory notification countries:
 - 1) Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification.
 - d. Keep a written record of the provision of notification and actions taken.
4. National Guard:
- a. No person belonging to the military forces may be arrested on any civil process while going to, remaining at, or returning from any drill or annual training that the member is required to attend for duty.
 - b. No officer or enlisted member of the South Dakota State Guard may be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where the officer or member is ordered to attend for military duty. Every officer and enlisted member serving in the South Dakota State Guard is exempt from service upon any posse comitatus and from jury duty.

112-08: Search and Seizures -- Residences

Chapter: Limits of Authority
Order No: LE 13-02
Effective: 08-01-2000
Revised: 02-03-2013
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. Deputies must protect and serve the constitutional rights of all citizens when conducting home entries while balancing the needs of law enforcement in solving crime for the protection of the community.

II. Definitions

- A. **Probable Cause (Search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- B. **Exigent Circumstances Entry:** Entry of a dwelling without a warrant due to some existing emergency that would not allow a deputy time to get a warrant.
- C. **Search Incident to Arrest:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.
- D. **Consent:** The voluntary granting of permission for a deputy to enter an area that is protected by the 4th Amendment, by a person who is either an owner or a third party with common authority over the premises.

III. General Information

- A. There are only three lawful methods upon which a deputy may enter a person's dwelling. These methods include a warrant (arrest or search-with differing rules for each), exigent circumstances, or consent.

IV. Procedural Guidelines

- A. **Arrest Warrant:** Felony or Misdemeanor – Deputy may enter the home of the subject of an arrest warrant in cases where the deputy also has probable cause to believe the subject is home.
 - 1. Knock and announce rules apply.
 - 2. Search incident to arrest:

- a. Deputies may, at the time of the arrest, search the room the subject is arrested in (subject's immediate area of control) once a lawful arrest is made.
 - b. Deputies may conduct a protective sweep, limited to those places where a person could be, in cases where the deputies have reasonable suspicion to believe someone else on the premises poses a danger to the deputy.
 3. Deputies must obtain a search warrant before entering the residence of a third party in order to search for the subject of an arrest warrant unless exigency or consent exists.
- B. Search Warrants:** Deputies must provide an affidavit to the court that they have probable cause to believe that evidence of a crime exists and must have probable cause to believe it will be located at the place to be searched.
1. **Knock and Announce Rules Apply:** A deputy executing a search warrant may break open any building, structure, or container or anything therein to execute the warrant if, after giving notice of their authority and purpose, they are refused admittance. In determining how long a deputy must wait before forcing entry following the knock and announcement, deputies should consider the nature of the item sought and how long it would take to destroy the item. The United States Supreme Court found 15-20 seconds to be a reasonable amount of time in a drug warrant case. (United States vs. Banks).
 2. If, after obtaining the search warrant and while in the process of executing a search warrant, a deputy determines they have reasonable grounds to believe the announcement will place the deputy or others in greater peril or lead to the immediate destruction of evidence, they may abandon the knock and announce requirement. In these types of incidents the deputy must be able to articulate in the case report the circumstances that existed leading to the elimination of the knock and announcement requirement. Those circumstances must be something the deputy learned while in the process of serving the search warrant, not something they knew prior to and could have included in the search warrant.
 3. If a deputy determines prior to obtaining the search warrant that they have reasonable grounds to believe the announcement will place the deputies in danger or lead to the immediate destruction of evidence then they should seek judicial approval for a "no-knock" warrant by outlining the factors believed to exist in their affidavit.
 4. Prior to the execution of a search warrant consideration should be given to the manner of entry to include the utilization of a special team (i.e. SRT etc.) when executing a high-risk warrant, entering to control a barricaded subject, or similar high-risk event.
 5. The search warrant itself must particularly describe the place to be searched and must also particularly describe the items to be seized.

6. The scope of a search warrant is limited by information (i.e. information developed indicates that items are stored in a specific location). Scope may also be limited by the size of the item.
 7. All search warrants must be executed in a reasonable manner.
 - a. Search warrants shall be executed within a reasonable time of issuance, not to exceed ten days.
 - b. A deputy taking property under a warrant shall give to the person from whom or from whose premises the property was taken, a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The inventory form shall be signed by the deputy.
 8. Detention and Search of Persons on the Premises: When executing a search warrant, the deputy may reasonably detain, and in some cases, frisk any person in the place at the time under the following limitations (these limitations apply even in cases where the warrant calls for the “search of any person present”):
 - a. Frisk: To protect themselves from attack when the deputy has reasonable suspicion based upon specific facts, to believe that the individual present is armed and poses a threat.
 - b. Search: To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause based upon specific facts to believe that the person to be searched is in possession of said item.
 - c. Detain: Deputies may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where deputies are executing a high-risk search warrant, all persons present may be handcuffed while deputies conduct their search. If at any time it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed.
- C. **Consensual Entry/Search:** Deputies may, without reasonable suspicion or probable cause, enter a dwelling based upon the consent of a person who reasonably appears to have authority over the premises.
1. These provisions apply to Knock and Talk events:
 - a. Consent must be voluntary.
 - b. Consent need not be in writing, but when possible, a written consent form should be utilized to prove that consent was voluntary.
 - c. Deputies may not enter a dwelling in a case where a co-occupant is present and objecting to the entry.

- d. The scope of a consensual entry and search rests with the consenting party who controls both how long the entry and search may last as well as what locations within the residence may be searched.
- e. The party giving consent may revoke consent at any time.

D. **Exigent Entry:** A deputy may enter a home based on emergency circumstances when any of the following circumstances exist:

1. Hot pursuit of a person that just committed a criminal act.
2. Imminent destruction of evidence.
3. Risk of danger to law enforcement or others inside or outside the dwelling.
4. Deputies may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously ill, injured imminently threatened with such injury or deceased.
5. Once exigency has ended, deputies should secure the scene and obtain a search warrant.
6. The fact that an area is a crime scene does not create automatic exigency.

112-09: Motor Vehicle Stops -- Searches

Chapter: Limits of Authority
Order No: LE 12-01
Effective: Motor Vehicle Stops / Searches
Revised: 03-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. While conducting vehicle stops and searches, deputies will balance the needs of law enforcement in solving crime for the protection of the community in accordance to the constitutional rights of all citizens.

II. Definitions

- A. **Motor Vehicle:** Any motorized vehicle that is capable of movement to include motor homes.
- B. **Probable Cause (Search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- C. **Probable Cause (Arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- D. **Reasonable Suspicion (Temporarily Detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- E. **Reasonable Suspicion (Frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- F. **Frisk (Weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Deputies may lawfully stop vehicles under the following circumstances:

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

B. Ordering Persons From a Vehicle: A deputy may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

C. Vehicle Search / Reasonable Suspicion: A deputy who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations.

1. The search is limited to subject's immediate area of control, which would be the passenger compartment of the vehicle.
2. The search is limited to those areas in the passenger compartment capable of holding a weapon.

D. Search Incident to Arrest (Vehicle): Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, deputies may search the vehicle incident to arrest subject to the following limitations.

1. The arrest must be lawful and must be a full-custodial arrest; and
2. The search must take place at the time of the arrest (contemporaneous with arrest); and
3. The arrestee must have the possibility of access (thus not yet secured); **OR**

4. There is a likelihood of discovering offense related evidence (the offense for which the subject is being arrested).
 5. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search.
 6. If numbers 1-4 above are met, unlocked containers within the vehicle may be searched irrespective of whom the containers belong.
 7. The person or other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.
- E. **Consent Search of Vehicle:** A deputy may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle with the following limitations:
1. The consent must be voluntary.
 2. Written consent is not required under federal or state law.
 3. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area, which a deputy is allowed to search as well as how long the search may last.
 4. Under the rules of consent, there is no requirement that a deputy inform a person of their right to refuse the deputy's request.
- F. **Probable cause searches of vehicles (motor vehicle exception to the warrant requirement/mobile conveyance exception):** A deputy may, without a warrant, search a motor vehicle when the deputy can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations.
1. In cases where the vehicle was stopped or parked prior to contact by the deputy, the area where the vehicle is parked is not private property such that deputies would have to obtain a warrant to gain access to the property itself.
 2. Deputies may only search those areas within the vehicle capable of containing the item being sought.
- G. **Drug-Detection Canine:** Where deputies have a lawfully stopped vehicle, they may utilize a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within a reasonable and articulated amount of time.
1. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.
 2. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the deputy has probable cause and may conduct a probable cause search of the vehicle.

3. Putting a canine inside a vehicle is a search for 4th Amendment purposes and must not be done unless the deputy can support the search by probable cause to believe the vehicle contains contraband.

H. **Inventory Searches:** An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose. The primary objective of these searches is to protect the property of persons whose vehicles are towed at the direction of law enforcement. These searches also have the objective of protecting law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement. Inventory searches are subject to the following limitations.

1. All vehicles towed at the direction of a deputy of this agency, irrespective of the reason for the tow, shall be inventoried in accordance with this policy.
2. Deputies will note in their report any items of value that are within the vehicle.
3. If an item of extreme value is located within the vehicle and is removable, the deputy shall take the item for safekeeping and turn the item over to the owner or, when that is not possible, the item is to be held for safekeeping in accordance with the provisions of the property and evidence policy.

I. **Community Caretaking Search:** Where deputies have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the deputy may search the vehicle to remove the dangerous item for safekeeping. A deputy removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with office procedures relating to property and evidence.

113-01: Response to Resistance

Chapter: Response to Resistance
Order No: 2021-01
Effective: 08-01-2000
Revised: 02-10-2021
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The purpose of this policy is to establish guidelines for the use of force. It is the policy of the Pennington County Sheriff's Office to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for deputy safety in use of force events. Sheriff's Office personnel shall use only that force which is reasonably necessary to overcome resistance from a person being taken into custody, to stop an assault of a third person, in self-defense, or as reasonable and necessary to perform their law enforcement functions. Sheriff's Office personnel will treat everyone in a fair and humane manner. Sheriff's Office personnel will not mentally or physically abuse any person in custody. All Sheriff's Office personnel recognize that the sanctity of human life serves as the guiding principle in use of force decisions.

II. Definitions

- A. **Deadly Force:** Force that creates a substantial likelihood of death or serious bodily harm.
- B. **Non-Deadly Force:** All uses of force other than those that are likely to cause serious bodily harm or death.
- C. **Imminent:** Has a broader meaning than immediate or instantaneous, the concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.
- D. **Immediate:** Deputy faces an instantaneous, or presently occurring threat of serious bodily harm or death.
- E. **Chokehold:** Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
- F. **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.

- G. **Intervene:** To come between, whether verbally or physically, to prevent or alter a result of course of events.
- H. **De-escalation:** Force can often be avoided through the use of de-escalation techniques and other non-dynamic law enforcement tools such as police presence, containment, and communication. When feasible, Sheriff's Office personnel will use de-escalation and other techniques to reduce immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, Sheriff's Office personnel will seek to slow things down. Not every situation or subject can be de-escalated. Conversely, deputy behavior can escalate a situation. Sheriff's Office personnel should not intentionally escalate situations unnecessarily.
- I. **Duty of Care:** Sheriff's Office personnel have an affirmative duty to care for persons in their custody. All personnel are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, deputies have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of law enforcement actions.
- J. **Positional asphyxia:** Deputies restraining a subject should be cognizant of and avoid positional asphyxia. The Sheriff's Office prohibits prolonged face-down prone restraint.
- K. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained deputies when faced with the circumstances that the deputy using the force is presented.
- L. **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.
- M. **Serious Bodily Harm:** (18 U.S.C. § 1365 (h) (3)): the term "serious bodily injury" means bodily injury which involves
1. a substantial risk of death;
 2. extreme physical pain;
 3. protracted and obvious disfigurement; or
 4. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- N. **Electronic Control Device:** Tasers or stun guns (electronic control weapons) that disrupt the central nervous system of the body.
- O. **Active Resistance:** Affirmative steps taken by an individual to defeat a deputy's ability to arrest or control them.

- P. **Passive Resistance:** A subject who takes no affirmative action to defeat the member's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- Q. **Active Aggression:** Behavior that creates an imminent risk of physical injury to a subject, deputy or third party, but would not lead a reasonable deputy to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on a deputy consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.
- R. **Excessive Force:** Force that is not objectively reasonable from the perspective of a reasonable deputy in the same circumstances. Excessive force will not be tolerated.
- S. **Deputy:** Any sworn law enforcement deputy or transport deputy of the Pennington County Sheriff's Office.
- T. **Expandable Baton:** Cylindrical outer handle covered shaft, containing telescoping inner shafts that lock into each other when expanded.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. In determining the appropriate level of force deputies should apply, the office's trained use of force options should be considered along with the following three factor test:
 - 1. How serious is the offense the deputy suspected at the time the particular force used?
 - 2. What was the physical threat to the deputy or others?
 - 3. Was the subject actively resisting or attempting to evade arrest by flight?
- B. The legal authority to use necessary force and to carry and use weapons in the performance of duties is authorized by South Dakota Codified Laws, sections 13-32-7, 22-1-2(44A), 22-14-6, 22-14-9, 22-14-24, 22-18-2, 22-18-3, and 22-18-4.
- C. Deputies have several force options that will be dictated by the actions of the suspect upon the appearance of the deputy(s). Deputies may be limited in their options due to the circumstances and actions of the subject. For example, a deputy who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.
 - 1. **Command Presence:** Visual appearance of deputy where it is obvious to the subject due to the deputy's uniform or identification that the deputy has the authority of law.

2. Verbal Commands: Words spoken by the deputy directing the subject as to the deputy's expectations.
3. Soft Empty Hand Control: Deputy's use of hands on the subject to direct the subject's movement; techniques that have a low potential of injury to the subject.
4. Chemical Spray: Where subject exhibits some level of active resistance/active aggression, deputies may use chemical spray to temporarily incapacitate the subject.
5. Electronic Control Devices: Where subject exhibits some level of active resistance/active aggression, a deputy may use an electronic control device to temporarily incapacitate the subject.
6. Hard Hand Control: Punches and other physical strikes, including knees, kicks, and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.
7. Impact Weapons: Expandable Batons may be utilized in cases where deputies believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed, or where based on the deputy's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
8. Canine: Use of canine to bite and hold subject to prevent escape or to gain control of a subject who is actively aggressing toward deputy(s). Prior to deployment of a canine, a warning in the form of an announcement shall be made.
9. Deadly Force: Force that creates a substantial likelihood of death or serious bodily harm.

D. Deadly Force

1. Every possible consideration should be taken prior to the use of deadly force, and if deputies believe that under existing conditions they should not use a firearm to apprehend a felon, they should not be criticized or disciplined for this decision and their decision to employ every other means to affect an arrest.
2. Deputies are permitted to use deadly force only under the following circumstances:
 - a. In self-defense and defense of others when deputies have clear and sufficient reason to believe that the person at whom they use deadly force meets the following three (3) criteria:
 - 1) Means: The suspect must possess the means (ability) to take the deputy's life or the life of another person.
 - 2) Opportunity: The suspect must have the opportunity to take the deputy's life or the life of another person.

- 3) Jeopardy: The suspect must place the deputy's life or the life of another person in imminent danger (immediate probable death or serious bodily injury).
- b. Shots at a moving vehicle or its occupants are prohibited, unless the occupants are using deadly force against deputies or another person present. Also, shots from a moving vehicle are prohibited unless deadly force is being used against a deputy or another person present. Whenever possible, deputies should avoid placing themselves in a position where the use of deadly force is the only option.
 - c. Using all appropriate tactics and procedures, if deputies must fire their weapon to preserve life, they shall fire with sufficient volume and accuracy to cause the suspect(s) to be stopped and unable to continue hostile actions. Deputies will continue to fire until that objective is achieved.
 - d. Justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by deputies at the time they decide to use such force. Facts unknown to, no matter how compelling, cannot be considered later in determining whether deadly force was justified. It is important that deputies must be able to show that they or another person probably would have been killed or serious bodily injury would have resulted had they not used deadly force to stop the subject. It is not sufficient for deputies to believe the subject could or might kill them or another; they must believe if they do not act immediately to stop the subject, they or a third person will die or suffer serious bodily injury.
 - e. Discharge of firearms is prohibited when the deputy is presented with an unreasonable risk to innocent third parties.
 - f. Use of Deadly Force on a Fleeing Felon: Deadly force may be used to aid in the apprehension of a fleeing forcible felon even though the suspect(s) may not be threatening the deputy or a third person at the time only if all of the following requirements are met:
 - 1) The fleeing suspect is known to have recently committed or attempted to commit a forcible felony, and
 - 2) Deputies have made a reasonable effort to identify him/herself as a law enforcement deputy, and
 - 3) Deputies have made a reasonable effort to warn the suspect that deadly force would be employed if the suspect did not stop, and
 - 4) Deputies have exhausted every other reasonable and practical means of preventing the suspect from escaping, and

- 5) Using deadly force can be accomplished with reasonable safety to innocent persons in the area, and
- 6) The suspect's continued freedom creates an unequivocal and immediate threat to the safety of the public.

E. Warning Shots / Intentional Wounding Shots

1. Warning shots are prohibited.
2. Intentional wounding shots are prohibited.

F. Chokeholds and Neck Restraints: A deputy shall not use a chokehold or neck restraint in the performance of his or her duties, **unless deadly force is justified.**

1. In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies shall not use a chokehold, neck restraint, or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.
2. Deputies shall not intentionally use any technique that restricts the blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for seizing evidence.
3. **Render Medical Aid:** Deputies restraining a subject should be cognizant of and avoid positional asphyxia. The Sheriff's Office prohibits prolonged face-down prone restraint.
4. As soon as the subject stops resisting and is handcuffed and/or under control, the person's vital signs should be closely monitored by taking the following steps:
 - a. Roll the person onto his or her side, or into a sitting position
 - b. Monitor breathing
 - c. Check the pulse at the wrist
 - d. Check the person's facial skin color (a gray or blue tint is a sign of severe medical distress)
 - e. Determine if the person is functionally conscious (e.g., the person can exhibit voluntary movement, has the ability to converse, is aware of place/date/time)
 - f. If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if there is any doubt regarding the person's medical condition, request and emergency medical response and administer appropriate first aid.

- g. If the person is being lodged at a correctional facility or taken to a medical facility, advise the facility if the person was rendered unconscious or subjected to a chokehold during restraint.

G. **Less-Lethal Force:** Prior to deployment of any less-lethal force deputies must be trained and certified in proper use of the force option from both the technical and legal aspects. All deployments must be consistent with agency response to resistance training and policy.

1. Use of Chemical Self-Defense Spray:

- a. The purpose of chemical self-defense spray is to provide deputies with the means of affecting an arrest, defending themselves or others or restraining violent persons when other means have failed or are impractical. It shall not be used to gain compliance for a person who is passively or verbally non-compliant.
- b. Deputies will use chemical self-defense spray in a manner consistent with office training. Offenders will be treated immediately upon their arrival at the County Jail, or as soon as practical, for the removal of chemical self-defense spray from their person. Deputies must attempt to reduce the chances of any injury, inflammation or irritation to the offender, caused by lengthy contact with any chemical self-defense spray.
- c. Civil deputies will use chemical self-defense spray in self-defense and as a means to create the necessary time for them to escape the situation and request assistance from deputies.
- d. Chemical self-defense spray will not be used as a punitive measure.
- e. Deputies shall consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the location.
- f. Only Office issued chemical self-defense spray will be used by employees.

2. Use of Impact Weapon:

- a. Impact weapon: For the purpose of this policy, an impact weapon is any device used to strike another, which could cause injury or death.
- b. An office approved expandable baton may be worn by a deputy or be kept in a readily available location in the vehicle. The expandable baton should be used when a lesser degree of force has proved futile in overcoming resistance or assault by an arrestee, or when deputies can articulate a lesser degree of force would probably have proven futile. When using the expandable baton, reasonable caution must be used to avoid inflicting a

fatal or permanent injury to a person. It must be used consistent with office training.

- c. Strikes to the head are to be avoided unless the situation dictates the use of deadly force.

3. Knives:

- a. Deputies may carry a folding knife while on duty. The blade of the knife is not to exceed 4" and the overall length of the knife and handle when displayed is not to exceed 9.5". All knives must be carried partially or fully concealed. A fixed blade knife is not allowed to be carried.
 - b. Deputies will not use knives as weapons except under circumstances where deadly force is otherwise indicated and justified and the knife is the only weapon reasonably available. Deadly threats by suspect(s) armed with knives will be confronted by deputies with firearms if at all possible.
4. Deputies and civil deputies may not carry weapons other than those listed in the Pennington County Sheriff's Office Policies and Procedures except with permission of the Sheriff.

H. Providing Medical Aid After Use of Force

- 1. The Pennington County Sheriff's Office policy is to render reasonable medical aid to any person after the use of deadly, non- deadly, or physical force.
- 2. Medical aid will be rendered to injured persons after threats of violence to deputies, civil deputies or others have ceased.
- 3. Any deputies who may have caused injury by deadly force, after the immediate threat has ceased, may approach the suspect to determine if life saving measures and/or appropriate medical aid should be initiated. Should deputies determine immediate medical aid should be rendered, or is not absolutely sure death has occurred, they will notify responding medical units, make the scene safe, and provide appropriate medical first aid to the suspect.
- 4. Any deputies who may have caused injury by less-lethal force, after the immediate threat has ceased, may approach the suspect to determine if medical aid should be rendered to the suspect. Should they determine immediate medical aid should be rendered to the suspect they should:
 - a. For chemical self-defense spray: Once the subject has calmed down, attempt to flush contaminated areas with copious amounts of cold water and expose to fresh air as soon as possible after exposure. Further relief may be gained by showering and washing affected areas with soap and water. Remove contact lenses and contaminated clothing if practical. Do not apply salves, creams, oils, or lotions, which can trap the irritants. If the person shows any signs of physical distress or does not recover in a

reasonable amount of time, deputies should immediately direct an emergency medical response and render first aid. When processing a suspect into the County Jail, deputies must inform the intake staff the subject was sprayed with a chemical irritant.

- b. For impact weapon: After striking the suspect, contact a supervisor and transport to a hospital if there is an apparent injury, or complaint of injury by the suspect. Deputies shall notify the jail intake staff the suspect was struck with an impact weapon.

I. Surrender of Firearms

1. Deputies are strongly discouraged from ever surrendering their weapons to anyone who may be holding someone as a hostage or is a suspect in criminal activity.
2. Each individual involved must make the ultimate decision based upon the circumstances surrounding the incident.

J. Reassignment of Deputies Using Other Than Deadly Force

1. Deputies whose actions result in serious physical injury, either accidentally or intentionally, will be removed from line-duty assignment pending an administrative review. After review, the Sheriff may allow the deputy to return to duty pending the outcome of the investigation.

K. Reassignment of Deputies Using Deadly Force

1. The Sheriff or designee shall have the authority and responsibility to relieve from duty any deputy whose actions results in a death, either accidentally or intentionally.
2. The Sheriff or designee also shall have the authority to relieve from duty any deputy who has discharged their firearm, including off-duty situations, excluding firearms training, recreation or when prior permission had been received from a supervisor.
3. A deputy shall be relieved of duty and put on Administrative Leave with full pay and benefits after a deadly force incident pending an administrative review.
4. Any deputy who has been involved in any deadly force incident or other stressful situation shall be sent to a mental health professional for evaluation and/or counseling. This procedure does not preclude the use of the Critical Incident Team deployment for stressful situations.

113-02: Response to Resistance Reporting

Chapter: Response to Resistance

Order No:

Effective: 08-01-2000

Revised: 02-13-2017

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. This policy establishes procedures for reporting and administrative reviewing of response to resistance incidents.

II. Definitions

- A. **Deputy:** Any sworn law enforcement officer or transport officer of the Pennington County Sheriff's Office.
- B. **RMS:** Records Management System

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Response to Resistance Reporting Procedure

1. Whenever a deputy applies any response to resistance other than deadly force, a Response to Resistance Report needs to be completed listing details of the occurrence. This report, along with a copy of the actual case report and related attachments, will be completed within a timely period. These documents will be tasked in the RMS to the involved deputies Sergeant, division Captain, or his designee based upon the following criteria:
 - a. The Sergeant will conduct a Response to Resistance Review when the response to resistance includes the display of handgun, rifle, less-lethal shotgun, Taser, chemical agents or impact weapons; or any of the following: chemical agent deployment, the use of pressure points, arm/joint locks and take-downs.
 - b. The division Captain or his designee will conduct a Response to Resistance Review when the response involves Taser deployment, impact weapon strikes, deadly force, less-lethal shotgun deployment and hand strikes and kicks.

- c. All related reports and attachments will be maintained in the RMS.

B. Deadly Force Reporting

1. When a deputy is involved in a deadly force incident, the division Captain, or his designee, will complete the Response to Resistance report and review as soon as practical. This will be done based upon the information available at the time of the report or within 30 days of the incident.

C. Response to Resistance Analysis

1. The Pennington County Sheriff's Office will conduct an annual analysis of all Response to Resistance type actions taken by deputies. This report will be completed by the designated Response to Resistance Training Coordinator and forwarded to the Training Manager, Patrol Lieutenant, Patrol Captain, Law Enforcement Chief Deputy, and Sheriff for review. This report will be utilized to analyze these types of incidents to identify trends, deputy and suspect actions, and call types. This information will be utilized to identify training needs and identify potential operational deficiencies. This report will be maintained on file at the Pennington County Sheriff's Office.

D. Accidental Discharge of Firearms

1. A case report will be completed by any deputy who accidentally discharges any firearm while on duty or any agency owned firearm off duty.
2. This report will be forwarded to the division Captain for review.
3. The division Captain will write a detailed report describing the incident to include a conclusion as to whether the discharge violates any agency rule or procedure and a disposition. The division Captain will submit the final report to the Law Enforcement Chief Deputy and Sheriff for review.
4. If an investigation of the incident concludes the discharge of the weapon was the result of negligence, the deputy may face disciplinary action and will be required to undergo firearms re-training.

113-03: Weapons Use and Maintenance Policy

Chapter: Response to Resistance
Order No:
Effective: 08-01-2000
Revised: 03-21-2019
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. To establish procedures to ensure proper weapon use and maintenance.

II. Definitions

- A. **Deputy:** Any sworn law enforcement officer or transport officer of the Pennington County Sheriff's Office.

III. General Information

- A. User-level maintenance on firearms is to be performed regularly by the individual deputy to whom the firearm is issued.
- B. Armorer-level and factory-level maintenance on firearms is to be performed or arranged for only by an office armorer.
- C. Deputies will never use a firearm for showing off, horseplay or as part of a prank.
- D. Any reckless, dangerous or discourteous conduct involving firearms will be considered cause for possible disciplinary action.
- E. The Clearing Barrel located in the vehicle sally port at the Public Safety Building will be used to make safe any less-lethal shotgun or rifle prior to entering the Public Safety Building. This policy does not cover holstered handguns. Although Clearing Barrels are not available in the contract city offices or at deputies' residences, the same practice of unloading firearms needs to be followed when bringing less-lethal shotguns or rifles into these buildings for inspection, maintenance, or storage.

IV. Procedural Guidelines

A. Firearms Safety Procedures

- 1. On-duty deputies shall remove firearms from their holsters or racks only for the following reasons:
 - a. In the line of duty
 - b. Inspections

- c. Firearms training
- d. When changing holsters or weapons
- e. Cleaning
- f. When placing in lock box at appropriate facilities

B. Inspection of Firearms

1. All office owned weapons and approved personally owned back-up weapons are subject to inspection by Armorer's, Firearms Instructors and Supervisors at any time to ensure safety and dependability.
2. Supervisors are encouraged to hold firearms inspections to ensure all duty firearms and back-up weapons are in clean serviceable condition. Supervisors shall conduct inspections in a safe and orderly manner to ensure the safety of everyone involved in the inspection and individuals in the vicinity of the inspection.
3. Any firearm that is discovered to be unserviceable, out of factory specifications, modified in an unauthorized manner, or so dirty as to affect its reliability, will be immediately removed from service. If a firearm is removed from duty for being very dirty, the deputy shall also be temporarily relieved of duty for the purpose of cleaning the firearm and the supervisor shall complete an appropriate report. If a firearm is removed for other reasons, the firearm will be repaired immediately, a replacement issued, or other appropriate action taken by the supervisor.

C. Armorer's Inspection and Cleaning

1. Each deputy shall submit to the armorer all duty and approved back-up weapons for inspection and cleaning annually. This inspection is scheduled by the Firearms Training Administrator, and shall determine if the weapon meets the manufacturer's minimum standards for safety and performance. The armorer shall clean the internal areas and parts of the weapon not normally accessible to the deputy. The Pennington County Sheriff's Office will maintain an adequate number of trained Glock, AR-15 base rifle and shotgun armorers to ensure serviceability and dependability of the weapons we carry on duty.
2. Mechanically unsafe or undependable firearms shall not be knowingly carried by deputies. Any malfunction or suspected malfunction of a firearm shall be reported to a supervisor as soon as practical. The supervisor shall ensure the weapon is submitted to a qualified armorer for inspection. Any firearm not meeting the manufacturer's minimum standards shall be repaired before being carried by the deputy. Only a certified office armorer may authorize or conduct repairs.

D. Duty Sidearm

1. The duty sidearm is the deputies primary defensive instrument in the face of life-threatening violence. The Pennington County Sheriff's Office will ensure that the deputies are issued a high-quality sidearm. Further, procedures are instituted to ensure that nothing is done to the firearm to alter its reliability and/or safety.
 - a. Unless specifically authorized by a supervisor, the primary duty sidearm for Pennington County deputies will be an agency owned Glock Model 17, 19 or 43.
 - b. On-duty deputies shall carry their issued firearm fully loaded in an issued holster appropriate to their assigned task.
 - 1) Unless exempted by a supervisor, deputies shall wear their issued sidearm while on duty.
 - 2) The sidearm shall be carried in a fully loaded condition using office issued duty ammunition.
 - 3) Deputies shall carry at least one (1) extra original equipment or factory approved fully loaded magazine for the duty sidearm.

E. Carbine Rifle

1. It is the policy of the Sheriff that either an AR-15 based carbine rifle be available to deputies assigned to patrol duties or other duties when the need for a shoulder-fired defensive weapon is required. The deputy must be certified and complete all training requirements related to the carbine rifle prior to deploying a rifle.
 - a. Carbine rifles approved for carry and use by the deputies shall be of quality manufacture based on the Colt AR-15 base semi-automatic rifle frame design.
 - b. .223 Caliber/5.56 NATO only
 - c. Rate of fire shall be semi-automatic for all issued firearms. Special Response Team Members who have received specific instruction on and are certified to carry automatic weapons may carry automatic .223 rifles issued by the office.
 - d. Carbine rifles used for duty purposes must have the following office issued equipment:
 - 1) Mounted light
 - 2) Sling
 - 3) A minimum of three (3) office issued magazines
 - 4) Appropriate case or approved rifle rack

- e. Carbine rifles will be assigned to deputies in the rank of Sergeant and below and may be assigned to deputies in the rank of Lieutenant and above. Transport officers will have access to a carbine rifle in the transport bus.
- f. It is essential that strict rules be set and followed to ensure carbine rifles are properly zeroed and set-up consistently to ensure they may be used accurately by properly trained and certified personnel.
 - 1) Patrol rifles, magazines, magazine configurations or rifle racks will not be altered or modified in any way by individual deputies to include but not limited to: sight adjustments, rifle rack adjustments, adding or altering components.
 - 2) If a deputy detects a problem or has an issue related to any of the above, they will report the problem or issue to a supervisor immediately to be evaluated. The supervisor will immediately contact a certified armorer to evaluate the issue or problem. If a certified armorer is not immediately available, the supervisor will take the rifle out of service until such time that it can be properly evaluated.
 - 3) Patrol rifles will be zeroed by the assigned deputy upon issue. The zero will be confirmed annually thereafter. At no time will an individual user alter any of the sighting system components on the rifle.
- g. Each deputy is responsible for the user-level maintenance of their assigned rifle.
- h. Weapon mounted metallic open sights are mandatory for all rifles with or without an optical sighting system. Carbine rifles will be issued with approved optical sighting systems. The term “optical sighting system” refers to the optical sight and the mounting device used to attach the optical sight to the firearm.
 - 1) All optical sighting systems must have 4X magnification or less and shall be mounted in a manner that allows for co-witnessing of open sights or quick detachment of the optical device to allow quick access to open sights.
 - 2) Prior to using an optical sighting system on a rifle, the deputy shall be required to train and successfully qualify with the optical sighting system. Deputies will be required to demonstrate proficient use of the optical sighting system on an annual basis.
- i. Each carbine rifle shall be inspected annually by an office armorer familiar with that type of weapon.

- a) Written notation of the inspection shall be kept.
 - b) Each weapon is subject to unannounced inspections for maintenance and function by certified armorers, firearms instructors, supervisors and command staff.
- j. Duty ammunition shall be office issued new manufacture .223/5.56 NATO.
 - 1) Remanufactured ammunition of the same brand, bullet weight/style may be used for training purposes.
 - 2) Ammunition required to meet and maintain proficiency standards will be provided by the office.
- k. When responding in a mutual-aid/multi-agency incident or requesting assistance involving other agencies or at any time when the authorized deputy is not clearly identifiable, the authorized deputy will make all reasonable efforts to advise other units of their presence and type of weaponry.
- l. Except in extreme life-threatening emergencies, the weapon shall not be used beyond the demonstrated operational range of the authorized deputy.
 - 1) The operational range shall be no more than 100 yards and may be reduced by environmental factors
- m. When carried for duty, but not in actual use, the rifle will be kept in the following “cruiser-safe” condition:
 - 1) Chamber is empty
 - 2) Safety is on
 - 3) Trigger is not pulled
 - 4) A loaded magazine inserted in the magazine well
 - 5) Dust Cover is closed
- n. Rifles will be loaded following these procedures:
 - 1) Maintain a safe muzzle direction
 - 2) Engage the rifle safety
 - 3) Remove the weapon from the confines of any building or vehicle, as practical
 - 4) Point muzzle to the ground or straight up depending on surface (not in parking garage) or into an approved safety container.
 - 5) Insert a fully loaded magazine into the magazine well

- 6) Pull the charging handle to the rear and release, chambering a round
 - 7) Close the dust cover
- o. Rifles will be unloaded following these procedures:
- 1) Engage safety and maintain a safe muzzle direction
 - 2) Point muzzle to the ground or straight up depending on surface (not in parking garage) or into an approved safety container.
 - 3) Remove the magazine from the rifle
 - 4) Verify the weapon is clear by pulling the charging handle to the rear, extracting the chambered round and lock the bolt to the rear
 - 5) Visually and physically inspect the chamber and press the bolt release
 - 6) Close the dust cover
 - 7) Inspect rifle for damage and store properly
- p. Removal of rifle from patrol or other office-owned vehicle:
- 1) The purpose of this policy is to ensure the safety of all concerned, when deploying a rifle from its installed position in a patrol vehicle. Consequently, all deputies should familiarize themselves with the safe handling procedures outlines below.
 - 2) The removal of the rifle from a patrol vehicle should be accomplished in the following manner:
 - a) From the seated or standing position, disengage the electric lock with either hand, grasp the rifle by the forward handgrip (keep your finger off the trigger), pull the rifle down over your head to the “lap position”. The rifle should be removed from the lock with the muzzle pointed up away from your head and pointed in a safe direction. Once the rifle is safely outside the vehicle, a round may be chambered.
 - b) After termination of the incident return the rifle to the “cruiser-ready” position (LE 113-03 IV. E. 1.).

F. Weapon Mounted Lights (WML)

1. Deputy Sheriff’s engaged in field duty operations will be issued WMLs for their duty handguns. Field duties are further defined in policy 324-04.
 - a. Only those handgun WMLs purchased by the office will be authorized for use.

- b. All Deputies must successfully complete an office-approved training course before they are authorized to carry a WML.
 - c. Deputies must pass an office-approved low light qualification course annually to continue use of the WML.
 - d. All Deputies using a handgun with a WML shall use an approved holster that accommodates the WML.
 - e. A handheld flashlight will be the primary tool for illumination. The handgun WML will only be used in situation where it is appropriate to have a handgun drawn. (Refer to subsection C.)
- 2. All issued carbine rifles will be equipped with a WML. Deputies will not modify WMLs from their issued configuration without approval of the Firearms Administrator.
 - 3. Use of the WML falls under response to resistance policy, as the beam emitted from the WML is projected directly in line with the muzzle of the weapon.
 - a. The WML shall only be used while searching for possible threats or in the engagement of a threat.
 - b. Pointing a WML, which includes pointing a firearm, in any direction, will be judged against the perceived threat, the severity of the crime at hand, and whether the subject is providing resistance.
 - c. The WML should not be used for administrative lighting tasks, searching for any object, or any other situation when it would not be appropriate to point a firearm in the direction to be illuminated.
 - d. Prior to attaching or detaching the WML from any weapon system, that weapon system shall be visually and physically inspected to ensure it is clear of any ammunition.

G. Specialized Weapons

- 1. Specialized weapons include, but shall not be limited to: AR-15's, M-16's, sniper rifle systems, 40mm launcher, pepper-fogger system, hand held chemical munitions and pyrotechnic diversion/distraction devices.
 - a. Certain deputies shall be selected and provided with special training the purpose of which will be to bring each selected deputy to a high level of proficiency with some or all of these special weapons.
 - b. Specialized weapons shall not be issued to any deputy for non-training purposes until that deputy has met the required classroom instruction for that weapon and has fired a qualifying range score with the weapon within specified qualifying interval.

- c. Specialized weapons shall not be issued or loaned to any other agency for any purpose until any potential user has received the training necessary for such weapon to be issued to office members. Such training will be given by office instructors and documented in the office computerized training files. In addition, any agency requesting the use of a specialized weapon must have in place a written S.O.P. for that weapon which meets the approval of the Pennington County Sheriff.
- d. Sniper rifle systems shall be assigned only to the office members designated as Sniper/Spotter team members. Sniper rifle systems will not be issued or loaned to officers of other agencies. This does not prohibit office Sniper/Spotter teams from use in mutual aid when authorized by the Sheriff or designee.
- e. When specialized weapons that are specifically assigned to individual deputies are used for training or qualification by a non-assigned deputy, the non-assigned deputy shall not make adjustments of the weapons sighting system or of any part of the weapon which alters weapon function or projectile impact point.

H. Backup Guns

- a. Backup guns are not authorized.

I. Ammunition

- 1. Only office-issued new factory ammunition is permitted in firearms carried on duty.
 - a. It is the policy of the Sheriff's Office that service ammunition is purchased on a timely basis and regularly rotated, so that no deputy will be carrying ammunition that is more than 18-months old.
 - b. Duty ammunition carried by deputies will be regularly inspected by office armorers and supervisory personnel. Any ammunition that is discovered to be or suspected of being defective, outdated or unserviceable will be replaced immediately.
 - c. Duty ammunition will be used only for official duty.

J. Practice Ammunition

- 1. It is the Sheriff's Office's policy to make office purchased ammunition available to all armed personnel for unsupervised practice with their duty handgun and assigned carbine rifle. Armed personnel may draw up to 50 rounds at a time for a maximum of 150 rounds for each weapon in a calendar year. Special Response Team (SRT) members who shoot monthly are not eligible to participate in this program. Additional training ammunition for these SRT members will be made available through the SRT. It is the policy of the Pennington County Sheriff's

Office that weapons be handled safely at all times. Personnel are directed to practice only where it is safe, appropriate and legal to discharge a firearm. Appropriate safety equipment shall be worn by personnel firing their issued firearm and are strongly suggested when firing personal firearms.

- a. Ammunition will be drawn for armed in the following manner:
 - 1) Ammunition request forms will be made available.
 - 2) Submit the ammunition request form to the designated firearms instructor.
 - 3) The designated firearms instructor will draw 50 rounds per request and contact the requesting personnel and arrange for the ammunition to be delivered or picked up.
 - 4) The designated firearms instructor will track all issued ammunition and limit each individual to 150 rounds for each weapon per calendar year.
 - 5) The Law Enforcement Chief Deputy may rescind the practice ammunition process or place further restrictions on the process at any time due to issues associated with other ammunition needs within the office.

K. Other Approved Discharge of Weapon

1. Deputies who are required to discharge their weapons should follow the following guidelines.
 - a. Discharge at an approved target at an approved firing range facility.
 - b. For practice or recreational shooting in an area where firing a weapon would be safe and lawful.
 - c. In order to destroy any animal that appears to be suffering from an apparent fatal wound or sickness. In the case of domesticated animals or livestock every reasonable attempt to locate and receive permission from the animal's owner will be made.
 - d. At any animal obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.
2. The discharge of a firearm is an irreversible action and, if possible, deputies should evaluate the following prior to firing their weapon:
 - a. Direction the firearm is to be discharged.
 - b. Extreme caution must be used at night as darkness may obscure the deputy's vision.

- c. The danger of firing the weapon while running or jumping due to the possibility that other persons or property may be struck by the projectile(s).
- d. Regardless of the nature of the crime or the legal justification for firing at a suspect, deputies are reminded that their basic responsibility is to protect the public and themselves. Deputies are instructed to be particularly cautious when firing under conditions that would subject innocent bystanders to substantial danger.

L. Destroying Animal with a Firearm

1. Steps should be taken to ensure the safety of all citizens, property, and other animals prior to the destroying of the animal. The animal to be destroyed should be moved to an area of relative safety and out of public view, if possible. This area may be a vacant lot, rear yard, or a roadway median strip. The primary concern is the animal should be placed upon the ground, not pavement, to prevent ricochet.
2. Shoot the animal from close range (5 to 10 feet maximum, if possible).
3. Shoot down into the animal so that the projectile, if exiting the animal's body, will enter the ground.
4. If the possibility of rabies or that the animal has bitten someone exists, the animal should not be shot in the head. In these cases, the animal should be shot in the chest cavity, directly behind either front leg.
5. Whenever it is necessary to destroy an animal with the use of a firearm, documentation detailing the occurrence shall be included via log entry.

113-04: Response to Resistance Training

Chapter: Response to Resistance

Order No:

Effective: 08-01-2000

Revised: 02-13-2017

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Purpose

- A. This policy establishes guidelines for the training in use of force issues.

II. Definitions

- A. **Deputy:** Any sworn law enforcement officer or transport officer of the Pennington County Sheriff's Office.
- B. **Expandable Baton:** Cylindrical outer handle covered shaft, containing telescoping inner shafts that lock into each other when expanded.

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Instructions on Use of Force:

1. All Pennington County Sheriff's Office personnel authorized to carry weapons shall review Policies and Procedures Standards 113-01 through 113-09 and be instructed in their content prior to being allowed to carry a weapon. Documentation of this review shall be kept in each employee's training file.
2. Employees are to be familiar with and maintain a working knowledge of laws and ordinances in force in Pennington County and the rules, orders and procedures of the Pennington County Sheriff's Office.

B. Weapons and Tools Proficiency:

1. Deputies may carry a firearm (to include less-lethal shotgun), expandable baton, electronic control device (ECD) and chemical spray only after successfully completing qualification training as determined by the appropriate Firearms Instructors, Defensive Tactics Instructors, and Chemical Weapons Instructors.
2. Authorized non-sworn personnel may carry chemical spray only after successfully completing qualification training as determined by the Chemical Weapons Instructors.

3. Classes will be conducted on:

- a. Office Policies and Procedures
- b. State Laws on the Use of Deadly Force
- c. Firearms (including less-lethal shotgun) Mechanics and Safety
- d. Chemical self-defense spray
- e. Defensive Tactics
- f. Expandable Baton
- g. Electronic Control Device

C. Weapons Qualifications Other than Firearms:

- 1. Electronic control devices, chemical weapons and expandable baton qualifications will be required annually.

D. Firearm Qualification & Training:

- 1. The Sheriff, deputies, and anyone else who carries a badge and a firearm under the auspices of the Pennington County Sheriff's Office will undergo firearms training two times per year with their duty handgun.
 - a. The state mandated handgun qualification course will be fired during at least one of these training sessions and the qualification itself may count as one training session.
 - b. Deputies who carry carbine rifles will train and qualify with the carbine rifles annually.
 - c. Deputies who carry a less-lethal shotgun will qualify with the less-lethal shotgun annually.
 - d. Deputies will be allowed two (2) attempts to shoot a qualifying score on all qualification courses.
 - e. Qualification courses will be fired using duty ammunition or the remanufactured equivalent. Commercially procured remanufactured ammunition may be used during training exercises.
 - f. The curriculum for the training course and qualifications will be designed by the training division and the firearms cadre and approved by the Sheriff or designee. The design of the course(s) will attempt to include as many of the following elements as practical:
 - 1) Shoot/Don't Shoot
 - 2) Low-light Shooting/Target Identification

- 3) Moving Targets
 - 4) Multiple Suspects
 - 5) Use of Cover/Concealment
 - 6) Reloading/Malfunction Clearance
 - 7) Teamwork/Communications
- g. No deputy will be permitted to carry any firearm with which they have not qualified within the preceding year, except as noted below:
- 1) Any deputy who fails to qualify with a firearm during their scheduled qualification course will be afforded a grace period of two weeks (14 days) during which they may attempt to qualify. They will be afforded two (2) opportunities to qualify within the fourteen-day period. They will go about their normal duties during the grace period.
 - 2) Deputies who fail to qualify during the grace period, will be immediately assigned to an administrative job within the office – with no reduction in pay or benefits – that does not require or permit the carrying of, or access to firearms. A reserve deputy who fails to qualify during the grace period will not be allowed to perform any duties as a reserve deputy. The deputy or reserve deputy will remain in this status for an indeterminate period of time, pending a decision by the Sheriff regarding remedial training, reassignment, dismissal, etc.

E. Electronic Control Devices:

1. Only those personnel specifically trained in their use will carry ECDs.
2. Training and qualification with the ECD will be conducted annually. At a minimum, this will consist of classroom instruction, loading and unloading the ECD, a deployment exercise and a written exam.
3. Deputies must be trained concerning ability of electrical charge to act as an ignition for combustible materials.

F. Less-Lethal Shotgun:

1. Training in the use of less-lethal extended range munitions will consist of the agency approved program.
2. Authorized deputies will qualify on the less-lethal shotgun annually.

G. Carbine Rifle Training:

1. All deputies with access to a rifle are required to attend training annually in the safe handling, malfunction clearance, proper deployment, firearm manipulation, use of the law enforcement rifle.
 - a. Courses of fire used to determine proficiency shall include grouping exercises, operational shots and application of fire under simulated field stress conditions.
 - b. Deputies must demonstrate ability to apply fire accurately at unknown distances.
 - c. The deputy shall be knowledgeable of their operational range and the environmental factors that may affect such.

H. Active Shooter Training:

1. The Pennington County Sheriff's Office will train in active shooter response tactics.
2. We recognize the active shooter phenomenon is evolving, and our response and techniques will also have to evolve to meet this threat. The follow are training areas that should be considered:
 - a. Active shooter situation identification, approach, position and entry.
 - b. Room/building entry techniques with handgun and rifle.
 - c. Building/area clearing techniques with handgun and rifle.
 - d. Victim rescue techniques.

I. Improvised explosive recognition.

113-05: Conducted Electrical Weapons

Chapter: Response to Resistance
Order No: LE 10-03
Effective: 08-01-2003
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

- I. Purpose:** The Pennington County Sheriff's Office recognizes handling combative, non-compliant, and/or violent suspects wielding edged, impact, or other dangerous weapons requires special training and equipment. The office further recognizes there is a phenomenon, in which persons attempt to commit suicide by wielding firearms and/or other deadly weapons within the close physical proximity of law enforcement officers in an attempt to force law enforcement officers to use deadly force against them (Suicide by Cop). The Pennington County Sheriff's Office has adopted the use of Conducted Electrical Weapons (CEW) as an option to assist with the de-escalation and resolution of these potentially violent confrontations. Conducted Electrical Weapons use electrical energy to affect the signaling mechanisms used by the human body to communicate. The electrical output simply "jams" the communication system of the body. The human target instantly loses muscular control of their body and cannot perform coordinated action, usually falling to the ground.

The CEW should be used early enough in a confrontation or situation to prevent the incident from escalating to a point where a greater level of force might be necessary. Deputies will not intentionally place themselves or other innocent persons at substantially increased risk of death or serious injury by employing electronic control devices where conditions would otherwise call for immediate use of deadly force. Deputies are to consider all use of force options when encountering a combative individual and be prepared to utilize other force options if the CEW is not effective.

II. Definitions

- A. **CEW:** Conducted Electrical Weapon
- B. **Deploy / Activation:** The firing of a live probe cartridge(s) to engage a person or small animal (i.e., such as a dog), if necessary, by contact with live probes and activation of the five-second electric pulse stun one or more times.
- C. **X26P Drive Stun:** Deployment of the CEW in direct contact with a person(s) or animal. There is no drive stun mode for the Taser 7.
- D. **ARC Button:** The buttons affixed to the Taser 7 allow the user to display an electrical discharge across the front of the CEW without deploying the device's cartridge. If the CEW cartridge has been deployed and the ARC buttons are pressed, this will activate an additional 5-second discharge through the deployed probes.

- E. **CID:** Central Information Display located on the rear of the CEW. This display will provide crucial data used to function the CEW.
- F. **Tilt Select Function:** A function of the CEW that allows personnel to switch between cartridges by tilting the CEW to the left or right.
- G. **Functions/Spark Test:** A test to verify that the device functions properly.
 - 1. **X26P Spark Test** – This action is performed by removing the device’s cartridge and pressing the trigger to activate a 5-second spark test. The operator should observe the device arcing and notify a Taser instructor of any issues.
 - 2. **Taser 7 Functions Test** – This action is performed by leaving the cartridge in the device and pressing both ARC buttons simultaneously until the CID displays the device’s firmware and battery percentage. The person using the device will arm the CEW and again press one of the ARC buttons to activate the 5-second functions test. **The inserted cartridge will deploy if the trigger is pulled during the functions test.**
- H. **Subject:** The person who is the focus of the law enforcement action.

Procedural Guidelines

A. Technical Aspects

- 1. The Taser 7 and the X26P are designed to stun and override a person’s central nervous system, causing uncontrollable contractions of the muscle tissue and leading to temporary incapacitation.
- 2. The Pennington County Sheriff’s Office recognizes two variants of Conducted Electrical Weapons (CEW) which will be used within the agency. All sworn personnel will carry an X26P or Taser 7 during their duties. The variant of CEW will be based on the deputy’s current job status.

B. Target Areas

- 1. All sworn personnel assigned a CEW will target center mass below the chest to avoid placing a probe on or near the subject’s heart whenever possible. It is understood that the dynamics of a physical confrontation are such that accuracy cannot always be achieved. The manufacturer’s recommendation and guidelines should be followed in applying this technology

C. Force Continuum

- 1. The Pennington County Sheriff’s Office recognizes and allows sworn personnel to use objectively reasonable efforts when using force to control and detain subjects.

When determining the appropriate level of force personnel should apply, they should consider the office's trained use of force options along with the following three-factor test:

- a. How serious is the offense the personnel suspected when the particular force is used?
- b. What was the physical threat to the personnel or others?
- c. Was the subject actively resisting or attempting to evade arrest by flight?

D. Maintenance and Functionality

1. The CEW shall be carried in the holster specifically issued by this agency. The issued holster used to carry the Taser 7 and X26P will be the Blackhawk brand rigid holster specifically designed to carry both respective devices. The CEW will not be carried in any other form of holster without express permission from the Sheriff or his appointed designee.
2. The CEW shall be worn, in a loaded condition, on the assigned personnel's duty belt or overt body armor and in a cross-draw position opposite their duty handgun unless prior approval is received from the Sheriff or a designee. Personnel will not draw their duty weapon and the CEW simultaneously and should never have both in their hands simultaneously.
3. Personnel assigned the Taser 7 shall complete a functions test before its use in the field or as soon as practical. In addition to the Functions test, the CEW will be inspected for visible damage, battery level, and cartridge expiration. The Taser 7 CEW should also be checked to ensure the Tilt Select Technology works correctly.
4. Personnel assigned the X26P shall complete a Spark Test before its use in the field or as soon as practical. In addition to the Spark Test, the CEW will be inspected for visible damage, battery level, and cartridge expiration.
5. The battery of either CEW variant should not go below 20%.

E. CEWs can be deployed when:

1. A person may be criminally charged and demonstrates an overt intention to use violence or force against a deputy or others.
2. A person resists detention and arrest, and other alternatives for controlling them are not reasonable or available under the circumstances.
3. Personnel may use CEW's to protect a someone who poses a danger to themselves or others. CEW's may only be used to the level of force that reasonably appears necessary to control or subdue a violent or potentially violent person.

4. CEW's should be deployed no more than is reasonably necessary to accomplish subduing a person until alternate means can be used to ensure compliance. A higher level of justification is required for deploying the CEW multiple times on a single individual. Furthermore, personnel should understand that each time the CEW is discharged on a single person it is considered a separate use of force. This justification must be present and articulated on the Response to Resistance Report.
5. When personnel determine a situation warrants using the CEW, the following tactical considerations should be considered.
 - a. Personnel deploying CEW's should consider having additional law enforcement immediately available for lethal cover, arrest and control. In those instances, where deployment of the CEW is necessary by lone personnel, the personnel should strongly consider exercising control of the subject through continued use of the device in those instances where the subject continues to be a danger to the safety of the personnel or others until additional assistance arrives. **Under no circumstances will the CEW be left unsecured during apprehension.**
 - b. Handcuffed Prisoners – CEWs shall not be used on handcuffed persons unless they are actively resisting or exhibiting aggression, and/or to prevent individuals from harming themselves or others. These circumstances will be clearly delineated in resulting reports.
 - c. Special Populations – CEW's should not generally be used against pregnant women, elderly persons, visibly disabled persons, young children or visibly frail persons unless exigent circumstances exist.
 - d. Fleeing Persons – Fleeing subjects have a greater chance of sustaining injury because of the fall following a CEW deployment. Therefore, CEWs should not be used on subjects running unless the following circumstances exist:
 - 1) There is reasonable suspicion that the fleeing subject has committed a violent criminal offense and/or the subject poses an imminent threat to the public if not apprehended. The CEW should only be deployed in this circumstance if it is the only available means to safely apprehend the subject.
 - 2) Personnel should also consider that the CEW may fail during deployment against a fleeing person as movement may remove them from the effective range of the device.
 - e. Running Motor Vehicles – The use of a CEW in an attempt to control a driver in a running motor vehicle is prohibited. Extreme caution should be used when determining whether to deploy a CEW on passengers in running motor vehicles.

- f. Multiple Personnel Deployment – Caution should be used when multiple personnel are on scene with a resistive/aggressive subject. When possible, personnel should coordinate their actions to avoid multiple law enforcement officers deploying CEW's at the same time.
- g. Multiple Subject Deployment – Personnel should not deploy their assigned Taser 7, which is equipped with multiple cartridges, against more than one subject. There is a high likelihood of unjustified deployments when a CEW is deployed to more than one subject unless exigent circumstances arise that require this necessity.
- h. Extreme caution should be used near flammable liquids or fumes as the CEW's can cause ignition. Personnel should be mindful that the CEWs use of an electrical charge can act as an ignition for combustible materials.
- i. Caution should also be exercised when deploying a CEW where the subject is near the edge of a high area (i.e. rooftop, bridge), or when the subject is in deep water.
- j. Passive Resistant Subjects – Personnel will not deploy a CEW against a person who is offering only passive resistance.
- k. CEW Deployment Warning – In order to warn other law enforcement officers on scene that a CEW is being deployed, and to reduce the chances of the sound being mistaken for the firing of lethal rounds, an announcement of their impending deployment should be made prior to using the CEW, if practical. Personnel deploying the CEW should repeatedly say "TASER" to warn other law enforcement officers.
- l. The optimal method of use of the CEW is firing the probes thus making penetrating contact with the subject. The secondary method of use would be in the "Drive Stun Mode" where the probes are not fired but direct contact is made to the subject's body. Using the Drive Stun technique with the Taser 7 and X26P is strongly discouraged and should be considered a higher level of force that will only accomplish pain compliance. The drive stun mode should only be used in exigent circumstances that pose a danger to personnel or the public.
 - 1) X26P – A 3-point follow-up to complete a circuit on a subject should not be confused with a drive stun.
 - 2) Taser 7 – A probe deployment from the Taser 7, deployed to complete a circuit, should not be considered a drive stun.

F. Handling of Subjects After CEW Deployment

- 1. Following the deployment of probes from a CEW, deputies shall secure the subject, notify the on-duty supervisor, and request a medical unit response as soon as practical. Personnel will brief both the on-duty supervisor and the arriving

medical personnel of the CEW usage on the subject to include information about the location of the probes in relation to the chest/heart. In cases where medical personnel determine that transport to the hospital is unnecessary, the subject will be transported to the appropriate facility. If the subject is to be booked into jail, the booking staff will be made aware that a CEW was used on the subject.

2. Probe Removal – After a subject has been secured in handcuffs or appropriate restraints, personnel deploying the CEW will evaluate the subject to determine if the probes have penetrated the skin. Personnel should remove the probes if they have not penetrated a sensitive area (head/neck/groin/breast). If possible, photographs of the probe sites shall be taken, prior to, and following probe removal. **Only trained medical personnel shall remove a probe(s) from sensitive areas.** In cases involving probe penetration of the skin, the probes/cartridge shall be placed into Evidence after being properly secured. In all cases the cartridge/probes will be treated as a biohazard.
 - a. Taser 7 Probe Removal should be completed using the specialized probe removal tool provided to personnel.
 - b. X26P Probe Removal should be completed using the trained method of removal.

G. Reporting

1. Whenever a CEW deployment occurs, a detailed written report and Response to Resistance report will be completed. The report should specify the action taken and be submitted to the personnel's supervisor. These reports should be forwarded through the chain of command for review.
2. Reports will also include comments regarding the pre-shift inspection of the CEW referred to in sections D3 & D4 of this policy.
3. Following each tactical deployment or training usage the CEW's electronic information shall be downloaded and each unit's record will be maintained.
 - a. In incidents where an X26P is deployed on a subject or deployed accidentally, the device shall be temporarily removed from service until a data download and inspection can be done.
 - b. In incidents where a Taser 7 is deployed on a subject or deployed accidentally, the involved personnel will, as soon as possible, remove and replace the device's battery with a charged battery located in a designated area of patrol. Upon placing the used battery onto the designated dock, all incident data will be automatically uploaded into Evidence.com.

4. The Patrol Lieutenant or their designee and a certified CEW instructor will annually conduct an administrative review of the CEW data downloads. The data will be reviewed and reconciled with the recorded activations documented in the use of force reports and training reports.

H. Training

1. Only those personnel explicitly in proper CEW use will carry this tool.
2. Training and qualification with the CEW will be conducted annually. At a minimum, this will consist of classroom instruction, loading and unloading the CEW, and a deployment exercise.

113-06: Less Lethal Extended Range Munitions

Chapter: Use of Force
Order No: 2018 - 05
Effective: 08-01-2000
Revised: 06-28-2018
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. PURPOSE:

- A.** The purpose of this policy is to direct deputies in the appropriate use of less lethal extended range munitions. The Pennington County Sheriff's Office has adopted the use of less lethal extended range munitions as an option to assist with the de-escalation and resolution of potentially violent confrontations.

II. DEFINITIONS:

- A. LESS-LETHAL FORCE PHILOSOPHY:** A concept of planning and force application meeting operational objectives with less potential for causing death or serious physical injury.
- B. KINETIC ENERGY IMPACT PROJECTILES:** Flexible less-lethal projectiles, intended to incapacitate a subject with minimal potential for causing death or serious physical injury, when compared to conventional projectiles. These projectiles include, but are not limited to the 12-gauge drag stabilized beanbag round, Pepperball projectiles and other less-lethal rounds currently in our inventory.
- C. PEPPERBALL LAUNCHING SYSTEM (PLS):** A non-lethal chemical agent delivery system that uses high-pressure air launchers to deliver projectiles from a distance. It can be used on individual suspects as well as large groups of people for riot and crowd control.
- D. PAVA:** Also known as Capsaicin II, is a naturally occurring compound found in pepper plants. PAVA subdues suspects by strongly irritating their nose, eyes, and lungs. When inhaled, PAVA may lead to coughing, shortness of breath, and in some instances, vomiting. Although response to inhaling the PAVA Powder varies greatly among individuals, in most cases, the symptoms last for five to ten minutes.
- E. INERT PEPPERBALL PROJECTILE:** .68 caliber hard plastic frangible sphere filled with a scented powder. Inert projectiles are white and purple and can be used for direct impact and training.

- F. REBALLS:** Reusable .68 caliber rubber or dense foam round. Reballs comes in various colors and are for training only.
- G. GLASS BREAKING PROJECTILE:** .68 caliber solid plastic round used to break side glass windows of vehicles and residential windows. The glass-breaking round is not for use on humans unless used in a deadly force situation.
- H. VXR SHAPED PROJECTILES:** .68 x .72 caliber spin stabilized projectile made of frangible plastic designed to break upon contact. VXR rounds come in a PAVA round, permanent marking round and inert liquid round.
- I. SUSPECT:** The person who is the focus of the law enforcement action.

III. GENERAL INFORMATION

A. The Pennington County Sheriff's Office recognizes handling combative, non-compliant, and/or violent suspects wielding edged, impact, or other dangerous weapons require special training and equipment. The Office further recognizes there is a phenomenon, in which persons attempt to commit suicide by wielding firearms and/or other deadly weapons within the close physical proximity of law enforcement officers in an attempt to force law enforcement officers to use deadly force against them (Suicide by Cop). As a result, the Pennington County Sheriff's Office allows for the use of less lethal extended range munitions as an option to de-escalate and resolve these potentially violent confrontations

IV. PROCEDURAL GUIDELINES:

A. TECHNICAL ASPECTS

- 1.** The 12 gauge drag stabilized beanbag round is a translucent 12-gauge shell that travels at a velocity of approximately 280 feet per second.
- 2.** Pepperball Projectiles are plastic, frangible spheres filled with PAVA powder, INERT powder/liquid or permanent marking liquid. The projectiles, when delivered by an air powered launching device, burst on impact and release the PAVA powder or INERT powder/liquid.
- 3.** Any other less-lethal extended range impact munitions authorized by the Office.

B. TARGET AREAS

- 1.** The Less-Lethal Extended Range Projectiles will be fired at suspect target areas based on circumstances, range to the target, and level of force authorized.
- 2.** The recommended firing distances and target points on the human body for the 12 gauge drag stabilized round are as follows:

- a. **0-10 feet: do not fire unless deadly force is authorized**
- b. **10-30 feet: exercise caution and target only the lower extremities such as the buttocks, thighs, knees, and shins, or the arms and upper shoulder area only if the suspect's lower extremities are behind cover.**
- c. **30-60 feet: shoot at upper abdomen or lower extremities such as the buttocks, thighs, knees, and shins. If the suspect's lower extremities are behind cover you may target the arms and upper shoulder area.**
- d. **Beyond 60 feet (20 yards): energy or accuracy may not be sufficient for deployment.**

3. The recommended firing distances and target points on the human body for Pepperball Launching System (PLS) are as follows:

- a. Round Projectile targeting is point blank to 60 feet.
- b. VXR Projectile recommended minimum standoff distance is 3-12 feet. Optimal targeting distance is 12-150 feet.
- c. With the Round Projectile do not target the head, neck or spine.
- d. With the VXR Projectile do not target the head, neck, spine or groin
- e. Consider area saturation first by impacting surrounding objects like walls, ground, automobiles and trees.

4. The use of less-lethal extended range impact munitions is considered deadly force when intentionally deployed to the head or neck. If the deputy or public is at immediate risk and deadly force is authorized, intentionally shooting the suspect in the neck, head or any other place on the body would be authorized.

C. DEPLOYMENT TECHNIQUES

- 1.** The approved less-lethal shotgun specially marked with blaze orange stock and forearm, will be carried with four less-lethal drag stabilized beanbag rounds in the magazine and four rounds in the attached carrier. The shotgun will be stored in a

“cruiser ready” configuration. The approved shotgun will be packed in a black foam-lined case in the trunk of the patrol vehicle.

2. The approved PLS specifically marked with bright yellow stock, will be carried in the “off” position with two loaded fifteen round magazines. The magazines will be loaded with fifteen PAVA rounds and glass breaking rounds in the magazine storage. The magazines will be stored with the PLS in a marked carry case. Magazines will not be inserted and the PLS will not be placed into the “on” position until ready for use. The PLS will be carried by the on-duty Supervisor and may be carried by an on-duty Deputy at the supervisors discretion.
3. The approved shotgun and PLS will be checked periodically or after deployment by a supervisor or armorer to ensure that only less-lethal munitions are loaded in the weapon and are available for reload.
4. When a deputy determines that a situation warrants the use of the less-lethal extended range impact projectile option, they will request one or more assisting deputies to deploy the less-lethal shotgun or PLS while they maintain surveillance and/or cover over the suspect.
 - a. Lethal cover shall always be used on suspects brandishing a firearm, edged weapon or an impact weapon.
 - b. Before shooting a suspect with a less-lethal round, the deputy should consider the following: Distance to the suspect (energy accuracy), available target areas, clothing, bystanders and backstop.
 - c. Statistics show suspects rarely comply by one impact from an extended range projectile. Most deployments may take more than one shot placed on a suspect to gain compliance.
 - d. During deployment of the less-lethal shotgun, the covering deputy shall assess the status of the suspect after each shot is delivered and will direct the apprehension (handcuffing and searching) of the suspect upon compliance.
 - e. During deployment of the PLS, it will be fired until the desired affect or compliance is gained or the PLS is deemed ineffective.
 - f. Under no circumstances will less-lethal weapons be left unsecured during apprehension.

D. LESS LETHAL SHOTGUN and PLS PROCEDURES

1. Each deputy is responsible for the user-level maintenance of his/her assigned less-lethal shotgun and PLS. Less-lethal shotguns and PLS will only be repaired or modified by an armorer.

2. When carried for duty, but not in actual use, the less-lethal shotgun and PLS will be kept in the following “cruiser-safe” condition:

- a. Chamber is Empty
- b. Action is Closed
- c. Trigger is Pulled
- d. Safety is On

3. Less-Lethal Shotguns and PLS will be loaded following these procedures:

- a. Engage safety and maintain a safe muzzle direction.
- b. Remove the weapon from the confines of the any building or vehicle.
- c. Point muzzle to the ground or straight up depending on surface (not in parking garage) or into an approved safety container.
- d. Verify the weapon is clear (unloaded) by physically and visually inspecting the chamber and magazine and pumping the forearm several times.
- e. Disengage the safety and dry-fire into an approved safety container or while pointing the muzzle straight up (not in the parking garage).
- f. Place appropriate shot shells or projectiles into the magazine.

4. Less-Lethal Shotguns and PLS will be unloaded following these procedures:

- a. Engage safety and maintain a safe muzzle direction.
- b. Point muzzle to the ground or straight up depending on surface (not in parking garage) or into an approved safety container.
- c. Remove all shot shells from the magazine or all pepperballs from the hopper.
- d. Verify the weapon is clear (unloaded) by physically and visually inspecting the chamber and magazine and pumping the forearm several times.
- e. Inspect shot shells or projectiles for damage and store properly.

5. Removal of Less-Lethal Shotgun and PLS from Patrol Vehicle:

- a. The purpose of this policy is to ensure the safety of all concerned, when deploying a less-lethal shotgun from its installed position in a patrol car. Consequently, all deputies should familiarize themselves with the safe handling procedures outlined below.
- b. Always check the status of the less-lethal shotgun and PLS at the beginning of shift. The shotgun and PLS should be in a “cruiser-safe” configuration as described in Policy 113-06 D.2.
- c. The removal of the less-lethal shotgun or PLS from the patrol vehicle or other office owned vehicle should be accomplished in the following manner:

1. The Less-Lethal Shotgun and PLS will be stored in the trunk and the deputy must use caution to ensure they select the correct firearm for deployment. The Less Lethal Shotgun case will be clearly marked with “LESS LETHAL” or “LL” in a highly visible color. The Less Lethal Shotgun will have a blaze orange butt stock and forearm pump. The PLS case will be clearly marked with “PEPPERBALL” in a highly visible color. THE PLS will have a bright yellow stock.
2. Deputies should keep the muzzle pointed in a safe direction while removing the less-lethal shotgun or PLS from the trunk. Secure the trunk once the less-lethal shotgun or PLS and extra ammunition is removed from the case.
3. Pump the forearm briskly to chamber a round and the less-lethal shotgun is ready for deployment. Pump the fore-handle of the PLS and the rifle is ready for deployment.
4. After termination of the incident, return the less-lethal shotgun or PLS to the “cruiser-ready” position (Policy 113-06 5b) and return it to the carrying case.

E. HANDLING OF INJURED SUBJECTS

1. Transport subjects struck with less-lethal extended range impact rounds to a medical facility for examination.
2. Subjects struck with the PLS projectiles shall be treated medically as necessary. Notify Pennington County Jail staff of PAVA exposure upon admittance of the subject.

113-07: Off-Duty Action Firearms

Chapter: Response to Resistance
Order No:
Effective: 08-01-2000
Revised: 02-13-2017
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Purpose

- A. The Pennington County Sheriff's Office shall adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with a deputy's duty and responsibility to take action in response to criminal activity while in an off-duty status. A deputy may carry a firearm while off-duty in accordance with state and federal law.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. Firearms
 - 1. It shall not be necessary that a deputy, who chooses to carry a firearm off-duty, carry their service weapon.
 - 2. Under Federal Law, sworn law enforcement officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Transport Officers do not qualify to carry concealed firearms under HR 218. Deputies should be aware that while this law exempts them from laws prohibiting such possessions, it does not give them police powers of any type outside of their jurisdiction. As such, a deputy will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction; thus the deputy's rules of engagement are extremely limited.
 - 3. Deputies shall refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the deputy will be undertaking.

B. Off-Duty Action

1. A member of the Pennington County Sheriff's Office who becomes aware of an incident that poses a threat of serious bodily harm or death to some individual shall take "appropriate action" to minimize the risk of serious bodily harm or death. "Appropriate action" under this provision is fulfilled by reporting the incident and shall not require the deputy to place themselves or others in a position of peril. A deputy who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this policy.
2. Plainclothes deputies should be aware that the same recognition issues applying to off-duty deputies also apply to plainclothes deputies and while rules of action are different, the rules with respect to protective steps, i.e. movements, identification etc. remain the same.
 - a. First, go to a safe location and call 911.
 - b. Second, when you encounter a situation off-duty that seems to require law enforcement action, you must consciously evaluate whether your involvement is necessary or desirable, given the circumstances. How important and urgent is the need for your intervention?
 - c. A number of circumstances may impact your decision to get involved in any situation. First, you may be alone, with family members or other non-law enforcement personnel. Second, it is unlikely that you will have all of the necessary law enforcement service equipment while off-duty, for example; pepper spray, baton, handcuffs or radio. It must be recognized that your response options as well as threat assessment are changed due to this lack of equipment. You may be faced with multiple suspects or unaware of hidden suspects. There may also be environmental factors working against you such as: lack of cover, crowds of civilians, darkness, etc. Your intervention may actually spark an escalation of violence. Therefore, your best plan of action may be to:
 - 1) Gather accurate intelligence like a good witness until uniformed, on-duty law enforcement officers arrive.
 - 2) Remember, you have no legal office obligation to get involved, especially if such intervention places you in a position of peril or such intervention requires that you behave recklessly or carelessly.
3. While agency policy mandates that you take "appropriate action" when witnessing a serious crime, calling on-duty law enforcement and monitoring the situation from a safe vantage point fulfills that obligation. You should not intervene just to make an arrest while off-duty. The decision to take action, beyond simply reporting, is a personal one and is not a requirement of this agency.

4. If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty deputy is on scene. Have the caller inform the operator if you are armed. If possible, have them describe you and your clothing. This will affect the mindset of the responding law enforcement officers. When uniformed law enforcement officers arrive, have your badge out and visible. (If you carry your badge while off-duty, some deputies carry only their photo credentials). Do not rely on showing your identification as a means of providing any protection. At a distance, in dim light and under stress, your badge may not be seen or may not be given credibility if the responding law enforcement officers do not recognize you personally.
5. Some trainers advise officers/deputies to hold their badge next to their gun for the best chance of being seen because the eyes of the responding law enforcement are most likely to go immediately to your drawn firearm. You are probably safer to re-holster your gun when other law enforcement arrives, unless doing so would put you and the responding law enforcement or innocent civilians, in jeopardy. Until responding law enforcement sorts out who is who, your gun is your greatest personal liability.
6. If you have cover, maintain it. You can communicate verbally from there.
7. Make your hands visible. Having responding law enforcement see you are unarmed and non-threatening will work to calm them and protect you.
8. Verbally identify yourself as a deputy repeatedly and very loudly. Keep shouting out: "Police! Don't shoot! Off-duty officer!" until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding law enforcement from hearing you initially.
9. When the responding law enforcement issues commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
10. If an off-duty deputy's firearm is observed and prompts the response of police or security officials, the off-duty deputy should respond in a manner consistent with this policy.
11. Finally, the most important rule of all: If you have a gun in your hand, never, ever turn toward an on-duty law enforcement officer.

113-08: Weapons Inventory and Maintenance Policy

Chapter: Response to Resistance

Order No:

Effective: 03-25-2010

Revised: 02-13-2017

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Purpose

- A. The Pennington County Sheriff's Office will maintain an inventory of all office owned firearms. This inventory will assure constant accountability for all firearms and be unique in the fact that it will ensure only safe dependable weapons are available and issued to deputies. It will ensure weapons reported or found to be defective will be repaired and returned to service in a timely manner.

II. Definitions

- A. **Deputy:** Any sworn law enforcement officer or transport officer of the Pennington County Sheriff's Office.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. The Sheriff will be advised of any matter concerning the purchase or disposal of weapons and will have the final say in these matters.
- B. All office owned firearms and any other firearms authorized for use by deputies in the line of duty will be recorded on the weapons inventory.
 - 1. The Equipment and Purchasing Manager will be notified of any weapon that becomes the property of the Pennington County Sheriff's Office, whether by purchase, trade, court order or gift.
 - 2. The Equipment and Purchasing Manager will enter the weapon into the inventory without delay.
- C. The weapon(s) will be entered by make, model, caliber, and serial number.
 - 1. If the weapon is to be stored in the armory and not immediately issued, the word armory will be placed in the "Assigned to" block.
 - 2. When the weapon is assigned to an individual, their name and other appropriate entries will be made.

- D. All weapons acquired by the Pennington County Sheriff's Office to be used in the line of duty will be inspected by a qualified armorer upon being placed in inventory and prior to being issued for duty.
- E. A folder for each acquired weapon will be labeled with the make, model and serial number. The folder will then be placed in the appropriate section of the firearms file box. The folder will contain a detailed weapon inspection sheet and a "Weapon History" sheet. When a weapon is re-inspected, the old inspection sheet will be discarded and the new inspection sheet will take its place. The only exception to this policy will be court ordered weapons. Court ordered weapons will be entered into the firearms inventory database but do not require folders unless they will be issued to and used by office personnel.
- F. When a weapon is returned to the armory for any reason it will be transferred from the individual's equipment record and be assigned to the Armory.
- G. Office weapons will only be issued by the Pennington County Sheriff's Office personnel by the Equipment and Purchasing Manager in coordination with the Firearms Training Administrator.
- H. The Equipment and Purchasing Manager will be notified of any office owned weapon that is temporarily or permanently removed from inventory for any reason including, lost, stolen, damaged and placed into evidence by our office or taken as evidence by another law enforcement agency. Any of these circumstances will be duly noted in the weapons file. In the case of a lost or stolen gun, a copy of the initial report, the NCIC entry and any follow-up reports will be kept in the investigation file.
- I. No Pennington County Sheriff's Office deputy sheriff will report to duty with or continue on duty with any weapon they believe is malfunctioning. A supervisor will be notified immediately and the firearm removed from service until repaired by qualified personnel.

113-09: Active Shooter

Chapter: Response to Resistance
Order No: LE 10-03
Effective: 03-25-2010
Revised: 02-13-2017
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The purpose of this policy is to provide Pennington County Sheriff's Office with guidance in the response and handling of active shooter situations.

II. Definitions

- A. **Active Shooter:** One or more subjects participating in a random or systematic shooting incident. The subjects are demonstrating specific intent to inflict extreme bodily injury or death with firearms, or with any other deadly weapon. The actions of the shooter(s) would lead a reasonable person to believe the shooter intends to commit murder as opposed to the taking of hostages or other felonies.
- B. **Active Shooter Situation:** Where shooter(s) are actively engaged in causing extreme bodily injury or death. The activity is not contained and there is the immediate risk of death or extreme bodily injury to victims.
- C. **Deputy:** Any sworn law enforcement officer or transport officer of the Pennington County Sheriff's Office.

III. General Information

- A. Pennington County Sheriff's Office deputies are permitted to use lethal force in self-defense or the defense of others. Lethal force is authorized when it is evident the deputies or those they are protecting will suffer death or extreme bodily injury as a result of a suspect's hostile actions. Deputies responding to an active shooter incident shall deploy any legal means necessary to accomplish the goal of immediately finding the active shooter(s) and terminating their hostile actions. Legal means may include arrest, containment, and/or the use of lethal force. This policy recognizes the active shooter(s) must be stopped immediately to prevent loss of life. There is the possibility in an active shooter incident for the suspect(s) to cease being an active shooter, take hostages, and or barricade themselves. If this situation were to occur, standard hostage/barricaded suspect procedures would apply.

IV. Procedural Guidelines

- A. In an active shooter situation, the prioritizations of activities in order of importance are:

1. Stop, delay, or hinder the active shooter from further hostile actions.
2. Initiate command and control of the situation.
3. Contain and isolate the situation.
4. Rescue the victims.
5. Protect the crime scene.

B. Command and Control

1. The first Supervisor to arrive on scene who is not part of the initial teams will be the incident commander (IC). The supervisor should follow established guideline in policy 532-02, Response Plan for Hostage/Barricade Situations.

114-01: Unmanned Aircraft Systems

Chapter: Response to Resistance

Order No: LE 20-1

Effective: 02-5-2020

Revised:

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

III. Purpose: The intention of this policy is to provide personnel assigned responsibilities associated with the deployment and use of unmanned aircraft systems (UAS) with guidelines for proper use of the system. Additionally, to minimize the risk to law enforcement personnel, the public, and property during operation of the UAS, while protecting the rights to privacy of citizens.

IV. Definitions

- A. **Unmanned Aircraft System (UAS):** A remotely piloted or remotely operated unmanned aircraft that does not carry a human operator and can fly autonomously or remotely.
- B. **Federal Aviation Administration (FAA):** Division of the United States Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic control facilities and pilot testing.
- C. **Remote Pilot in Command (RPIC):** The primary operator of the UAS who must pass a FAA Part 107 remote pilot written exam, and be selected to operate the UAS by the Sheriff or his/her designee.
- D. **Observer:** The person who assists the RPIC with preparation of UAS equipment, launch preparation, and monitoring site conditions. No prior training is required to perform the duties of observer.
- E. **Digital Multimedia Evidence (DME):** Digital recording of images, sounds, and associated data.
- F. **Coordinator:** The individual responsible for reviewing and approving use of the UAS. The Coordinator has full oversight of all logistical and administrative elements of UAS operations. The Coordinator is not required to be a Remote Pilot in Command.
- G. **Team Leader:** The individual responsible for assisting the Coordinator with administrative functions related to the UAS program. The Team Leader is also responsible for the condition and maintenance of the UAS. The Team Leader will be a RPIC and is required to obtain proper certifications from the FAA.

V. General Information

- A. The UAS team consists of members of the Pennington County Sheriff's Office, Rapid City Police Department and Pennington County Search and Rescue. Any member from all respective agencies may be called upon to support UAS missions, regardless of mission location.

VI. Procedural Guidelines

- A. Administration - The Pennington County Sheriff's Office has adopted the use of UAS to provide an aerial visual perspective in responding to emergency situations, and for the following objectives:
 - 1. Situational Awareness: To assist Command Staff in understanding the nature, scale, and scope of an incident or natural disaster, for planning and coordinating an effective response.
 - 2. Search and Rescue: To assist in locating lost or injured citizens.
 - 3. Tactical Deployment: To support the tactical deployment of first responders and equipment in emergencies (e.g., incidents involving hostages and barricades, warrant service, civil unrest, support for large-scale tactical operations, and other temporary perimeter security situations).
 - 4. Visual Perspective: To provide an aerial visual perspective to assist first responders in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter
 - 5. Scene Documentation: To document a crime scene, crash scene or other major incident scene.
- B. Procedures for UAS use
 - 1. The agency must obtain applicable authorizations, permits or certificates required by the FAA prior to deploying or operating the UAS. These authorizations, permits and certificates shall be maintained and current.
 - 2. The UAS will be operated only by RPIC's who have been trained and certified in the operation of the system. A competent observer or another RPIC should accompany the RPIC during UAS operations. Before the UAS is launched, the observer should receive a full briefing from the RPIC.
 - 3. The RPIC is responsible for making the final determination for when the UAS can be safely utilized, or if a mission must be terminated based on adverse weather, airworthiness, darkness, or other hazardous conditions.
 - 4. RPIC's shall conduct a pre-flight inspection prior to each UAS deployment to verify the proper functioning of all equipment and the airworthiness of the device.

5. The UAS equipment is the responsibility of RPIC's and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Coordinator as soon as possible, so an appropriate repair can be made or a replacement unit can be procured.
6. The UAS equipment and all captured, recorded or otherwise produced DME is the sole property of the Pennington County Sheriff's Office.
7. All Flights must be documented in an agency approved Record Management System, and all flight time shall be accurately recorded. In addition, each deployment of the UAS shall include information regarding the reason for the flight, time, date, and location of the flight.
8. Where there are specific and articulable grounds to believe the UAS will be used in a manner that may intrude upon reasonable expectations of privacy, the agency will obtain a search warrant prior to conducting the flight.

C. Restrictions on using the UAS

1. The UAS shall be deployed and used only to support official law enforcement and public safety missions and/or to obtain training to perform such mission.
2. The UAS shall not be operated in an unsafe manner or in violation of FAA rules.
3. The UAS shall not be equipped with weapons of any kind.

D. DME Retention and Management

1. All DME must be downloaded at the completion of each mission. RPIC's will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers.
2. RPIC's shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner UAS DME without prior written authorization and approval of the Sheriff or his designee.
3. Release of UAS DME must be specifically authorized by the Sheriff or his/ her designee. Access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

E. Training

1. RPIC's will hold at a minimum, an FAA Remote Pilot Certificate.
2. RPIC's must complete the FAA Remote Pilot Certification (Part 107).
3. RPIC's will conduct proficiency Training to ensure they continue their training and education to remain proficient in all aspects of flight operations.
4. All RPIC's will perform at least three takeoffs and landings with each type of UAS in a ninety-day period. **(FAA's currency requirement language: No**

person may act as RPIC of a UAS unless that person has made at least three takeoffs and three landings of that UAS type within the preceding 90 days.)

F. Call-Out Procedures

1. All request for UAS flight operations or assistance shall be made directly through the Coordinator, or his/ her designee, familiar with FAA flight standards.
2. The Coordinator or designee is responsible for determining RPIC and Observer resources required to respond to the mission.
3. Requests from outside agencies will be granted on a case-by-case scenario at the discretion of the Sheriff or designee.

121-01: Agency Boundaries and Concurrent Jurisdiction

Chapter: Agency Jurisdiction and Mutual Aid

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will perform law enforcement duties within the geographical boundaries of Pennington County as established by SDCL 7-1-52.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Concurrent Jurisdiction:

1. In routine circumstances not amounting to mutual aid request, the Pennington County Sheriff's Office recognizes that other criminal justice agencies may have concurrent jurisdiction by law to conduct operations within Pennington County. In addition, other agencies may, on occasion, enter the county to carry out specific operations in the performance of their duties. The policy of this office is to provide assistance and cooperation to other agencies operating lawfully within Pennington County.
 - a. In any situation where a question arises concerning jurisdiction with another agency, the responding deputy shall make every attempt to resolve the matter in the most professional manner possible. If this is not possible, the matter will be turned over to a supervisor for resolution.
2. The Pennington County Sheriff's Office shall perform all duties and responsibilities within Pennington County in accordance with state laws, federal laws and county and city ordinances.
3. Authority of the County Sheriff:
 - a. SDCL 7-12-1 his county regardless of the presence of municipal subdivisions.

- b. The Pennington County Sheriff's Office will provide service in certain situations where the complainant refuses service from the municipal or state agency where the questioned complaint originated.

4. Federal Enforcement Agencies:

- a. The Pennington County Sheriff's Office shall assist federal enforcement agencies, upon request, in their investigation of federal offenses, such as but not limited to, bank robberies, counterfeiting, illegal aliens, fugitives, alcohol, drug investigations, tobacco and firearms violations.

123-01: Criminal Justice Agency Liaisons

Chapter: Relationships with Other Agencies

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will establish and maintain an active liaison system within the criminal justice system.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Criminal Justice Coordinating Committee (CJCC):

- 1. The Sheriff, Chief Deputies, Division Commanders, Director, and 24/7 Manager will actively participate in the CJCC. This committee is comprised of representatives from the court system, States Attorney's Office, Public Defender's Office, other state and local law enforcement agencies, and other entities directly involved in the local criminal justice system. This committee meets monthly and works together with the common goal to ensure our local criminal justice system operates effectively and efficiently.

B. Local, State, and National Criminal Justice Related Organizations:

- 1. In order to facilitate a well-balanced inter-agency coordination and planning, the Sheriff or designees should actively participate in the activities of organizations that serve to further the best interests of law enforcement and the criminal justice system. Examples of such organizations include, but are not limited to:
 - a. National Sheriff's Association
 - b. South Dakota Sheriff's Association
 - c. Law Enforcement Coordinating Committee (LECC)
 - d. Mid-States Organized Crime Information Center (MOCIC)

- e. International Association of Chiefs of Police (I.A.C.P.)

C. Law Enforcement Division Captains:

1. Law Enforcement Captains and designees should seek out, develop and maintain positive relationships with other local, state, and federal agencies that interact with their divisions.

211-01: Agency Organizational Structure

Chapter: Organizational Structure

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office Law Enforcement Division has established a formal structure through which organization components are arranged, defined, directed and coordinated.

II. Definitions

- A. N/A

III. General Information

- A. This policy relates to the organization of the Sheriff's Office and the application of basic organizational principles. This policy is designed to outline the office's organizational structure so as to ensure that each member of the organization understands their role and position, knows who they are responsible to, and who they are responsible for.

IV. Procedural Guidelines

A. Administration:

1. Sheriff: The Sheriff is an elected official – SDCL 12-2-2 – and the head of the Pennington County Sheriff's Office and as such is responsible to the public for all the actions of the office. The Sheriff is ultimately responsible for planning, directing and supervising all budgeting, operations, personnel, equipment, facilities and the efficient deployment of all resources for use in accomplishing the mandated and traditional responsibilities of the Office of Sheriff.
2. Chief Deputy: The Chief Deputy is second in command and assists the Sheriff in any and all areas of responsibility as designated by the Sheriff. In the absence of the Sheriff, the Chief Deputy acts as the Sheriff.
3. Law Enforcement Captain: The Law Enforcement Captains are third in line of authority within the Sheriff's Office. There will be three Captains in the law enforcement division assigned to specific divisions and units. Law Enforcement Captains are responsible for the "long-term" management of resources and sworn personnel in their assigned divisions and units. The Law Enforcement Captains also assume such duties and responsibilities as may be designated to

them by the Sheriff or Chief Deputy. In the absence of the Sheriff and Chief Deputy, a Law Enforcement Captain shall act as the Sheriff.

4. Law Enforcement Lieutenant: The Lieutenant is below the Captain in line of authority within the Office. There will be two Lieutenants in the Law Enforcement Division. One Lieutenant will be assigned to the Patrol Division and will report directly to the Patrol Captain. The second will be the Administrative Lieutenant and will report directly to the Criminal Investigation Division Captain. The Lieutenant is responsible for the day to day management of resources and personnel and such other duties as may be designated by the Sheriff, Chief Deputy or Captains.
5. Administrative Assistant III: The Administrative Assistant III is tasked with the supervision of all clerical personnel in the Sheriff's Office Law Enforcement Division. The Administrative Assistant III is responsible for the day to day and long-term planning in the use of resources and personnel under their supervision.
6. Administrative Assistant III (Finance): Supports the Sheriff and Chief Deputy with all budget matters and plays a key role in the daily operation of the office as well as supervising designated staff.
7. Administrative Assistant I: Provide administrative support for the Sheriff and Chief Deputy. Oversee the Sheriff's Office Volunteer Program and Volunteers.
8. Human Resources (HR) Manager: Provide professional human resources management expertise in the administration of the Sheriff's Office. Supports Management and employees of the four divisions ensuring consistent organizational HR practices.

B. Uniformed Patrol/Emergency Response Unit:

1. Patrol Sergeant: A Sergeant shall be assigned to each uniformed patrol shift and shall function as the shift supervisor. The Sergeant is responsible for supervision of the resources and personnel assigned to them for the task of providing emergency response services and such other duties as are expected from uniformed deputy sheriffs. The Sergeant is also responsible for the supervision of deputies involved in providing contract services to cities throughout Pennington County.
2. Corporal: A Corporal shall be assigned to each uniformed patrol shift and shall assist the Sergeant in supervising shift personnel and resources and such other duties as shall be assigned by the Sergeant. This person shall assume supervision responsibilities in the absence of the Sergeant.

C. Investigations Unit:

1. Investigations Sergeant: Two Sergeants shall be assigned to the Investigations Division and shall be tasked with the supervision of personnel and resources assigned to that division.
2. Assistant to Investigations: The “Assistant to Investigations” provides the Sergeants and Captain with direct administrative and organizational support as well as directly supervising designated clerical staff.

D. Civil/Warrants Unit:

1. Sergeant: A Sergeant shall be assigned to the Civil/Warrants Unit and shall supervise sworn and volunteer personnel assigned to the Civil/Warrants Unit in the performance of their duties. The Civil/Warrants Unit Sergeant will report directly to the Captain.
2. Assistant to Warrants: The “Assistant to Warrants” provides the Sergeant and Captain with direct support coordinating extraditions and the transportation of “out of state” prisoner transportation via the Northwest Shuttle Co-op System.

E. Court Security/Transport Units:

1. Sergeant: A Sergeant shall be assigned to the Transport/Court Security Units and shall be given supervisory responsibility for non-clerical personnel assigned to each unit. Personnel assigned to these are responsible for prisoner transports, medical transports, transportation and security for the courthouse.
2. Assistant to Transport: The “Assistant to Transport” provides the Captain and Sergeant with direct support coordinating transportation of Pennington County Jail prisoners throughout the State of South Dakota.

211-02: Organizational Chart

Chapter: Organizational Structure

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Law Enforcement Division will develop and maintain a detailed organizational chart.

II. Definitions

- A. N/A

III. General Information

- A. This policy relates to the organization of the Sheriff's Office and the application of basic organizational principles and is designed to outline the office's organizational structure so as to ensure that each member of the organization understands their role and position, knows who they are responsible to, and who they are responsible for. The office has established a formal structure through which organization components are arranged, defined, directed and coordinated.

IV. Procedural Guidelines

- A. **The Organization Chart:** The organization chart shows in graphic form the overall organization structure, management positions in the structure, and the flow of authority and accountability.
 - 1. Organizational chart maintained and available:
 - a. The organizational chart will be updated monthly or when major changes occur by the Administrative Assistant III.
 - b. The organizational chart will be made available to all personnel through the office intranet site.
 - c. The organizational chart will reflect the chain of command, lines of authority and communication within the office.

211-03: Position Management and Allocation

Chapter: Organizational Structure

Order No: LE 12-06

Effective: 11-21-2012

Revised:

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office Law Enforcement Division will utilize the official organizational chart to track allocation and distribution of personnel authorized by the budget.

II. Definitions

- A. N/A

III. General Information

- A. The Pennington County Sheriff's Office Law Enforcement Division will allocate personnel according to the components distribution of workload assessments. The intent of this policy is to encourage the equalization of individual workload within each organizational component.

IV. Procedural Guidelines

- A. **Position Management System:** The Pennington County Sheriff's Office Law Enforcement Division will provide a position management system which will include the following information:
 - 1. Identity of the number and type of each position authorized in the office budget.
 - 2. Location of each authorized position within the Law Enforcement Divisions organizational structure.
 - 3. Position status information, whether filled or vacant, for each authorized position in the department.
 - 4. This management system will be tracked with the organizational chart and updated monthly.

212-01: Unity of Command, Authority and Responsibility

Chapter: Unity of Command, Authority and Responsibility

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will establish an organizational structure to ensure employees are adequately supervised and have a clear understanding of their immediate chain of command.

II. Definitions

- A. N/A

III. General Information

- A. **Unity of Command:** Each employee will be accountable to only one supervisor at any given time. Occasions may arise requiring a supervisor to issue an order to an employee outside the chain of command. Nothing in this section shall prevent this.
- B. **Span of Control:** No supervisor will have under their immediate control an excessive number of employees for effective direction, coordination and control. Span of control should be limited to no more than ten employees without specific approval of the Sheriff.
 - 1. When two supervisors of equal rank are assigned to one command, such as a patrol shift, and both are on duty, one shall be designated as responsible for the duties of supervision.
 - 2. Command protocol in single operations involving personnel of different divisions normally will be determined by rank. The protocol will be:
 - a. The deputy assigned the call will be in charge unless:
 - 1) Relieved by the investigator on a crime scene.
 - 2) Relieved by a supervisor.
 - b. The investigator assigned the crime will be in charge of the crime scene unless relieved by a supervisor.
 - c. In all instances where a supervisor relieves the deputy or the investigator at a scene, that supervisor will then assume control of the situation.

IV. Procedural Guidelines

- A. **Responsibility, Authority and Supervisors' Accountability:** Each employee by virtue of their position in the office is responsible for the use of or failure to use delegated authority.
1. Supervisors will be held accountable for the performance of the employees under their immediate supervision.
 - a. A supervisor has responsibility and accountability for every aspect of their command. Commensurably, within policy guidelines and legal constraints, they have the authority to coordinate and direct assigned personnel and other allocated resources in achieving organizational objectives. They have responsibility for maintaining all agency-owned property assigned to their division in a state of operational readiness. In so doing, they must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide them and their command in achieving the highest level of performance possible.
 - b. Each supervisory level shall be responsible for the effective execution of its functions and will be granted the commensurate authority to do so.
- B. **Legal Authority Defined:** Within the County of Pennington, the Sheriff's Office will enforce the ordinances of the County of Pennington, municipal ordinances in general and as per any contract for law enforcement service, the laws of the State of South Dakota, the laws of the United States of America in general and such federal codes of regulation as required by contract, and all orders of Courts of competent jurisdiction as directed. This authority is pursuant to the Constitution of the State of South Dakota, SDCL Title 7-12 and other SDCL titles which enumerate the authority and responsibility of the Sheriff.
1. The Rapid City Police Office Evidence Technicians, Narcotics Officers and Special Response Team (SRT) are also commissioned as Deputy Sheriffs for the Pennington County Sheriff's Office.
- C. **Constitutional Requirements Observed:** Persons appointed to the office of Deputy Sheriff are sworn to uphold the Constitution of the United States and the Constitution of the State of South Dakota and, to the best of their ability, judgment, and knowledge, to perform all the duties of the office diligently, faithfully and impartially.
1. Deputy Sheriff's shall diligently protect the constitutional rights of all persons with whom they come in contact during the performance of their duties, specifically, those rights concerning self-incrimination, counsel, search and seizure and due process.

212-02: Authority of Office Personnel

Chapter: Unity of Command, Authority and Responsibility

Order No: LE 12-07

Effective: 08-01-2000

Revised: 11-29-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office delineates the authority of office personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

II. Definitions

- A. N/A

III. General Information

- A. **The intent of this policy is to:**

- 1. Clearly assign authority to command.
- 2. Require compliance with proper command authority.
- 3. Establish a protocol and order of precedence for command authority in the event of the absence of the Sheriff.
- 4. Establish a protocol for command authority that clearly establishes superior and subordinate relationships in situations where more than one ranking officer is involved in the same incident or situation.

IV. Procedural Guidelines

- A. **Authority:** The Sheriff is given the authority and responsibility for the operation and management of the Sheriff's Office by the electorate of Pennington County South Dakota and the applicable SDCL titles. The Sheriff is the final authority on all matters of operation, discipline, budget and policy.

- 1. Command authority in the Sheriff's absence:
 - a. The Chief Deputy will be acting Sheriff during periods of extended absence by the Sheriff.
 - b. A Law Enforcement Captain will be acting Sheriff during periods when both the Sheriff and Chief Deputy are absent.

- c. In the event the Office of Sheriff becomes vacant, SDCL 3-4-3 will apply.
 - d. When the Sheriff is disqualified or incapacitated, the highest-ranking deputy shall assume the duties of Sheriff under the provisions of 7-12-6 until a Sheriff is named under the procedure stated under SDCL 3-4-3.
- 2. Supervisors will be held accountable for the performance of the employees under their immediate supervision.
- 3. Employees are required to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank. Orders from supervisor to subordinates shall be clear, understandable language, civil in tone, and issued in pursuant of office business. No supervisor should knowingly issue any order which is in violation of any law, ordinance or office policy.
 - a. Responsibility for refusal to obey rests with the employee, who shall be required to justify the refusal.
 - b. Employees who are given orders which they feel to be unjust or contrary to the Policies of this office, must first obey the order to the best of their ability and then proceed to appeal through the chain of command.
 - c. Responsibility for refusal to comply with the employees request for written instruction or the presence of a third party, rests with the supervisor, who shall be required to justify the order.
 - d. Any employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report the incident to the supervisor of the employee who issued the order and follow up with a written report.
 - 1) This report shall contain the facts of the incident and the unlawful, unjust, or improper order issued.
 - 2) Appeals through the chain of command for relief from such orders may be made at that time.
- 4. Any employee who receives an order that conflicts with any previous order or instruction will advise the person who issued the second order.
 - a. Responsibility for countermanding the original order rests with the employee who issued the second order.
 - b. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the Office.

222-01: Written Directive System

Chapter: Written Directives
Order No: LE 12-07
Effective: 08-01-2000
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office has established this Policies and Procedures Manual as a composite of current policies, procedures and rules pertaining to the operation of the Pennington County sheriff's Office. It describes the office's organizational structure and details the responsibilities and functions thereof.

II. Definitions

- A. The directive system shall include the rules, policies, procedures and orders of the Pennington County Sheriff's Office.
 - 1. **Policy:** A written directive that is a broad statement of agency principles. There are three sections of policies that pertain to employees within the Law Enforcement Division of the Sheriff's Office.
 - a. **Pennington County Employee Handbook:** This handbook was developed to describe some of the expectations of Pennington County employees and to outline the policies, programs and benefits available to eligible employees.
 - b. **Global Policy:** A policy pertaining to all PCSO employees including employees of Sheriff's Office Law Enforcement, Jail, JSC, CCADP, and 24/7 Program.
 - c. **Law Enforcement (LE) Policy:** A policy pertaining to employees in the Law Enforcement Division of the Sheriff's Office.
 - 2. **Procedure:** A written directive that is a guideline for carrying out agency activities.
 - 3. **Rule:** A set of specific guidelines to which all employees must adhere.
- B. Written Orders shall be in one of the four formats:
 - 1. **Order:** A directive issued by a supervisor directing a subordinate to do a task or to refrain from doing a task.

2. **Personnel Order:** An announcement of the changes in status of personnel such as, promotions, resignations, and retirements. Personnel orders may be issued by the Sheriff, Chief Deputy or Captain.
 3. **General Order:** An order used to transmit permanent directives concerning office policies and procedures that affect more than one organizational component. General Orders may only be issued by the Sheriff or Chief Deputy.
 4. **Special Order:** An order affecting only a specific segment of the organization, or is used for temporary changes in the policies and procedures or to cover a specific circumstance. Special Orders may only be issued by the Sheriff, Chief Deputy, Captain or Lieutenant.
- C. **Memorandums:** A short lived, informal written document that may be issued by the Sheriff, Chief Deputy, Captain or Lieutenant.
1. Notification of a directive covering a specific item not affecting the Policies and Procedures Manual.
 2. Items of a specific nature not requiring a policy or procedure to be written.
 3. Informational items.

III. General Information

- A. The manual of the Pennington County sheriff's Office is hereby established and shall hereafter be referred to as the "Policies and Procedures Manual". Proper office administration involves the efficient and effective management of a complex organization, which performs its function through the acts of its employees. The Policies and Procedures Manual is a means of improving the ability of the Sheriff's Office employees to perform the functions necessary to meet office objectives.
- B. Employees shall not commit any act or omit any act which constitutes a violation of policy and procedures, except at the direction of a supervisor.

IV. Procedural Guidelines

A. Policies and Procedures Formatting:

1. The manual of the Pennington County sheriff's Office is hereby established and shall hereafter be referred to as the "Policies and Procedures Manual". Proper office administration involves the efficient and effective management of a complex organization, which performs its function through the acts of its employees. The Policies and Procedures Manual is a means of improving the ability of the Sheriff's Office employees to perform the functions necessary to meet office objectives.
- B. Employees shall not commit any act or omit any act which constitutes a violation of policy and procedures, except at the direction of a supervisor.

C. Revisions and Additions to Policies and Procedures Manual:

1. The authority to issue, modify or approve policies and procedures lies with the Sheriff or Chief Deputy. Numbering and finalizing of written orders will be done through the Administration Office. The Sheriff will sign all new and revised policies and all changes to the Policies and Procedures Manual will be distributed through a General Order from the Sheriff or Chief Deputy.
2. General Orders will be reviewed with the Sheriff or Chief Deputy prior to being distributed to all employees.
3. Changes will be reflected in the electronic copy of the Policies and Procedures Manual located on the Pennington County Intranet Website. The PCSO policies and procedures are updated and maintained on the Pennington County intranet site by the Administrative Assistant. The intranet site is the only updated policy manual.
4. The Administrative Assistant will file the original signed hard copy of the Policy in the Sheriff's Policy and Procedure Manual.

D. Distribution of General and Personnel Orders: Employees are required to read and familiarize themselves with all rules, policies and procedures and all revisions indicated in the General Orders. Employees must know, understand and conform to all revisions. Some policies may require an acknowledgement or test. Supervisors must ensure that employees receive any clarification or training necessary as a result of the revision.

1. General Orders will be sent to all employees via e-mail notification when a revision has been made. The Administrative Assistant will inform the Chief Deputy, Captain, Commander or Director or their designee of any employee who did not receive the e-mail via an undeliverable e-mail message.

232-01: Reserve Deputy Program

Chapter: Reserves
Order No: LE 2022-02
Effective: 08-01-2000
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will maintain a contingency of reserve deputy sheriffs comprised of private citizens, trained in law enforcement work, intended to aid and assist, not replace, paid deputies in normal law enforcement duty and in cases of emergencies.

II. Definitions

- A. "Law enforcement agency," a municipal police department or county sheriff's office of a political subdivision of the state of South Dakota, or a law enforcement agency of the state of South Dakota.
- B. "Reserve deputy" a person appointed by the appointing authority of a law enforcement agency to supplement and support, without supplanting, law enforcement officers of that agency as a member of a reserve law enforcement officer unit, and who acts in that capacity without compensation except in an emergency, or as permitted by § 2:01:07:03.
- C. "Reserve deputy program/unit," one or more reserve law enforcement officers trained by a law enforcement agency to perform duties as a reserve law enforcement officer and which as a unit has been certified by the state law enforcement standards and training commission.

III. General Information

- A. **Reserve deputy assignments:** Reserve deputies will be assigned to assist full-time personnel both in the day-to-day delivery of law enforcement services and for any emergency. Reserve deputies will be supervised by the unit supervisor to which they are assigned.
- B. Reserve deputies will be certified by the State of South Dakota in accordance with provisions found in SDCL, Chapter 23 and administrative rules of South Dakota Chapter 2:01:08 through 2:01:09, "State of South Dakota, Standards and Training Commission".
- C. Policies and Procedures established by this manual for employees of the Pennington County Sheriff's Office shall also apply to members of the reserve deputy program.

IV. Procedural Guidelines

- A. **Reserve deputy selection criteria:** The selection procedures established for deputy sheriffs shall apply to the selection of reserve deputy sheriffs.
- B. **Reserve deputy training:** Reserve deputy sheriffs are sworn in and authorized to work in the capacity of a reserve deputy. After completion of a minimum of 100 hours of training required by South Dakota reserve unit certification. This requirement is listed under the State of South Dakota administrative rules 2:01:08:01 thru 2:01:08:04.
- C. **Reserve deputy in-service training:** Reserve deputies will be provided in-service trainings equivalent to that of full-time deputies performing like functions. Training of reserve deputies will be coordinated through and approved by the sheriff's office training division.
- D. **Reserve deputy uniforms:** The Pennington County Sheriff's Office shall issue all uniform items consistent with requirements of the office.
- E. **Reserve deputy equipment:** Reserve deputies will be equipped the same as full-time deputies performing like functions.
- F. **Reserve deputy bonding:** Reserve deputies will be bonded with the same coverage that is provided to deputies performing like functions.
- G. **Reserve deputy liability protection:** Reserve deputies will be provided public liability protection equal to that of deputies.
- H. **Reserve deputy duty handgun:** No reserve deputy will carry an issued duty handgun until certified by a Pennington County Sheriff's Office firearms instructor.
- I. **Reserve deputy compensation:** In circumstances where a reserve deputy is compensated for their time, they will be paid the starting wage for Deputy Sheriff. Reserve deputies will also be able to use those hours to count towards their required hours for the year.
- J. **Reserve deputy program rank structure:** A Law Enforcement Lieutenant shall oversee the Reserve Deputy Program. The Lieutenant or other assigned law enforcement personnel will assist reserve deputies with training, uniforms, appearance, scheduling, but is not limited to the above items.
- K. **Reserve deputy program coordinators:** The Lieutenant may designate two reserve deputies as reserve deputy program coordinators. The coordinators will assist with training, uniforms, appearance and scheduling.
- L. **Reserve deputy patrol car usage:** Reserve deputies will not operate patrol vehicles in a patrol capacity unless they have attended no less than eight hours of Emergency Vehicle Operator Course training (EVOC). Exceptions can be made for exigent circumstances, or special events.

- M. **Reserve deputy professionalism:** Reserve deputies shall, at all times, maintain a professional conduct and attitude. Reserve deputies shall not expect preferential treatment of special favors, nor take advantage of the reserve position in any way.
- N. **Reserve deputy program staffing:** Reserve Deputy Program shall be limited to fifteen (15) or the current authorized strength as set by the Sheriff or designee. Classes for new reserve deputies will be held as deemed necessary by the Sheriff or designee.
- O. **Job performance evaluation:** Each reserve deputy shall be given a performance evaluation at least once each year. Input will be included from supervisors who have supervised each reserve deputy. The Patrol Lieutenant in charge of the reserve program or his designee will be responsible for completing the annual performance evaluation.

V. Reserve Deputy Reports

- A. Reserve deputies performing any law enforcement function will initiate appropriate documentation of activities. These may include case reports, log entries, etc.
- B. At the conclusion of their duty, if reserve deputies have been assigned to work with a deputy they will review all reports generated with that deputy.
- C. Deputies working with reserve deputies will review all reports to ensure accuracy and make appropriate comments regarding the skill level of the work performed. The on-duty supervisor will review the report for completeness and accuracy.

VI. Requirements for Maintaining Reserve Deputy Status

- A. To remain current as a reserve deputy, they must work a minimum of 96 hours per year per South Dakota administrative rule 2:01:09:03.
 - 1. Exceptions can be made for persons on vacation, job requirements, military commitments, health, etc. The hours required to remain current will include all hours worked by any reserve deputy.
 - 2. The Lieutenant shall maintain the records needed to monitor the hours worked by each reserve deputy. The Lieutenant will be responsible for quarterly submission of reserve hours to South Dakota Law Enforcement Training per South Dakota administrative rule 2:01:09:05.
 - 3. Reserve deputies will be required to attend the yearly physical testing and meet the physical requirements as outlined in GP 2-90.
 - 4. Reserve deputies shall requalify with the deputy's duty handgun annually during their birth month. This will include a handgun inspection by armory staff.
 - 5. Reserve deputies must complete 40 hours of continuing education every two years.

233-01: Auxiliary Programs

Chapter: Auxiliaries
Order No: LE 12-04
Effective: 08-01-2000
Revised: 11-01-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will maintain auxiliary units comprised of civilians to assist with law enforcement, corrections, and community service functions.

II. Definitions

- A. N/A

III. General Information

- A. The following are formal auxiliary units at the Sheriff's Office:
 - 1. Senior Volunteers
 - 2. Sheriff's Chaplains
 - 3. Sheriff's Explorer Program
- B. Policies will be established for each formal auxiliary unit to address:
 - 1. Hiring
 - 2. Training
 - 3. Chain of command
 - 4. Function of each unit

IV. Procedural Guidelines

- A. Auxiliaries may be used as a resource in emergencies and large-scale special events.
- B. Auxiliary duties do not require the status of sworn deputies and their level of training may be adjusted accordingly.

233-03: Sheriff's Explorer Program

Chapter: Auxiliary
Order No: LE 2012-02
Effective: 10-19-2012
Revised: 1-12-2024
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will support a Sheriff's Explorers Program comprised of young citizens between the ages of 15 and 21 years, inclusive. They shall be trained in law enforcement related duties, and are intended to aid and assist regular deputies and assist in cases of emergencies. The Pennington County Sheriff's Explorers are not commissioned sworn deputies.

II. Definitions

- A. A Sheriff's Explorer is a non-sworn volunteer civilian position serving at the pleasure and direction of the Sheriff.
- B. An Explorer advisor is a sworn Deputy Sheriff who assists in the training, development, and supervision of the Sheriff's Explorer Program, and the individual Sheriff's Explorers.

III. General Information

- A. Policies and Procedures established by this manual for regular employees of the Pennington County Sheriff's Office shall also apply to members of the Sheriff's Explorer Program.
- B. Due to the uniqueness of the Sheriff's Explorer Program, and in order to effectively manage the program, the explorer advisory staff may adopt additional policies and procedures subject to the approval of the Sheriff.
- C. All duties of the sheriff's explorers are outlined in the Sheriff's Explorer Program constitution and bylaws.

IV. Program Advisory Staff

- A. The Pennington County Sheriff will appoint a command staff member to serve as liaison for the Sheriff's Explorer Program. The command staff member will oversee the operation and function of the Sheriff's Explorer Program. Explorer advisors are selected by the command staff member with the approval of the Sheriff and serve as an auxiliary duty managed by the command staff member.

V. Explorer Section Guidelines

- A. Explorers shall be selected for membership by the explorer advisory staff in accordance with the procedures set forth in the Pennington County Sheriff Explorer constitution and bylaws.

VI. Explorer Rules and Procedures

- A. All members of the Pennington County Sheriff's Explorer Program shall adhere to the policies and procedures of the program. Because of the uniqueness of the Sheriff's Explorer Program, and in order to effectively manage the Sheriff's Explorer Program, the explorer advisory staff may adopt additional rules and procedures governing:
 - 1. Scheduling
 - 2. Administrative functions
 - 3. Grievance Procedures
 - 4. Leave

VII. Explorer Uniforms and Equipment

- A. The Pennington County Sheriff's Office shall issue all uniform items consistent with requirements of the office. Uniforms and equipment requirements for sheriff's explorer are set by the explorer advisors with the approval of the Sheriff.
 - 1. Authorized uniform and equipment items include:
 - a. Long sleeve uniform shirt
 - b. Short sleeve uniform shirt
 - c. Polo training shirt
 - d. Uniform pants
 - e. Uniform coat
 - f. Duty Belt
 - g. Flashlight and flashlight holder
 - h. OC Spray and OC holder
- B. Sheriff's Explorers may be required to provide some uniform and equipment items that are not furnished by the Office.
 - 1. Items not furnished by the Sheriff's Office:
 - a. Duty footwear
 - b. T-shirts for under uniform
 - c. Wristwatch

- d. Belt worn under duty belt
- C. The Sheriff's Explorers uniform must be distinctly different from the duty uniform of the Pennington County Sheriff's Office deputies.

VIII. Sheriff's Explorer Training

- A. Training is administered, scheduled, and approved by the explorer advisors. Training will be conducted by the Sheriff's Explorers, explorer advisors, and other qualified staff.

233-03.5: Sheriff's Office Explorer Program Constitution and Bylaws

Article I

Explorer Program Purpose

The purpose of this post shall be:

- I.** To explore all phases of law enforcement, giving the sheriff's explorer an insight into the many fields of law enforcement and information to assist them to qualify for a career in this field.
- II.** To instill within the sheriff's explorer a genuine wish to demonstrate desirable habits, attitudes, and become contributing members of society. To exert a wholesome influence on the citizens of Pennington County, and particularly to instill respect for law and order.
- III.** The Post shall at no time exceed 25 members. Members shall have at least a "C" average in school, are between the ages of 15 and 21, be neat in appearance and well-groomed in accordance with the guidelines set forth by the Pennington County Sheriff's Office.
- IV.** Every new sheriff's explorer will be placed on a twelve (12) week probation period where they will be evaluated before applying for permanent status.

General Guidelines

- I.** Each potential sheriff's explorer must read and sign a copy of the program bylaws, agreeing to abide by these rules as a member of the Pennington County sheriff's Office Explorer Program.
- II.** In order to be a sheriff's explorer with the Pennington County Sheriff's Office, each sheriff's explorer must complete an application and successfully go through the hiring process.
- III.** All members of the Pennington County Explorer Program must maintain a minimum overall Cumulative Grade Point Average of not less than 2.5 while attending school.
 - A.** Problems arising at home or school, which are brought to the attention of an explorer advisor, will be investigated. A board consisting of the explorer advisors and the Pennington County Sheriff's Office personnel will decide the degree of reprimands, if any.
- IV.** Sheriff's explorers that are associated with anyone who violates any state or local criminal laws may be subject to removal from the Sheriff's Explorer Program.

- V.** If an explorer is absent from school on a post meeting date, that member may not attend the post meeting or activity on that date unless excusable school reasons exist.
- VI.** When serving the community as a Sheriff's Explorer, you must be in the appropriate sheriff's explorer uniform. The uniform must be clean and look professional as a Sheriff's Explorer represents the Pennington County Sheriff's Office.
- VII.** Public display of affection amongst post members during functions is not allowed. Due to the fact that this is a co-ed program, this policy is strictly enforced.
 - A.** If public displays of affection occur, both members of the post will be counseled as to their conduct.
 - B.** If the public display of affection continues, one or both members will be asked to leave the post.

Article II

General Meetings and Activities

- I.** Meetings will be held twice each month at a time and place designated by the explorer advisors.
 - A.** The current time and location for the meetings will be scheduled and information provided to sheriff's explorers at least one month in advance.
 - B.** Sheriff's explorers must notify explorer advisors in advance if they are unable to attend a meeting or training.
 - C.** If a member misses two meetings in a row, without notifying one of the advisors, that member may be subject to removal from the program and required to reapply.
- II.** Trainings will be held at the discretion of the explorer advisors.
 - A.** The time and location for the trainings will differ on the specific type of training.
 - B.** While participating in the trainings, explorers must closely follow the direction of the personnel who are teaching the trainings, to ensure safety of all participates.
 - C.** The topics of the trainings will be approved by the explorer advisors.
- III.** Ride-alongs will be approved and scheduled by the patrol shift supervisor and explorer advisors.
 - A.** Each sheriff's explorer will be assigned to a deputy sheriff and the sheriff's explorer must follow that deputy sheriff's directions. This is to ensure the safety of the sheriff's explorer and the deputy sheriff.

- B. Sheriff's explorers are limited to two (2) ride-alongs a month; this is subject to change by the explorer advisors.
- IV.** Sheriff's explorers are required to attend the meetings, trainings, activities, fundraisers and other functions in order to maintain their status as a sheriff's explorer.

Article III

Post Officers

- I.** Post Captain: Chief executive of the post appointed by the explorer advisors. The post captain shall preside over all post business meetings and assume a leadership role in all office functions.
- II.** Post Lieutenant: Shall assist the captain in the execution of duties of the post captain. The lieutenant shall, in the absence of the captain, assume the duties and responsibilities of the captain. In the event the post captain resigns or becomes inactive with the post; the lieutenant shall assume the duties of the post captain until a replacement is appointed by the explorer advisors. If there is more than one lieutenant, a lieutenant will be appointed by the explorer advisors to assume the captain's duties.
- III.** Post Sergeant: Shall insure that order prevails during all post meetings. They will be assigned specific duties by the post captain, lieutenant(s) or the explorer advisors.

Article IV

Board of Advisors

- I.** The Board of Advisors shall be the governing body of this post and shall have the powers necessary to conduct the explorer post's business, maintain the records, and manage its property in keeping with this constitution and by-laws.
- II.** The Board shall consist of the Sheriff and an office representative(s) designated by the Sheriff.
- III.** The board of advisors shall hold meetings when deemed necessary at a designated time and place.

Article V

Rules and Regulations

Conduct:

- I.** Sheriff's explorers of this office shall refer to, or address, anyone they interact with by their appropriate rank or title.
- II.** Sheriff's explorers must be civil, and orderly in the performance of their duty. They must maintain control of their temper and must exercise discretion when necessary. Sheriff's

explorers must at all time refrain from coarse, boisterous, profane, or insolent language. However, when required they must act with firmness and sufficient energy to perform their duties.

- III.** Sheriff's explorers must be civil towards each other and towards other persons on all occasions. They shall make courteous responses to requests for information. When addressing citizens, members shall use last names prefixed by Mr., Mrs., or Ms., whichever is appropriate.
- IV.** Punctual attendance, prompt obedience to orders, and conformity to rules, regulations, and procedures of the department shall be rigidly enforced and adhered to by all members of the Sheriff's Office Explorers Program.
- V.** A sheriff's explorer must speak the truth at all times and under all circumstances. All information in any report or statement must also be truthful.
- VI.** Sheriff's explorers whether on or off duty, shall be governed by ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon the Sheriff's Office or their fellow explorers.
- VII.** Sheriff's explorers shall identify themselves as a sheriff's explorer to a citizen upon request and direct them to a deputy sheriff if needed.
- VIII.** A sheriff's explorer shall not smoke or chew tobacco while in uniform, when in direct contact with the public, or in any public building or patrol unit.
- IX.** Sheriff's explorers driving private vehicles shall take no privileges other than those allowed citizens on the highway, nor shall they permit persons with whom they are riding to violate any traffic law.
- X.** Sheriff's explorers unable to report punctually for duty for any cause must notify their commanding officer prior to the time set for commencement of their tour of duty.
- XI.** Other offenses for which discipline may result:
 - A. Willful disobedience of rules, regulations, orders or procedures.
 - B. Neglect of duty, giving insufficient attention to assigned or routine responsibilities.
 - C. Conduct unbecoming a sheriff's explorer or any member of the Sheriff's Office, which shall include any act or conduct not specifically mentioned in this bylaw, which tends to bring discredit to the Pennington County Sheriff's Office. Items such as personal websites, MySpace, and Facebook Pages may not contain images of a sheriff's explorer in uniform with other images such as, but not limited to, tobacco, alcohol, illegal drugs, etc.
 - D. Conviction of a crime, other than a minor traffic offense.
 - E. Sleeping on duty.
 - F. Being absent from duty without permission.

- G. Not properly patrolling or guarding a post or area.
- H. Public displays of affection while in uniform or at any office related duty or function.

Article VI

Investigation of Explorers

- I.** If a complaint is made upon a sheriff's explorer by another sheriff's explorer, a parent/guardian, the public, or any deputy sheriff, the explorer advisors or another member of the Pennington County Sheriff's Office will conduct a complete investigation. All complaints and their findings will be documented in the sheriff's explorer's file.
 - A. Parents/Guardians of the sheriff's explorer will be notified of any formal investigation of a complaint against their sheriff's explorer. (If the member is a minor)
 - B. The explorer advisors will make recommendations for the final outcome of the investigation. If the matter is serious enough to warrant suspension or removal from the program the recommendation will be reviewed by the sheriff or designee prior to the final disposition.
 - C. During any formal investigation, the sheriff's explorer will be placed into a suspended status and will not be allowed to participate in any program activities until the issue is resolved.
 - D. If a sheriff's explorer is found to have committed a violation of any criminal law, the findings will constitute an immediate dismissal from the program. The investigative conclusion will be forwarded to the juvenile member's parent/guardian.
- II.** Any violation of traffic laws will constitute a counseling session with Program Advisors.

The Pennington County Sheriff's Office reserves the right to change the above bylaws at any time.

322-01: Community of Wall Housing Differential

Chapter: Benefits

Order No: 2019-2

Effective: 4-2-2019

Revised:

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. This policy establishes a monthly housing differential for those deputies assigned to the City of Wall Contract.

II. Definitions

- A. N/A

III. General Information

- A. Deputies assigned to and meeting the contract requirements (appendix A) to provide law enforcement services to the Community of Wall, South Dakota are eligible for a monthly differential to assist with the limited availability and expense of housing.
- B. Deputies assigned to the Community of Wall are required to live within five miles of city limit to provide appropriate response times. This response is required routinely before and after their scheduled shifts. The housing restrictions are an agreed upon term between the City of Wall and Pennington County Sheriff's Office to provide quality services to the community.

IV. Procedural Guidelines

- A. The contract Sergeant will communicate the list of eligible personnel to the individual completing the law enforcement payroll process as needed.
- B. The individual completing the law enforcement payroll process each month will include a memo to the Auditor listing those personnel meeting the requirements to receive the differential.
- C. Eligible deputies will receive a lump sum payment of \$300 per month in their end of month payroll check.
- D. Upon transfer out of the assignment, the monthly differential will cease.

324-04: Body Armor

Chapter: Uniform and Equipment

Order No: LE 13-06

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

VII. Policy

- A. Deputy Sheriffs, Transport Officers, and Court House Security Officers, regardless of rank, will be issued body armor and are required to wear it while conducting field duty operations. Deputy Sheriffs engaged in the operational phase of pre-planned high-risk situations shall wear body armor.

VIII. Definitions

- A. **Field Duties:** Include patrol operations, special task force operations, prisoner transport, armed security operations and other duties, which by their nature, involve a risk to officer safety.
- B. **High Risk Situations:** Include, but are not limited to:
 - 1. Barricaded subject(s)
 - 2. Hostage incidents
 - 3. Sniper
 - 4. Serving of arrest / search warrants
 - 5. Special events as determined by the Supervisor in charge of the event
 - 6. Civil disturbances

IX. General Information

- A. Deputy Sheriffs whose primary duty involves administrative work, investigations, school liaison, or training are not required to wear body armor unless they are assigned to field duties.
- B. The Sheriff, Chief Deputy or Division Captain may waive or adjust the mandatory body armor wear requirement for deputies based upon medical reasons, duty assignments, or weather-related factors.
- C. Deputy Sheriff's working on the Sheriff's Office Boat Patrol are allowed to remove their body armor while under way. They are to have it on the boat and easily

accessible. Deputy Sheriff's will don their body armor prior to responding to in-progress call.

- D. Body armor purchased and worn by Sheriff's Office personnel will comply with protective and related requirements prescribed under current standards of the National Institute of Justice.

X. Procedural Guidelines

A. Alternative Load-Bearing Vests

1. Optional Load-Bearing Vests will be purchased by the Sheriff's Office upon request. Deputies assigned to field duties may wear a load-bearing vest by following the procedures outlined below.
2. The Sheriff's Office will purchase a load bearing vest for deputies assigned to field duties. The only molle style vest accessory that will be provided by the Sheriff's Office is the molle mount for the taser holster. All other pouches and accessories must be purchased individually by the deputy. All pouches and accessories worn on the load bearing vest are subject to agency approval. Deputies should ensure items personally purchased are authorized prior to purchasing.
3. Only load-bearing vests of make and model approved by the Sheriff's Office may be used on duty. Any deputy currently using a personally owned load-bearing vest, at the time of this policy revision, may continue to use that vest until their body armor is replaced. At that time, a new load-bearing vest will be issued by the office.
4. The color of the vest must be black. The color of the "SHERIFF" placards and nametape must both be the approved yellow lettering on a plain black background. The nametape must be fabric and the normal metal uniform nametag should not be used with the vest. Pins and awards are authorized to be worn on the vest and will follow the uniform policy. The only patches, pins and/or insignia authorized for wear on the load bearing vest are the same as described in Global Policy 3-11 Appendix B: Uniformed Employees.
5. The deputy has the option to use the department-issued ballistic panel in the load-bearing vest, or the deputy has the option, at their own expense, to purchase the approved ballistic panels fitted for their vest. In addition, the deputy will wear the department-issued uniform shirt with the load-bearing vest.
6. The load-bearing vest may be worn with the issued special event polo during designated special events. The only other collared polo shirt approved for use is the summer polo uniform shirt. Captains may approve deputies to wear the load-bearing vest with civilian clothes for special assignment positions and/or duties.

7. Deputies who choose to wear the taser on their load-bearing vest are required to use the office issued taser holster. No other type of holster or pouch is authorized to carry the taser.
8. Load bearing vests will only be approved for use while in good condition. If identified during uniform inspections to be in need of cleaning or repair, the approval for use will be revoked until conditions met.

324-05: Ballistic Shield Policy

Chapter: Uniform and Equipment

Order No: 2019-4

Effective: 8-2-2019

Revised: 12-28-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. In an effort to better protect Deputies and citizens in high-risk environments, the Pennington County Sheriff's office will stock ballistic shields and associated protective equipment. The Firearms Training Program will be responsible for providing training to Deputies in the operation of this equipment.

II. Definitions

- A. N/A

III. General Information

- A. The agency authorized shield(s) are rated threat-level IIIA and conform to N.I.J. Standard 0108.01. The shields are capable of stopping most handgun rounds and "00" buckshot. Level IIIA equipment does not protect from rifle fire or metal piercing bullets.
- B. The department authorized Level IIIA shin guards. This equipment provides the same level of protection, but does not protect the wearer from sharp edged or pointed instruments/ weapons.

IV. Procedural Guidelines

- A. Only those Deputies who have successfully completed an approved ballistic shield training course will be authorized to utilize the ballistic shield and shin guards.
- B. Deputies deploying the ballistic shield will attend annual in-service training related to the use of the ballistic shield.
- C. Permitted use:
 - 1. When available, the ballistic shield could be, but is not limited to be used in the following circumstances:
 - a. Building searches
 - b. When moving in open spaces in critical situations
 - c. Final clearing of a vehicle in high-risk stops
 - d. Officer/ citizen rescues

- e. High-risk operations
 - f. Establishing a perimeter on potentially armed subjects
- 2. When planning and responding to a potential or real civil disturbance, consideration should be given by supervisors to having a ballistic shield deployed or stored at the command post or staging area until needed.
- 3. The ballistic shield may be used to evacuate bystanders or injured persons if deployment of the shield will maximize the safety of the Deputy and the bystanders or evacuees.

D. Operational Readiness

- a. When not carried in an on-duty patrol vehicle, the ballistic shields shall be stored at the public safety building.
- b. All ballistic shields will be returned to the public safety building at the conclusion of the supervisor's shift, or transferred to another on-duty supervisor.
- c. Deputies will inspect the ballistic shield and associated equipment for any damage prior to removing it from the public safety building. If there is any damage, the Deputy will report the damage to the on-duty supervisor and place the equipment out of service. If inspection by the Firearms Training Administrator, or his/her designee, concludes that the shield is not fit for service, the shield shall be taken out of service indefinitely. The shield(s) shall remain out of service until the deficiency is corrected.

325-01: Worksite UV Protection

Chapter: Patrol Operations
Order No: 2019-3
Effective: 6-12-2019
Revised:
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

V. Policy

- A. The Pennington County Sheriff's Office is committed to the health and safety of its workers. This commitment includes protecting our employees from the adverse effects associated with prolonged exposure to ultraviolet radiation (UVR).

VI. Definitions

- A. N/A

VII. General Information

- E. This policy is intended to identify the procedures and practices useful in the prevention of skin cancer. Early detection and prevention is the best way to protect skin from the sun and prevent skin cancer. Please see Appendix A for more information on Skin Cancer.

VIII. Procedural Guidelines

- A. To help prevent the development of skin cancer, employees will receive instruction, encouragement, and environmental support to avoid overexposure to the sun when they are outdoors.
 - 1. Supervisors will provide access to sun safety training for all employees encouraging them to practice sun safety while on the job.
 - 2. Supervisors will encourage employees to use personal sun protective equipment that includes sunscreen with an SPF of at least 15, SPF 15 lip balm, sunglasses, and sun protective work clothing (long-sleeves and long pants).
 - 3. Administrative staff will annually evaluate and revise sun safety programs, policies and procedures. Supervisors will implement sun safety programs all year, especially during, but not restricted to, the months of April through September.
 - 4. The Worksite UV Protection Policy will be communicated and reinforced to employees by supervisors and administrative staff through verbal reminders, modeling behaviors, posters, email notifications of UV index and trainings.
 - 5. Employees will be encouraged to report sun related injuries (severe sunburns, heatstroke, etc.) to an immediate supervisor.

Appendix A

Risk and Associated Factors

Certain factors are more likely to contribute to a higher risk of skin cancer. These risk factors include:

- Lighter natural skin color
- Family history of skin cancer
- Personal history of skin cancer
- Exposure to UVA and UVB radiation from the sun and indoor tanning beds
- History of sunburns early in life
- Skin that burns, freckles, reddens easily
- Blue or green eyes, blond or red hair
- Certain types and a large number of moles; consult a doctor if you notice changes in your skin such as size, shape, or color of a mole or other skin lesion or the appearance of a new skin growth
- Extended time spent outdoors

What to Look For: The ABCDEs of Melanoma

A = Asymmetry

- One half is unlike the other half.

B = Border

- An irregular, scalloped or poorly defined border.

C = Color

- Is varied from one area to another; has shades of tan, brown or black, or is sometimes white, red, or blue.

D = Diameter

- Melanomas are usually greater than 6mm (the size of a pencil eraser) when diagnosed, but they can be smaller.

E = Evolving

- A mole or skin lesion that looks different from the rest or is changing in size, shape or color.

Definition of Terms

- **Basal Cell Carcinoma:** Skin cancer that forms in the lower part of the epidermis (the outer layer of the skin).
- **Melanoma:** Skin cancer that forms in melanocytes (skin cells that make pigment).
- **Skin Cancer:** Cancer that forms in the tissues of the skin.

- **Squamous Cell Carcinoma:** Skin cancer that forms in squamous cells (flat cells that form the surface of the skin).
- **Ultraviolet:** Ultraviolet (UV) rays are an invisible kind of radiation that comes from the sun, tanning beds, and sunlamps.
- **UVA:** The most common kind of sunlight at the earth's surface, and reaches beyond the top layer of human skin. Scientists believe that UVA rays can damage connective tissue and increase a person's risk of skin cancer.
- **UVB:** UVB rays are absorbed by the ozone layer, so they are less common at the earth's surface than UVA rays. UVB rays, which help produce vitamin D in the skin, don't reach as far into the skin as UVA rays, but they still can be damaging.

Resources

1) American Academy of Dermatology

Understanding Skin Cancer: www.aad.org/spot-skin-cancer/understanding-skin-cancer/educational-resources

How Do I Check My Skin: www.aad.org/spot-skin-cancer/understanding-skin-cancer/how-do-i-check-my-skin/what-to-look-for

2) American Cancer Society

Cancer Facts & Figures 2014:

www.cancer.org/research/cancerfactsstatistics/cancerfactsfigures2014/index

3) Centers for Disease Control and Prevention

Skin Cancer: www.cdc.gov/cancer/skin/

Workplace Safety & Health Tips, UV Radiation: <http://www.cdc.gov/niosh/topics/uvradiation/>

4) National Cancer Institute

Skin Cancer: www.cancer.gov/cancertopics/types/skin

5) Sun Safe Colorado Outdoor-Based Business Sun Protection Policy Guidelines

http://work.sunsafecolorado.org/docs/skin_policy.pdf

6) US Department of Health and Human Services

www.surgeongeneral.gov/library/calls/prevent-skin-cancer/exec-summary.html

For more information, contact the South Dakota Department of Health at (605) 773-3737 or <http://goodandhealthysd.org/> .

345-01: Internal Affairs – Citizen’s Complaint

Chapter: Internal Affairs

Order No: LE 12-08

Effective: 01-31-2001

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff’s Office (PCSO) will accept and document all complaints alleging employee or office misconduct.

II. Definitions

- A. **Complaint of Employee Misconduct:** A complaint is an allegation from any source of an act or omission by an employee, which if proven true, would be considered misconduct or a violation of PCSO policies, rules, or regulations.
- B. **Complaint of Office dissatisfaction:** A complaint from an external source of dissatisfaction with an office policy or practice.
- C. **Public Concerns Regarding Law Enforcement Operations Not Amounting to a Complaint:** A concern expressed by a member of the public, which does not meet the PCSO’s definition of a complaint, but must be documented by the PCSO employee receiving the information from the member of the public.
- D. **Internal Affairs:** The PCSO does not have a specific internal affairs unit. For purposes of this policy, “internal affairs” refers to the chief deputy or other supervisor designated to conduct the investigation.

III. General Information

- A. Complaints for the following principle reasons will be evaluated:
 - 1. To ensure that complaints alleging employee or office misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations.
 - 2. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention
 - 3. To identify Pennington County Sheriff’s Office policies, training and/or practices in need of reevaluation, clarification and/or correction.
 - 4. To identify areas of misunderstanding by the complaining citizen.

5. To protect office employees and the Pennington County Sheriff's Office from erroneous complaints.
- B. Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the person should be referred to the proper court for resolution.
- C. It is imperative that the PCSO operate in a high degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the office. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by sheriff office employees and the conduct of the PCSO.
- D. This policy provides members of the PCSO with the procedures for the acceptance of complaints, the initiation of the administrative investigative process, the process for conducting a fair and reasonable investigation, the proper methods for adjudication of these administrative investigations, and the methods for the administration of fair, reasonable and defensible discipline.

IV. Procedural Guidelines

- A. **Sources for Complaints:** A complaint can originate from any of the following sources:
 1. Individual aggrieved person
 2. Third party
 3. Anonymous
 4. Office employee
 5. News media
 6. Governmental office
 7. Notice of civil claim
 8. Complaints can be made by members of the public:
 - a. In person
 - b. By telephone
 - c. By letter
 - d. Electronic communications
- B. **Website Based Citizen Feedback:** The PCSO has developed a link on our official PCSO website to inform members of the community how to provide the PCSO with commendations, office suggestions, dissatisfaction with the office, or a complaint

alleging employee misconduct. All feedback generated from this location will be forwarded to the chief deputy or other administrative designee for follow-up or assignment.

C. **Employee Responsibilities:** Whenever an employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another PCSO employee, they shall:

1. Immediately notify an on-duty supervisor and ensure that follow-up to the complaining person will not be delayed.
2. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding the complaint and contact numbers.
3. The employee shall ensure that this information is given to a supervisor at the earliest moment during the employee's duty shift.
4. Failure to follow these acceptance provisions will result in disciplinary action against the involved employee.

D. **Supervisor's Responsibilities:** Whenever a supervisor becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor shall conduct an immediate preliminary investigation including:

1. Conduct an interview with the complaining person attempting to ascertain each and every allegation of misconduct alleged. Should the allegations not amount to a complaint consistent with the PCSO's definition of a complaint, the supervisor will advise the party that their dissatisfaction will be recorded and forwarded for office review.
2. The supervisor accepting the complaint, or if the incident is an occurrence likely to result in a complaint or administrative investigation and no specific complaining person is present, the supervisor shall respond to the scene of the law enforcement encounter/incident and:
 - a. Determine the identity of persons involved witnesses, other PCSO personnel and office employees.
 - b. Ensure that proper evidence is collected and/or documented.
 - c. Ensure that all reasonable documentation and physical evidence is maintained. This includes deputy reports, communications/dispatch information, MDT transmissions, medical documentation, and video recording of any portion of the law enforcement involvement.
 - d. Ensure that all necessary medical treatment is provided and documentation is preserved.

- e. Prepare a case report.
 - f. Notify all persons consistent with the specifics of the incident.
- E. **Complaint Initiation Process:** The complaint initiation process is not incumbent on cooperation of the complaining person. In the event that the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the PCSO's definition of a complaint, the complainant will be listed as Pennington County Sheriff's Office.
- F. **Classification of Complaints:** Complaints and administrative investigations will be classified by the PCSO and assigned specific numbering (employee misconduct, internal, risk management, traffic accident, critical incident, and non-complaint). The PCSO will maintain specific investigative and reporting protocols for each classification of complaint.
- G. **Processing the Complaint:** It is the responsibility of the assigned supervisor to process the complaint for investigation:
 - 1. Assign the complaint the appropriate control number.
 - 2. Log the complaint into the record management system.
 - 3. Ensure that the complainant receives a letter notifying that the complaint has been received and will be assigned for investigation.
 - 4. Assign the investigation to the appropriate office employee for investigation.
 - 5. Assign the investigation a due date for completion within 30 days. Extensions of this due date must be submitted in writing for approval by the chief deputy in charge of the process and made part of the final investigative report.
- H. **Investigative Procedures:** The employee assigned to conduct the administrative investigation should:
 - 1. Evaluate the allegations contained in the case report and consult with the person accepting the complaint or learning of the allegation(s).
 - 2. Obtain all police reports, communications/dispatch records, Mobile Data Terminal (MDT) transmissions, video recordings, and other law enforcement documents.
 - 3. Determine the specific allegations of the complainant and identify any other possible office violations, whether alleged by the complainant or not.
 - 4. Conduct interviews normally in the following sequence:
 - a. Complainant
 - b. Other public witnesses

- c. Office witnesses
- d. Accused employees; deputies shall be given written notice of intended interview regarding allegations.

I. Disposition:

1. The investigating person will prepare the investigative report and submit it through the chain of command for adjudication and disposition. The investigator is a fact finder only and is not expected to make findings or recommendations.
2. The adjudication person will make a recommendation for the disposition findings for each allegation using the following classifications using the burden of proof of a preponderance of the evidence:
 - a. Sustained: There was a preponderance of evidence to prove the allegation.
 - b. Not Sustained: There was not sufficient evidence to either prove or disprove the allegation.
 - c. Exonerated: The actions of the employee were consistent with the law and PCSO policies, rules, regulations and practice.
 - d. Unfounded: The allegation did not occur.
 - e. Policy and/or Training Deficiency: The allegation occurred but was the fault of deficiencies in PCSO policy and/or training and cannot be accountable to the employee involved.
3. These disposition recommendations shall be forwarded through the chain of command or the designated person for review and concurrence. The final authority for the disposition is the Sheriff or his designee. Both the chief deputy and the sheriff are responsible to ensure that the investigation and the final recommendation are consistent with the investigation and the practice of the PCSO.
4. When allegations are sustained, the specific charges and processing will be conducted according to the personnel practices of the office.

J. Role of the Chief Deputy or the Designated Person:

1. The chief deputy or designated person shall prepare the letter to the complainant following the conclusion of the investigation and the disposition of the complaint advising the person that the matter has been resolved.
2. The chief deputy or designated person is responsible for the quality control of the complaint and administrative investigation process and shall:
 - a. Review all final complaint investigations to ensure that they are consistent with the practices of the PCSO.

- b. Maintain records of the process.
- c. Maintain the completed investigative and adjudication files in a secure, confidential manner.
- d. Conduct an annual audit of the process.
- e. Maintain statistical documentation regarding the process and prepare any overall reports consistent with the directions of the Sheriff.
- f. Alert the office to any noticeable trends that may require specific supervisory direction, policy review, or training evaluation.

K. **Criminal Allegations Involving an Employee:** When criminal allegations involving a member of the office are identified, the sheriff and the chief deputy shall be notified immediately. A determination will be made on the use of any other law enforcement agency assistance with the investigation.

421-01: Lateral Position Transfer and Ancillary Duty

Chapter: Personnel Process
Order No: LE 1-01
Effective: 10-25-18
Revised: 12-14-20
Reviewed: 12-14-20
Approved by: Sheriff Kevin Thom
Classification: Public

I. Purpose:

- A. This policy provides direction for the selection, requirements, and lifecycle of lateral position assignments and ancillary duties.
- B. All lateral position assignments and ancillary duties serve at the discretion of the Sheriff and are not considered promotions, advancements or guaranteed positions. They may be created or eliminated as necessary and assigned personnel may be increased or decreased based on the operations needs of the office.
- C. The available lateral position assignments and ancillary functions to include their requirements, term and selection process are located in Appendix A.

II. Procedure:

- A. The Sheriff's Office Human Resources or Training Office will advertise assignment openings via email to all eligible personnel. Advertisements will include the duties, responsibilities and required qualifications for the opening.
 - 1. Application, interview notes and other selection materials will be collected and maintained by human resources.
- B. The selection process components will be determined by the assignment. It may include interview, functional exam, cognitive exam and or oral presentation.
- C. The applicable Captain or Cadre Leader will coordinate the selection process components, date, time, location and notice to applicants.
- D. The selection panel will rank applicants based on established criteria and make selection recommendations to command staff.
- E. An eligible list may be established for up to 6 months.
- F. The selection panel will notify applicants of their disposition.
- G. Selection information will be distributed via email to all division personnel.

III. Selection Criteria:

- A. The criteria for assignment will be based on the skills, knowledge and abilities required for the specialized assignment and should include, at a minimum the following:
 - 1. Formal education or assignment related background
 - 2. Time in service
 - 3. Career development

4. Review of employee's performance evaluation and supervisor recommendation.
5. Review of employee's attendance record.
6. BFOQ and EEOC guidelines will be applied and the determining factor should all other criteria be equal.

IV. Assignment Term:

- A. The employee will be required to serve a minimum time commitment to be determined by the time and expenditures of providing specialized training and the needs of the office.
- B. Assignment term requirements may be waived if movement is a result of a promotional opportunity.
- C. Employees will be evaluated for continued suitability of the lateral position as noted in Appendix A.
- D. Removal from an assignment or duty can be done by mutual agreement, upon the end of the term agreement, or based on performance.
- E. Employees may request to be removed from an assignment or duty through their chain of command. Final determination on acceptance of a resignation is at the discretion of command staff based on the impact to the office and employee.

V. Ineligibility:

- A. Probationary Status
 1. Personnel are not eligible to apply for advertised openings during their probationary period. They must have completed probationary requirements prior to application.
 - a) Completed 12 months of service in their current position.
 - b) Have had a performance evaluation completed
 - c) Completed all training requirements to include the NPE project and presentation.
 - d) Satisfied all requirements set forth by the Law Enforcement Training and Standards Commission to be a Certified Law Enforcement Officer in the State of South Dakota.
- B. Sub-standard performance on current teams and/or disciplinary action.
- C. Temporary assignments are designed to allow for career exploration and growth. Typically, employees will not be eligible to hold a temporary position more than once. Any exception to this should be submitted to the Chief Deputy for approval.
- D. The probationary status may be waived if the initial application process yields no other eligible candidates.

Employees may be limited on the number of ancillary functions based on the ancillary duty time commitments and/or their primary duty assignment.

All terms and selections are subject to the Sheriff's discretion to meet the best needs of the Sheriff's Office.

Appendix A

Work Group	Lateral Assignments Available	Application Minimum Requirements**
Warrants	Two-year Evaluated, One-Year Rotating	2 years of service for permanent position eligibility. 1 year of service for temporary position eligibility.
Civil	Two-year Evaluated	2 years of service
Transport	Two-year Evaluated, One-year Rotating	1 year of service
Investigations	Two-year Evaluated, UNET, ICAC, School Resource (requires school-year commitment)	2 years of service CID experience preferred for ICAC and UNET
Training	Three-Year Term; evaluated annually	Five years of service
Patrol	Hills Patrol, Six-month Temporary CID	1 year of service for Hills Patrol 2 years of service for temporary CID

Ancillary Function	Training/Time Commitment	Application Minimum Requirements**	Corresponding Policy
Special Response Team*	10 hours monthly; on call response; additional agility and advanced course instruction	3 years of service, 2 years with current agency if prior LE experience. Must complete selection process per SRT SOP	Y
Mobile Response Team*	8 hours quarterly; on call response; 40-hour specialized school	1 year of service	Y
Deputy Training Officer*	40-hour school; 2-year commitment	2 years of service	LE 431-08
Defensive Tactics	3-year commitment	1 year of service	
Firearms Instructor	24 hours every 4 years; Scheduled as needed for new employees; 4-year commitment	1 year of service	
Honor Guard	As needed for events; 3-year commitment	1 year of service	
Explorer Program Advisor	1-year commitment	1 year of service	

Taser	2-year commitment	1 year of service	
OC Spray	2-year commitment	1 year of service	
Water Rescue/Dive Team	3-year commitment; watermanship and pool scuba testing	1 year of service	
Drone Pilot	3-year commitment	1 years of service	
EVOC	3-year commitment	1 years of service	

*indicates may conflict with other ancillary duties

**Years of Service are those as a certified law enforcement officer with the Pennington County Sheriff's Office

431-07: Recruit Deputy Training Program

Chapter: Training Administration

Order No: LE 13-01

Effective: 08-01-2000

Revised: 01-10-2013

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide a training program for deputy recruits.

II. Definitions

- A. **PTO:** Police Training Officer Program
- B. **LET:** Law Enforcement Training

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Recruit Training Activities Prior to Pre-Service Training:** With regard to entry-level deputies, the training division shall ensure the following duties are accomplished:
 - 1. Assist human resources staff with all requirements for the recruitment and selection of entry-level personnel per global policy as requested.
 - 2. Assist human resources staff with all processing paperwork as is required to start employment per global policy as requested.
 - 3. Assist human resources staff with on boarding procedures per global policy as requested.
 - 4. Upon employment, the training division shall obtain an academy start date from South Dakota Law Enforcement Training, and shall then make all necessary arrangements to schedule the recruit deputy to enter field training status. Field Training may be conducted either pre or post academy, depending upon the ability of the training academy to provide academy training to the recruit in a timely fashion. However, post academy field training is the desired sequence and hiring of deputies will be coordinated with this time frame whenever possible.

B. **Pre-Service Training for New Deputies:** In order to prepare the new deputy for the police training officer program (PTO), training will be provided in a pre-service format that provides the recruit deputy with a working knowledge of what the job of the deputy includes. This allows the police training officer to build on a foundation set in the pre-service training to help the deputy become more confident in learning the job. The pre-service training program will be developed and adapted with input from supervisors, instructors, senior deputies, and police training officers. Pre-service topics will be reviewed annually to determine if any changes need to be made.

C. **South Dakota Law Enforcement Training (LET) Coordination:**

1. All newly appointed deputies shall be required to complete a preparatory program of law enforcement training as specified by the South Dakota Law Enforcement Officers Standards Training Commission within the first year of employment.
2. Extensions of the one-year time limit will not normally be granted by the South Dakota Law Enforcement Officers Standards Training Commission.
3. All newly appointed full-time deputies with prior certified experience and training in another state may be eligible to receive consideration for reciprocity based upon their documented certification from another state law enforcement academy.
4. If an applicant has previous law enforcement experience in South Dakota, and is still certified by the State of South Dakota, they may not have to complete the law enforcement academy training.
5. All newly appointed full-time deputies with prior certified experience must have their training and experience reviewed by the South Dakota Law Enforcement Officers Standards Training Commission. If the applicant is successfully screened as able to take the reciprocity test, they will then have an adequate time to study South Dakota training materials before taking the test.
6. If the newly appointed full-time deputy fails the criteria in "3" or "4" above, or the administrative staff has decided that based on the candidates training and experience they would need to attend the academy, they must attend the entire basic certification course.
7. The training division shall be responsible to provide input to the training academy on an as needed basis. Input is essential in order for the South Dakota Law Enforcement and Training Commission to properly evaluate the training needs and desires of the Pennington County Sheriff's Office.

D. **Field Training:** The recruit deputy will move into the police training officer (PTO) program with the skills and abilities acquired from the pre-service training. While in the police training officer program the recruit deputy will be trained in accordance with the police training officer program guidelines.

1. Field training shall be a logical, cohesive program directly connected to attendance at the South Dakota Law Enforcement Training Academy. Prior to entering field training status, recruit deputies may be utilized in a law enforcement support function. Any time spent in a support function prior to entering field training status shall not be formally counted as part of the PTO program.
2. Specific shift assignments for field training will be scheduled through the police training officer program supervisor, and the training division.

E. **Continuous Review and Adaptation of Recruit Deputy Training:** The recruit deputy training program will be continuously reviewed and adapted as needed.

1. Annual reviews of the recruit deputy training program will be completed by the administrative staff of the Law Enforcement Division.
2. Reviews and adaptations can be conducted at any time based on Supreme Court rulings, South Dakota state law, policy and procedure changes, changes to common operating practices, or any training deficiencies noted by instructors, field training deputies, or supervisors.

431-08: Deputy Training Officer (DTO) Program

Chapter: Personnel Development

Order No: LE 1-03

Effective: 8-1-2000

Revised: 8-20-2018

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

V. Policy

- A. The Pennington County Sheriff's Office will provide field training to all recruit deputies after completion of pre-service training.

VI. Definitions

- A. **Deputy Training Officer Program:** Field training program for recruit deputies based on national Police Training Officer (PTO) model.
- B. **Deputy Training Officer (DTO):** Deputy selected and assigned to provide field training to recruit deputies.
- C. **Deputy Training Evaluator (DTE):** A DTO selected to evaluate the recruit deputy during the midterm and final evaluation phases.
- D. **DTO Supervisor:** A Patrol Sergeant responsible for the day-to-day supervision of the DTO program. Reviews Core Competency Logs and Activity Reports on a routine basis ensuring they are timely and properly completed.
- E. **Training Matrix:** Serves as a guideline for the field training. Helps determine what the recruit has learned, what the recruit needs to learn, and what process the DTO will use to evaluate the trainee. The matrix serves to demonstrate interrelationships between core competencies and daily deputy activities.
- F. **Core Competencies:** Represent the activities deputies commonly engage in during the daily performance of duties. The core competencies are grouped under substantive topics to create phases of the training and form the training matrix.
- G. **Activity Report:** Phase specific report completed by the recruit deputy and the DTO. It contains the 15 core competency areas for comments by both the recruit and DTO with a focus on five core competencies each week of the phase. Evaluates and offers feedback and guidance of the trainee's performance involving incidents throughout the week.
- H. **Core Competency Log Book (CCL):** Recruit deputies will maintain a journal to record relevant daily information on their learning process. The journal allows the recruit and DTO to record instances in which learning has or has not occurred with an emphasis on emotional intelligence.

- I. **Neighborhood Profile Exercise (NPE):** Project designed to provide geographical, social, and cultural understanding of the area where the recruit works and to encourage the recruit to develop community contacts and resources. Project completion is required prior to release from probation.
- J. **Problem Based Learning Exercise (PBLE):** In addition to learning during daily patrol activities, recruits complete one ill-structured problem for each phase of training. The recruit proceeds through the learning process by listing initial ideas, stating known facts, identifying learning issues by asking questions and gathering materials, and suggesting at least two plans of action.
- K. **Learning Activity Packages (LAP):** Supplemental learning tool used when the DTO identifies a deficiency in the recruit's skills or an opportunity to enhance the learning process. LAPs focus on a specific topic using strategies specific to the recruit's learning style.

VII. General Information

- A. Deputies selected to be DTOs should complete an approved Police Training Officer training program before assigned a recruit deputy.
- B. The DTO shall be knowledgeable and proficient in all skills necessary to perform their duties and instruct their recruit deputy in the proper performance of those duties.
- C. The quality of the DTO is critical to the success of the program. The DTO trains, evaluates the recruit on a constant basis, and is responsible for the learning environment.
- D. During field training, the recruits are scheduled, according to availability, so they are exposed and trained in the procedures for the day shift, swing shift, and night shift. The DTO trains the recruit according to the assigned phase rotation and is familiar with all the duties and responsibilities of the assigned shift.
- E. The DTO's shift supervisor is responsible for the day-to-day supervision of the recruit deputy and the DTO assigned to their shift.
- F. The Training Division is responsible for the overall coordination of field training, but is not responsible for the day-to-day supervision of recruit deputies or DTOs.
- G. Written evaluations record each recruit deputy's progress through the training.
- H. The normal duration of the DTO Program is 15 weeks. It will consist of the following phases:
 - 1. Orientation – One week
 - 2. Phase A: Non-emergency response – Three weeks
 - 3. Phase B: Emergency response – Three weeks
 - 4. Midterm evaluation – One week

5. Phase C: Patrol operations – Three weeks
 6. Phase D: Criminal investigations – Three weeks
 7. Final evaluation – One week
- I. Recruit deputies eligible for certification through the South Dakota Law Enforcement Academy Reciprocity or currently certified by the South Dakota Training and Standards Commission are eligible from an alternate program.
1. Phase A/B: Non-emergency and Emergency Response – Four Weeks
 2. Phase C/D: Patrol Operations and Criminal Investigations – Three Weeks
 3. Final Evaluation – One Week
 4. The recruit will complete one PBLE during each phase.
 5. If the recruit does not successfully complete the Final Evaluation, the recruit retrains Phase A/B for three weeks followed by Phase C/D for three weeks before returning to a final evaluation. Assignment of an additional PBLE is at the discretion of the DTO Supervisor.
- J. Due to the unique relationship between the PCSO and the Rapid City Police Department (RCPD) recruit deputies transferring from the RCPD are eligible for an alternate program.
1. Phase A/B: Non-emergency and Emergency Response – Three Weeks
 2. Phase C/D: Patrol Operations and Criminal Investigations – Two Weeks
 3. Final Evaluation – One Week
 4. The recruit will complete one PBLE.
 5. If the recruit does not successfully complete the Final Evaluation, the recruit retrains Phase A/B for four weeks followed by Phase C/D for four weeks before returning to a final evaluation. Assignment of an additional PBLE is at the discretion of the DTO Supervisor.
- K. Absences may result in an extension of the phase in which the absences occur.
- L. Remedial Phase Training may be assigned if the recruit deputy does not successfully complete the midterm or final evaluation.
1. A remedial training phase is three weeks in length.
 2. The recruit deputy may be assigned LAPs, PBLEs, or other prescribed training that focuses on the deficiencies.
 3. After the remedial phase, the recruit will return to the appropriate evaluation phase.

4. If a recruit deputy fails the mid-term evaluation, one remedial training phase is authorized. If a recruit deputy fails the second evaluation, the Sheriff or designees may authorize a second remedial phase.
5. At the discretion of the Sheriff or designee recruit deputies in alternate programs who fail their second final evaluation may be scheduled for three weeks of remedial training. At the completion of the remedial training they are assigned a final evaluation phase.

VIII. Procedural Guidelines

- A. The Global Training Office will provide a training schedule and DTO assignment to the recruit deputy.
 1. The recruit will usually stay with the same DTO for Orientation and Phases A and will rotate DTOs thereafter.
- B. The DTO Supervisor assigns the recruit an NPE during the last week of Phase A. Completion of the NPE is required for release from probation.
- C. The DTO and recruit will follow the training matrix.
 1. The DTO will assign the recruit a PBLE at the beginning of each phase.
- D. The recruit deputy will make daily CCL entries relevant to the learning process.
 1. CCLs are not part of the evaluation process, but are discoverable for court purposes and recruits must keep the language and content at a professional standard. Although not an evaluation, CCLs may identify areas that may require additional training or emphasis during training.
- E. The DTO and DTO Supervisor will review the CCL on a regular basis and make written comments when applicable.
- F. The DTO and recruit deputy complete the Activity Report weekly with an emphasis on five core competencies as directed by the DTO.
 1. The comments will discuss the recruit's learning, rather than simply narrating the incident.
 2. The DTO will review the recruit's comments and will add his own comments and provide feedback and guidance as appropriate.
- G. The DTO may complete a memorandum or incident report if specific training concerns or deficiencies are identified and a LAP is needed.
- H. The DTO and recruit review the weekly Activity Report to identify areas done well and areas requiring improvement at the end of each week of the phase.
- I. After completing Phases A and B, the recruit will be assigned to a DTE for the midterm evaluation.

- J. The DTE uses the training matrix to evaluate the recruit's performance related to Phases A and B.
- K. Recruits who do not successfully complete the midterm evaluation phase will return to Phase A or B for remedial training.
 - 1. The recruit may be assigned to the original DTO or a different DTO for the remedial phase.
 - 2. After completing remedial training, the recruit will return to the evaluation phase.
 - 3. If a recruit is unsuccessful in completing the remedial phase or midterm evaluation, the DTO Supervisor, Patrol Captain and the Training Office will review the recruit's status.
- L. Recruits successfully completing the midterm evaluation phase will be assigned to a new DTO and move to Phase C and then to Phase D.
- M. After completing Phases C and D, the recruit will be assigned to a DTE for the final evaluation.
- N. During the final evaluation phase, the DTE will evaluate the recruit comprehensively on all training received in Phases A through D.
- O. The DTO Supervisor reviews the training file and meets with the assigned DTEs of recruits who successfully complete the final evaluation phase. Based on the training file and the DTEs input the DTO Supervisor makes a recommendation on releasing the deputy from the DTO Program.
 - 1. The DTO Supervisor submits a written recommendation to the Patrol Captain, requesting the recruit deputy's release from the DTO Program.
 - 2. If the Patrol Captain approves the recommendation, the recruit deputy is released and assigned to a patrol shift.
 - 3. Notification of successful completion of the DTO Program will be provided to the recruit deputy with copies sent to the Training Office and the Chief Deputy and placed in the recruit's training file and personnel file.
 - 4. The recruit will present their NPE to the designated group before release from probation.
- P. Recruits who do not successfully complete the final evaluation phase may be returned to Phases C or D for remedial.
 - 1. If a recruit is unsuccessful in completing the remedial phase or final evaluation, the recruit's status will be reviewed by the DTO Supervisor, Patrol Captain and the Training Office.

- Q. If a DTO, DTO Supervisor or the Training Manager recommends removal of a recruit deputy from the DTO Program for any reason, they forward a written recommendation to the Patrol Captain.
1. The DTO Supervisor forwards the recommendation to the Patrol Captain. The Patrol Captain upon agreeing with the recommendation forwards it to the Chief Deputy and the Sheriff for a final decision, which could include a recommendation for termination.
 2. If the recommendation for removal is approved, it will be documented in writing and reviewed with the recruit deputy. Place all documentation, including the recruit's verbal and written response to their removal from the program in the recruit's training file and personnel file.
 3. Recruit deputies removed from the DTO Program, either voluntarily or by administrative action, may be offered a non-law enforcement position within the Sheriff's Office if deemed appropriate by the Sheriff. This will be reviewed on a case-by-case basis and not all recruit deputies removed from the DTO Program will be eligible for an alternative job offer.

431-09: In-Service Training

Chapter: Training Administration

Order No: LE 13-01

Effective: 08-01-2000

Revised: 11-28-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office shall provide a variety of in-service training programs designed to meet the needs of the sheriff's office and to maintain and develop the skills, knowledge and abilities of employees.

II. Definitions

- A. N/A

III. General Information

- A. The Pennington County Sheriff's Office recognizes the need to provide well-structured and informative in-service training to all employees.

IV. Procedural Guidelines

A. In-Service Training:

1. In-service training shall include any classroom training, firearms training and other trainings designed to instruct employees in the skills and knowledge necessary to perform the duties and responsibilities incumbent upon a Sheriff's Office employee.
2. In-service training shall be coordinated through the training division and shall be scheduled with the coordination of all supervisors.
3. Subject matter for training sessions shall be determined by supervisors.
4. If appropriate to the subject matter presented during in-service training, objective testing should be conducted following the training session to ensure those key areas of instruction have been retained by the student.
5. Certain training programs must be accomplished on a regular basis in order to maintain a reasonable level of deputy proficiency. At a minimum, the following training programs shall be presented as established below, and be a mandatory requirement of the in-service training program.
 - a. Semi-annual firearms training.

- b. Annual defensive tactics training.
- c. Annual demonstration of physical fitness.
- d. Annual legal and policy update training.
- e. Bi-annual domestic violence training.

431-10: Roll-Call (Shift Briefing) Training

Chapter: Training Administration

Order No: LE 13-01

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide roll call (shift briefing) training on an, as needed basis, as determined by the supervisory staff of the Sheriff's Office.

II. Definitions

- A. **Roll Call (shift briefing) Training:** Training that normally ranges between 5-45 minutes in length, and covers topics that have recently been brought up as needing to be reviewed or trained on by any supervisor or credible training sources. These trainings most commonly occur at the beginning of a work shift, but can be scheduled at any time based on the needs of the personnel attending the training.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Roll-Call (shift briefing) Training:**
 - 1. The roll-call training program shall be designed to keep all personnel informed concerning current trends pertaining to law enforcement and other activities of the Sheriff's Office.
 - 2. Most roll-call training will be presented by supervisors, Police Training Officers, or civilians. Other personnel may be assigned the task of preparing and presenting roll-call training.
 - 3. Methods of instruction may include, lectures, video tapes, movies, handouts, or other materials deemed appropriate.
 - 4. Supervisors shall determine appropriate topics for presentation at roll-call training. The training division shall render assistance as needed.
 - 5. Roll-call training shall be evaluated by supervisors and the training division.
 - 6. Roll-call training shall be scheduled on an as-needed basis.

7. Civilian employees are encouraged to attend roll-call training if the subject matter to be taught is applicable to their job function.
8. Attendance at roll call training will be recorded and provided to the training division. Documentation of the training will be maintained in training records by the training division.

431-12: Civilian Training

Chapter: Training Administration

Order No: LE 13-03

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide training to civilian staff on an as needed basis. The training provided to civilian staff will be determined by their supervisor. Civilian training will be recorded and documented in the same manner as sworn deputies.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Civilian Pre-Service Training:

1. All entry-level civilian personnel will receive training, at a minimum, in the following areas:
 - a. Orientation to the office's role, purpose, goals, policies and procedures.
 - b. Working conditions and regulations.
 - c. Responsibilities and rights of employees, and requirements of any applicable job description.
 - d. Specific job training and on-the-job training as required by the position or assignment.
2. Training shall be coordinated by the unit supervisor to which the civilian employee is assigned.

B. Civilian Training:

1. Civilian personnel shall receive training to perform their job function.

2. Training for these positions shall be coordinated by the unit supervisor of the affected unit, in association with the training division.
3. Any civilian training conducted may address, but is not limited to:
 - a. Legal issues, powers, or responsibility where applicable.
 - b. Safety concerns or issues related to their function.
 - c. The importance of the link they provide between the Sheriff's Office and the citizens of the community.
 - d. The importance of their position to overall organization effectiveness.
 - e. Orientation to the Sheriff's Office role, purpose, goals, policies and procedures.
 - f. Working conditions and regulations.
 - g. Responsibilities and rights of employees.
 - h. Other training approved or required for employees to remain proficient in their current position or as back-up to another position.
- C. **Civilian Annual Retraining:** Civilian employees may attend annual in-service training in topic areas that are pertinent to their position or assignment. Assignment to attend training will be made by the civilian employee's supervisor.
- D. **Civilian Training Records:** Civilian training records will be maintained by the training division.

511-01: Patrol Division Responsibilities

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 11-16-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The primary responsibility of the patrol division is to provide effective, efficient 24-hour coverage to ensure consistent delivery of law enforcement services to the community.

II. Definitions

- A. **Patrol:** In the broadest sense is defined as the deployment of deputies to repress and prevent criminal activities, investigate offenses, apprehend offenders and furnish law enforcement services to the community by engaging in a wide variety of problem-solving activities within the community.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Patrol Division Responsibilities:** The general objectives of the patrol function include, but are not necessarily limited to, the following:
 - 1. Prevention of crime
 - 2. Apprehension of offenders
 - 3. Recovery and return of property
 - 4. Traffic enforcement
 - 5. Respond to calls for service
 - 6. Identify community issues and concerns and facilitate community involvement in developing solutions
 - 7. Provide assistance with court/medical transports of prisoners.
 - 8. Service of civil paperwork and warrants
 - 9. Conduct initial response coroner duties

B. Continuous Patrol Coverage: The Pennington County Sheriff's Office will provide law enforcement response whenever possible, to emergencies throughout areas of Pennington County. Patrol shifts are routinely scheduled for 24 hours of coverage a day, 365 days a year within Pennington County.

C. Coordination with Other Units:

1. The exchange of information between patrol shifts and other office components is critical to the effectiveness of the office as a whole, and may be accomplished through written and verbal communication depending upon the given situation.
2. The following procedures shall be utilized to ensure appropriate communication within the agency:
 - a. When practical deputies assigned to the other law enforcement functions in the office should attend and participate in patrol briefings, which serve as a critical means of broadcasting information between the patrol and other components of the office.
 - b. The review of written case reports by investigative personnel should serve to provide a flow of information between the patrol and investigative components.
 - c. Supervisory personnel of all law enforcement components shall be provided the opportunity to coordinate issues or problems of mutual concern at periodic staff meetings.
3. Patrol deputies should maintain communication with other divisions of the office when appropriate.
 - a. Patrol deputies shall pass on important crime information, case reports or arrests to the Criminal Investigations Division or member of any other specialized law enforcement component when appropriate.

511-02: Patrol Officer Responsibilities

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 11-16-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The primary responsibility of a deputy sheriff assigned to the patrol division is to take all steps reasonably necessary and consistent with their assignment to affect the enforcement of laws, ordinances and to protect life and property.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Patrol Deputy Responsibilities: General

1. Begin assigned duties upon dismissal from briefing or earlier if necessary due to calls for service.
2. Patrol their assigned areas to resolve problems, and identify potential and actual hazards requiring law enforcement attention.
3. Through calls for service and personal observations, identify violations of federal, state, and municipal law, and initiate law enforcement action as appropriate.
4. Become thoroughly familiar with the county. Deputies shall acquire geographical knowledge of their assigned area to enable them to render intelligent and helpful assistance.
5. Familiarize themselves with activities in their patrol areas in order to recognize unusual or suspicious circumstances or persons acting in an unusual way.
6. Faithfully, diligently and continuously patrol their assigned areas as often as possible, unless otherwise directed by a supervisor, and in a manner that does not establish a pattern.

7. Should remain in their assigned areas during their shift, except when dispatched a call for service, to conduct other necessary law enforcement business, take assigned breaks or with the permission of the supervisor.
8. Deputies should immediately investigate all suspicious and unusual circumstances.
9. During hours or times of year businesses are closed, exercise vigilance and pay particular attention to those buildings for signs of criminal activity, fires, and other damage or hazards.
10. Notify the Dispatcher and respond and give assistance or take appropriate law enforcement action upon sight or receipt of information from any source of a crash, crime or other situation requiring law enforcement attention.
11. At locations where large crowds are assembled, preserve order and prevent the commission of crimes, interference with traffic and the destruction of property.

B. Patrol Deputy Responsibilities: To supervisors and other deputies

1. Deputies will address any serious crime or unsafe public conditions in their assigned areas and will immediately notify the Shift Supervisor of any unusual occurrences.
2. In unusual or emergency situations where a supervisor is not present, or available for guidance, the corporal or designated senior deputy is in charge.
3. Deputies will notify the supervisor or designee, prior to briefing, of scheduled court appearances during their assigned shift.

C. Patrol Deputy Responsibilities: Community contacts

1. Respond promptly to calls for service and resolve them to the best of their abilities. Unless the reporting party or complainant specifically requests not to be contacted when a call is received, the responding deputy will make every reasonable attempt to contact the reporting party.
2. Take corrective action on all nuisances, impediments, obstructions, defects, or other conditions in or adjacent to the streets, alleys and public places which tend to endanger the health safety or convenience of the public.
3. Contact any person who is suspected of being under the influence of drugs, alcoholic beverages, or is suspected to be mentally ill to determine if they may be a danger to themselves or others and take appropriate legal action.
4. Participate in crime prevention and community relations functions.
5. Advise citizens of suitable crime prevention measures and urge their cooperation with the police in reporting all crimes, suspicious persons and incidents.

D. Patrol Deputy Responsibilities: Traffic functions

1. Deputies will be responsible for traffic enforcement.
2. Immediately report all traffic signals, controls or signs that are absent or in a condition which creates a blind, hazardous corner, or is ineffective due to damage.
3. Enforce traffic laws of the state of South Dakota and municipalities.

E. Patrol Deputy Responsibilities: Vehicles and equipment

1. Deputies will inspect their vehicle and ensure it is serviceable and prepared for duty. All discrepancies, damage, malfunctions, mechanical problems, etc., shall be brought to the attention of the shift supervisor or designee.
2. Be responsible for the proper use and servicing of the equipment and vehicles assigned to them. Vehicles should not be parked with less than $\frac{3}{4}$ tank of fuel.
3. All discrepancies, damage, malfunctions or mechanical problems regarding units in the Sheriff's Office fleet will be immediately brought to the attention of the shift supervisor or designee. The Captain or designee and shop personnel should also be made aware of any of these concerns.
4. Should not unnecessarily leave the patrol vehicle unattended and unlocked with the keys in the ignition.

F. Patrol Deputy Responsibilities: To other agencies

1. Deputies will assist other law enforcement agencies when requested and provide documentation in the form of written reports and addendums as appropriate.
2. Report all dead animals found on public property to State Radio via Rapid City Interagency.

511-03: Shift Supervisor Responsibilities

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

IX. Policy

- A. To establish basic responsibilities of the Patrol Shift Supervisor and insure appropriate notification of incidents of a significant nature be forwarded through the chain of command to the Sheriff in an expedient manner.

X. Definitions

- A. **Shift Supervisor:** Highest ranking deputy sheriff on duty assigned to a patrol shift. May include: Captain, Lieutenant, Sergeant, Senior Deputy, or Deputy Sheriff.

XI. General Information

- A. N/A

XII. Procedural Guidelines

- A. Duties of Shift Supervisor:
 - 1. The Shift Supervisor should not be assigned or assume any duty that will relieve them of their responsibility for patrol supervision when possible. Shift Supervisors are tasked with managing the law enforcement resources of the County and utilize them strategically to provide the most effective and efficient service to the public.
 - 2. The Shift Supervisor is responsible for reviewing all arrests made during their shift and or previous shift.
 - 3. Shift Supervisors shall routinely inspect patrol vehicles, uniforms, and equipment for cleanliness, safety, overall conditions, supplies and mechanical condition. Any deficiencies/damage not previously noted will be investigated in an attempt to identify deputies responsible when applicable. Missing or unserviceable items will be identified and a Uniform/Equipment Replacement Form will be completed and forwarded to Supply.
 - 4. Shift Supervisors shall be familiar with the duties and responsibilities of their subordinates. Compliance with law, policy, and accepted practices shall be ensured through various supervisory measures, such as: in-person observation, mentoring, inspections, video reviews, and audits, among other things.

Supervisors should make every effort to correct deficiencies and take corrective action.

5. Shift Supervisors shall ensure that their personnel are trained in new laws, rules, procedures and all other matters that will improve the deputies' skills and the image of the office.
6. Shift Supervisors shall demand from their subordinates' compliance with the rules, procedures and directives of this office and will take appropriate corrective action.
7. Shift Supervisors shall receive and follow-up on citizen complaints against employees when practical and ensure they receive proper attention. Depending on the severity of the allegation, ensure the chain of command is notified and an Administrative File is initiated.
8. Shift Supervisors shall supervise all patrol deputies, monitor the entire county, and respond to radio calls of a serious nature when able.
9. When court is in session, supervisors should periodically observe how patrol deputies perform their duties in court. They should pay particular attention to how the deputies testify as well as their general demeanor and appearance.
10. Shift Supervisors shall carefully review all reports submitted by the patrol deputies and ensure the completeness, thoroughness, and that they are free of deficiencies. While the Shift Supervisors are reviewing the reports, they should ensure the deputy's actions are lawful, reasonable, and within policy and procedures.
11. Shift Supervisors are responsible for the appropriate assignment and control of deputies under tactical conditions.
12. All Supervisors must be familiar with mutual aid plans.
13. It is the duty of the Shift Supervisor to always maintain open communications with the other components of the office. They shall ensure communication, cooperation, and coordination between members of the Patrol Division and other components of the Sheriff's Office or other agency.
14. Shift Supervisors will review any serious incidents that occur during their tour of duty. This review should be comprehensive and may cover such incidents as homicides, serious traffic accidents, pursuits, hostage barricaded suspects, natural disasters or other related incidents.
15. The Shift Supervisor shall immediately notify the Patrol Lieutenant or Captain of any serious crime, unusual occurrence, deputy injury, unsafe public condition, or request additional resources for an incident.

16. Shift Supervisors will ensure the completion of the pass-on at the end of their shift to briefly communicate the case reports and arrests that occurred during their shift.
17. Shift Supervisors will be familiar with the Workman's Compensation Policy and will ensure compliance when a deputy is injured. Shift Supervisors shall comply with all restricted duty limitations.
18. Shift Supervisors are responsible for the scheduling of their subordinates to ensure targeted staffing is met. This includes handling time off requests and training. Notifications to the Patrol Lieutenant or Captain is required whenever coverage is expected to be below targeted staffing. The appropriate Shift Supervisor shall notify the appropriate Sergeant if scheduling adjustments affect another shifts staffing.

B. On-Scene Supervisory Presence:

1. The on-duty Shift Supervisor should be aware or notified immediately of any incidents that are ongoing or of a major proportion. This includes operations conducted by the Criminal Investigation Division and the Administrative Division.
2. Examples of incidents where notification should be made by the Shift Supervisor to the Patrol Lieutenant or Captain are:
 - a) Any suspicious death and deaths believed to be caused by criminal acts or traffic accidents
 - b) A shooting where someone was shot anywhere in the county
 - c) Homicides anywhere in in the county
 - d) Missing persons with suspicious circumstances
 - e) Badly injured or deceased person in custody
 - f) Search and Rescue callouts (except injury accident extrications)
 - g) A mass casualty incident
 - h) Structure or wildland fires where life or major property damage is likely, or which necessitate evacuations
 - i) Injured Deputy or County employee
 - j) Any unusual occurrence (i.e. Civil unrest, aircraft incident, etc.)
 - k) Gross Deputy or Employee misconduct, or potential unlawful conduct
 - l) Anything newsworthy

m) Any other incidents at the Shift Supervisor's discretion

3. Notification is the responsibility of the responding Shift Supervisor.
4. It is the responsibility of the Shift Supervisor to take charge of any major emergency operation as quickly as possible until properly relieved

511-04: Patrol Shift Assignments

Chapter: Patrol Administration

Order No: LE 12-05

Effective: 08-01-2000

Revised: 12-21-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will structure Patrol Division shifts to provide maximum deployment of patrol assets to meet the needs of the community.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Patrol Shift Assignment:** The Patrol Captain or their designee will approve shift assignments for all deputies under their command. Such assignments shall be made based upon the following factors:
 - 1. Workload, response time and calls for service analysis.
 - 2. Balance of experienced deputies on each shift.
 - 3. Balance of members of specialized units.
 - 4. Requests or recommendations received from the affected deputies or supervisors.
 - 5. Any other special circumstances as deemed necessary by the Patrol Captain or their designee.
- B. **Shift Rotation:** Shift rotations will normally occur every six months, beginning October and April. The length of the shift rotation may be adjusted by the Patrol Captain or their designee. Assignment decisions will be based on desires of deputies balanced with the needs of the Patrol Division.
- C. **Area Assignment Criteria:**

1. The authority to assign deputies to areas rests with the Shift Supervisor of each shift.
2. An area assignment shall represent the geographic area the deputy will patrol and handle calls for service during the majority of their shift.
3. The deputy may leave their assigned area to assist another deputy, handle calls for service or for breaks.

D. Minimum Shift Requirements:

1. Day shift and Night Shift should operate with a minimum of a Sergeant and three deputies per ten-hour shift.
2. Afternoon shift should operate with a minimum of a Sergeant and four deputies per ten-hour shift.
3. The Patrol Captain or their designee will have authority to allow deviation from the minimum shift requirements.

E. Days off Assignments:

1. The shift supervisor is responsible for maintaining and scheduling an adequate number of patrol deputies for each shift.
 - a. Holidays and vacation shall be scheduled in accordance with the minimum shift requirements.
 - b. Vacation, holiday, and regular day off scheduling for shift supervisors shall ensure that there is a shift supervisor on-duty at all times.
2. If scheduling needs affect other supervisor's shifts, the supervisors should communicate that. In any case that's not an option, the Patrol Lieutenant or Captain should be notified.

F. Patrol Supervisor Span of Control:

1. The span of control for a Shift Supervisor normally should not exceed ten deputies per shift under routine circumstances.

511-05: Incident Reports

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 11-16-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. Deputies will document their activities in relation to all criminal and non-criminal investigations.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Purposes of Report:

1. At the completion of law enforcement assignments it is the deputy's primary responsibility to see that the facts and circumstances relevant to that incident are properly reported when appropriate.
2. The prompt and complete reporting of patrol deputies enables investigators to make decisions about priorities and to concentrate their efforts on those cases which show indications of investigative success.
3. The reporting of law enforcement actions protects the office and employees from unwarranted accusations of misconduct or lack of action.
4. Written reports serve as an important evaluation tool for supervisors and command officers. Accurately reporting the action taken allows supervisors to review work performance information with the reporting employee.
5. The public and press have access to reports, the professional image of the office and its employees may be dependent on the quality of its written records.

B. Field Reporting Forms:

1. Case or Case Supplement Report
2. Arrest Report

3. Information Item Report, when the incident appears to be non-criminal but the facts need to be communicated to other employees.

C. Incident Reporting Information: Law Enforcement Reports generated should contain at a minimum, the following:

1. Date and time of the initial reporting.
2. The name and DOB (if available) of the citizen requesting the service, or the victim's or complainants name, address, DOB, SSN and phone number.
3. The nature of the incident.
4. The nature, date and time of any action taken by the deputy.

D. Report Requirements:

1. All official reports should be written using the approved field reporting processing system. In circumstances the system is unavailable the report should be completed by using the approved word processing program or written with a medium ball point pen with black ink.
2. Once approved by a supervisor and submitted to the Records Section, all reports become a part of the office's records. No report should subsequently be changed or altered in any way except through the filing of an approved Supplemental Report
3. Clarity:
 - a. The quality of a report is not determined by its length, but whether or not the report completely, clearly, and concisely communicates an accurate account of the incident being reported.
 - b. The details of the incident and the sequence of events should be arranged in a logical order.
 - c. Slang terminology, abbreviations and police jargon should be avoided unless it is part of a direct quotation by a victim, witness or suspect.
4. Accuracy:
 - a. Deputies must fully realize that accurate reports result in appropriate decisions later in the law enforcement process and in the criminal justice system. The greatest opportunities for successful apprehension and prosecution rest in an accurate, complete and objective report.
 - b. Each report should accurately state the facts of the incident, the results of the investigation, and the nature of the action taken.

- c. Misspelled names, incorrect or missing dates of birth, social security numbers, and addresses can adversely affect the filing and retrieval process.

E. Incident Reporting:

1. To ensure the proper recording of law enforcement actions, a case number shall be initiated and a report generated by the patrol deputy. For all calls for service without a case number the computer automatically generates an incident number, which becomes the record of action. Case numbers should be initiated in the following cases:
 - a. All arrests.
 - b. Citizen reports of crimes or complaints.
 - c. Citizen requests for services, when appropriate.
 - d. Traffic Citations.

F. Incident Reports Taken by Telephone:

1. Criminal calls that may be resolved by telephone are generally limited to misdemeanors, where there is no physical evidence that may be observed or collected by the deputy. Calls that may be handled by telephone include, but are not necessarily limited to:
 - a. Thefts.
 - b. Unlawful use of the telephone.
 - c. Destruction of private property.
 - d. Information items which are not crime specific.
2. A felony or other serious event where the reporting party is not able to be personally contacted because they are out of the local area.
 - a. Calls for service which may not be resolved by telephone include most felonies, in-progress calls, incidents where physical evidence may be present, and returned runaway verification.
 - b. If a deputy contacts a person by telephone, and finds the above criteria is not met, or that the person has an expectation to see a deputy in person, the deputy will make personal contact.

G. Incident Numbering System:

1. Records personnel are responsible for ensuring unique Case Numbers are assigned to reports submitted to the Records Section. The Case number is

normally computer assigned by the CAD (Computer Aided Dispatch System) on an annually rotating basis as follows:

- a. Example: "99-00001". The 99 represents the year, followed by a dash and then the computer assigned number for the case.
2. Any cases appearing to be duplicated will need to be examined and corrected by the Records Custodian or designee.

H. Administrative Reporting:

1. Incident Recording: Calls for service and deputy-initiated activity will be recorded by Emergency Services Communications Center in two forms:
 - a. Calls for Service (CFS) dispatch
 - b. Computer Aided Dispatch (CAD) which include:
 - 1) Date and time of initial reporting.
 - 2) Name (if available) of reporting party and/or victim.
 - 3) Location of occurrence.
 - 4) Nature of the incident.
 - 5) Officer(s) assigned.
 - 6) Time of dispatch.
 - 7) Time of arrival.
 - 8) Time cleared.
 - 9) Disposition.

- I. Records will be prioritized and sequentially logged in numeric order on the CAD (Computer Aided Dispatch) Log. The log will be electronically forwarded upon demand by the Records Section. Records will maintain an original copy; Detectives and Patrol will have electronic access to the CAD log from remote printers within the Public Safety building.

1. A Hot Sheet will be used to identify potential and actual police hazards that are within the department's service area.
2. Patrol and Investigation supervisors will run a monthly computer-generated report concerning major crimes accidents, arrests, and other important activities. The monthly report will also provide supervisors with an opportunity to account for the activities of their units during the previous month.

511-06: Back-Up Assistance

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 11-16-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. Backup assistance will be provided to deputies when additional personnel are needed for safety reasons, or to accomplish a task that requires additional assistance.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Criteria for Assignment and Request of Backup Deputies:** Backup deputies will be assigned whenever additional deputies are required and are not limited to the following reasons:
 - 1. To ensure the safety of the deputy originally assigned.
 - 2. To adequately and expeditiously handle multiple tasks required at a scene.
 - 3. To keep a volatile situation from escalating.
 - 4. To assist in the apprehension of a suspect.
 - 5. To assist in a pursuit.
- B. **Backup or assistance by plainclothes deputies:** Anytime a plainclothes deputy responds to the scene of any ongoing tactical situation or in-progress call, the deputy shall advise dispatch that they will be on scene.
- C. **Backup Deputies:**
 - 1. Deputies will notify the dispatcher whenever they back-up another deputy or other law enforcement officer.
 - 2. The closest available deputy should respond as a back-up when requested by another law enforcement officer or at the request of a supervisor.

3. Backup units may include and are not limited to:
 - a. Reassigning a deputy handling another call
 - b. A shift supervisor
 - c. Any sworn officer
 - d. Deputies will respond at a response code dictated by the circumstances of the call.
 - e. Supervisors may use their discretion to alter the number of backup deputies responding and the code response they use in responding to a situation.

511-07: Daily Patrol Briefing

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 08-01-2000
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. To facilitate the flow of timely information relevant to activity involving the Patrol Division, the Criminal Investigations Division or other specialized law enforcement components.

II. Definitions

- A. N/A

III. General Information

- A. Prior to daily shift assignment, the Shift Supervisor or designee should assemble the patrol deputies and inspect their uniforms to ensure each deputy is properly equipped and fit for duty. The Shift Supervisor or designee should instruct the patrol deputies about current teletype orders and conditions requiring the attention of the patrol force. Shift Supervisors shall complete this task in a timely manner as to ensure that the members of the shift are able to go into service in an expedient manner.

IV. Procedural Guidelines

A. Shift Briefing Tasks to be accomplished:

1. Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, targeted patrol areas, and major investigations.
2. Notifying deputies of changes in schedules and assignments.
3. Notifying deputies of new directives, or changes in directives.
4. Periodically conducting necessary “roll-call” training on a variety of topics.
5. Evaluating deputies’ readiness to assume patrol by conducting, but not limited to, inspections of uniforms, firearms, and overall appearance.
6. Review of pertinent documents to include:

- a. The “Hot Sheet”, containing information relevant to officer safety, wanted persons and property, law enforcement operations, training and other matters.
 - b. Pass-down information, from previous shifts/completed shift roster, with area and vehicle assignments.
- 7. Personnel will be expected to participate in the briefing by taking pertinent notes and sharing information as appropriate.
- 8. Sergeant shall ensure that the video teleconferencing system is active and engaged to allow contract deputies to participate in briefing.

511-08: Civilian Ride-Along Program

Chapter: Patrol Administration
Order No: LE 12-05
Effective: 11-16-2012
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

1. The Pennington County Sheriff's Office encourages civilians to avail themselves the opportunity to ride on patrol with an on-duty uniformed deputy.

II. Definitions

- A. **Civilian:** An individual not employed by, volunteering for, or an auxiliary or reserve deputy for the Pennington County Sheriff's Office.

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Procedure for Ride-Alongs:

1. Civilian must complete a "RELEASE AND COVENANT NOT TO SUE" form prior to being scheduled for the Ride-Along. Release forms can be obtained from the patrol division during normal business hours. The signed form will be maintained on file in the patrol office.
2. Ride-Alongs should be scheduled at least one week in advance.
3. Supervisors will conduct a local record check of Ride-Along prior to being allowed to ride. This will assist in determining the suitability of them being a Ride-Along.
4. The minimum age for the Ride-Along Program is 15 years of age. A parent or guardian of minors under 18 years of age must come to the office and sign a release form for their minor witnessed by Sheriff's Office staff.
5. Riders are expected to be neat and clean in appearance. Clothing should be discreetly selected as riders will be in full view of the public. Riders should not wear clothing that might give the impression that they are in law enforcement (another agency uniform or similar clothing).

6. Rides may be terminated at any time for persons who are unruly, fail to obey instructions, distract a deputy from their duties, or at the discretion of the shift supervisor.
7. In order to accommodate the greatest number of people, no one will be permitted to ride more than once every six (6) months. Exceptions may be made for special programs at the discretion of the Sheriff or designee.
8. Riders are prohibited from carrying any weapon, unless an exception has been arranged for at the time of application for the program. The intention to carry a weapon must be noted on the rider release form at the time of application. Exception may be granted by the Sheriff or designee
9. Additional exceptions to this policy may be granted by the patrol division Lieutenant, Captain, Chief Deputy, or Sheriff.

512-01: Vehicle Response Conditions

Chapter: Vehicle Operations

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Provide an outline regarding the modes of operation of Sheriff's Office vehicles while responding to calls for service and while on regular patrol operations.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Call Response Priorities:

1. Cold Response (Code 2):

- a. Calls of a routine (non-emergency) nature will normally require a non-emergency response (normal, non-urgent operation conditions).
- b. Deputies should notify dispatch before escalating the response of a call from non-emergency or urgent to emergency response.

2. Hot Response (Code 3):

- a. A law enforcement vehicle shall operate under emergency response conditions, using both emergency lights and siren, when responding to calls which are critical and in progress, where immediate law enforcement intervention is required to avert personal injury, extensive property damage, or where prompt arrival is necessary to affect criminal apprehension.
- b. Deputies operating emergency vehicles "Code 3" are not relieved from the duty to drive with due regard for the safety of all persons and are responsible for the consequences of any reckless disregard for the safety of others. [See SDCL 32-31-5]

- c. A deputy answering a call as an emergency response shall do so in accordance with the provisions of state law.
 - 1) The suspension of required traffic law compliance will not relieve the deputy of the responsibility for safe vehicle operation or justify actions that imperil the lives of others.
 - 2) A law enforcement vehicle operating under emergency response conditions shall use emergency equipment (lights and siren) to give adequate warning to motorists and pedestrians of its approach.
- d. No deputy may operate a law enforcement vehicle at a rate of speed that may cause the loss of control at any time.
- e. Emergency response vehicles should, if possible, pass to the left of the vehicle traveling in the same direction.
- f. While operating emergency vehicles with emergency warning devices activated, deputies shall slow to allow safe passage through intersections.
- g. Emergency response units will not make sudden turns across moving traffic, U-turns, or other changes of direction without ensuring that such movements may be done safely.

B. Use of Emergency Equipment:

- 1. Deputies shall proceed to emergency calls as quickly as possible, but in a manner that will permit them to reach the scene safely.
- 2. Deputies shall employ common sense and sound judgment in determining the direction, manner and method of any emergency or non-emergency response they make. The decisions the deputies make will be based upon their understanding of the facts and circumstances surrounding the incident at hand, their knowledge of the location, environmental factors, and the legal requirements that govern the response of emergency vehicles.
- 3. Only when operating in Hot Response status may a deputy exercise the privileges accorded to emergency vehicles pursuant to SDCL 32-31-1 to 32-31-8. During Hot Response status, a deputy will use emergency lights/siren and other emergency signals as the situation dictates and in accordance with the provisions of SDCL 32-31-1 to 32-31-8 and this directive.
- 4. South Dakota State Law, Chapter 32-31 entitled "Emergency Vehicles" permits the operator of an emergency vehicle to:
 - a. Park illegally;
 - b. Proceed past a stop sign or signal, but only after slowing down as may be necessary for safe operations;

- c. Exceed the posted speed limit; and/or
- 5. Disregard the rules governing direction of movement or turning in specific directions.
 - a. The deputy is responding to an emergency or is in pursuit of a suspected violator of the law;
 - b. The emergency vehicle is using audible and visual emergency signals; and
 - c. The emergency vehicle is operated with due regard for the safety of all persons.
- 6. The state law requires that pedestrians and the operators of other vehicles yield the right-of-way to an emergency vehicle being operated as provided above. However, deputies should be aware that persons using the public way may be surprised by the sudden appearance of a fast-moving emergency vehicle. Deputies operating a vehicle during an emergency response cannot totally depend upon the use of the siren and emergency lights as it is often difficult for motorists to identify the source and direction of the sound. Best results are obtained from a siren that is not operated at a steady pitch. Emergency lights may not be readily seen by some motorists, particularly in the daytime.
- 7. Deputies must realize that even in an emergency if they use neither the audible nor the visual emergency signals then they are no longer eligible to exercise the privileges accorded them by SDCL 32-31 and the deputy is therefore bound by the rules that govern all other traffic.
- 8. This section does not preclude the use of emergency equipment in non-emergencies to accomplish a valid law enforcement purpose; however, the deputy is still bound by the rules that govern all other traffic. An example of the use of emergency equipment in non-emergency situations is the stopping of a motor vehicle where the equipment is utilized to gain the attention of the operator of a vehicle, and to warn others of a traffic hazard caused by the motor vehicle stop.
- 9. The use of other law enforcement vehicle equipment may be permitted during both emergency and non-emergency situations. Specifically, the use of the vehicle spotlight may be utilized to illuminate hazardous situations. The public address system (PA) may be utilized to warn individuals of dangerous situations or to assist deputies in communicating with persons from a distance, such as felony traffic stops where the deputy will want to stay in an area protected by their vehicle.
- 10. The use of any other hazard lights shall be authorized in situations where the use serves as a valid purpose. Deputies should not utilize hazard flashers when operating an emergency vehicle as the use of the flashers interfere with the operation of the vehicle's directional signals.

C. Routine Operating Procedures:

1. Under normal, non-urgent operating conditions, and while responding to routine calls for service, operators of law enforcement vehicles will adhere to all existing traffic laws, driving defensively and in a safe and courteous manner.
2. Operators of law enforcement vehicles will comply with all parking regulations and will not double park or otherwise block traffic lanes except:
 - a. In inspections of premises believed to be in violation of laws where inadequate parking and the need for prompt entrance necessitates relaxation of parking regulations; or
 - b. When responding to a call for service where the circumstances preclude proper parking.
3. Law enforcement vehicles shall be strategically parked in roadways to protect accident scenes, injured persons, or deputies directing traffic flow when such use is signaled by activation of the emergency lights of the vehicle.
 - a. When unmarked vehicles or motorcycles are used, they will be relieved by a marked patrol vehicle as soon as practical.
 - b. Law enforcement vehicles will not be left unattended and blocking fire hydrants or entrances of roadways at fire scenes.
4. Operators of marked law enforcement vehicles making a traffic stop will make every effort to direct the violator to a suitable stopping point where normal traffic will not be impeded.
 - a. Emergency lights and siren should be used both to signal a violator of the deputies intention to stop the violator and will switch to amber flashers where practical to protect the violator's vehicle from oncoming traffic after the stop has been made.
 - b. Private driveways, gas stations (when open), or other areas providing access to businesses or residential establishments should not be used for traffic stops if possible. When private property must be used for a traffic stop, all possible care will be taken to avoid inconvenience to the property owners or patrons.
 - c. When making a traffic stop, deputies should position the vehicle in such a way as to provide protection for them and avoid creating a traffic hazard.

D. Operators of Pennington County Sheriff's Office Vehicles: Employees shall not allow any person other than another employee to operate any office vehicle unless a supervisor gives permission.

E. Emergency Operation of Unmarked Vehicles: Operators of unmarked vehicles, while using emergency lights and sirens, must exercise a high degree of caution

because unmarked vehicles are not readily identifiable to the general public. Although unmarked office vehicles may fit the definition of “authorized emergency vehicle” in SDCL 32-14-1-(2), the lack of a complete complement of emergency equipment makes them ill-suited for use as a true “emergency vehicle.”

- a. Sheriff’s unmarked vehicles will be used as “emergency vehicles” only when no marked unit is available and there is a danger to the public or circumstances are such that immediate action is reasonably required.
- b. Deputies operating unmarked vehicles with emergency lights and sirens will be thoroughly familiar with SDCL 32-31-1, 32-31-2, 32-31-3, 32-31-4 and 32-31-5, and all applicable state laws.

F. Safety Restraining Devices:

1. All employees of the Pennington County Sheriff’s Office shall wear available lap belt and shoulder harness safety equipment while operating or a passenger in any office-owned motor vehicle.
2. Prisoners being transported shall wear provided seat belts, unless circumstances warrant that the deputy’s safety would be in jeopardy while seat belting the prisoner or with the permission of a supervisor.
3. Under circumstances where the vehicle will be traveling at a slow speed and the possibility exists where the deputy may have to make a quick exit from the vehicle, the use of seat belts is at the deputy’s discretion.

G. Hospital Transportation:

1. Transportation of sick or injured persons in an office owned vehicle shall not be permitted except with permission of a supervisor and then only when:
 - a. An office employee or their family is involved.
 - b. A citizen is seriously injured or ill and no other satisfactory means of transportation is available.
 - c. The injury or illness is minor.
2. An inmate from the Jail, JSC or Detox is involved and then only when:
 - a. Deputy transport is recommended by medical staff and;
 - b. A Sheriff’s Office supervisor authorizes the transport and;
 - c. The injury or illness is believed to be minor.

H. Emergency Escorts of Ambulances and Civilian Vehicles:

1. Emergency vehicles, particularly ambulances, shall not be escorted by deputies except under exigent circumstances because two emergency vehicles traveling together more than double the hazard to traffic.
2. Employees shall not escort civilian vehicles in medical or other emergencies. If emergency transportation is necessary, the patient should be transferred to an ambulance for the emergency run. The driver of the civilian vehicle should be directed to proceed to the emergency medical facility at normal speed in compliance with all traffic regulations.

512-02: Motor Vehicle Pursuits

Chapter: Vehicle Operations

Order No: LE 13-06

Effective: 08-01-2000

Revised: 10-22-2013

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will pursue known wanted criminals and traffic violators who fail to yield upon receiving proper notice as long as it does not unduly endanger the public, themselves or other employees. Deputies shall not initiate or continue vehicle pursuits when the risk to the public and / or the deputy outweighs the danger to the community if the pursuit suspect is not apprehended.

II. Definitions

- A. **Supervisor:** For the purpose of this policy, the term "Supervisor" refers to the highest ranking or most senior deputy sheriff working a patrol shift during a vehicle pursuit.
- B. **Tactical Vehicle Intervention (TVI):** This technique employs the use of deliberate contact between the front fender of a moving patrol vehicle and rear quarter panel of a moving target vehicle. The intent of the maneuver is to cause the suspect vehicle to rotate from its direction of travel and come to a stop thus forcibly ending a pursuit.
 - 1. When performed according to this procedure, TVI is considered an intermediate application of force as the technique is not designed or intended to effect serious injury or death.

III. General Information

- A. The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of sheriff's vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating deputies and supervisors; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury, and / or property damage.

IV. Procedural Guidelines

A. Pursuit Procedures:

- 1. The pursuing deputy shall activate the siren and emergency lights and shall continuously use both throughout the pursuit.
- 2. The pursuing deputy should relay and provide updated information such as:

- a. Location of the pursuit
 - b. Vehicle description and license plate
 - c. Direction of travel and speed
 - d. Reason for the pursuit
 - e. Description of the suspect driver
 - f. Information regarding vehicle occupants
 - g. Location and time if pursuit is terminated
 - h. Any other details, which will enable the supervisor, other deputies in the area, and the dispatcher, to be aware of the pursuing deputy's situation.
3. In the case of a two-person unit, the passenger deputy should handle the radio transmissions.
4. A safe distance should be maintained between the deputy's vehicle and the pursued vehicle. This is a distance to have appropriate time to react and respond to sudden vehicle maneuvers of the violator vehicle.
5. Deliberate physical contact between vehicles should not be used, unless the deputy involved has been trained in TVI.
6. During a pursuit, no more than two law enforcement vehicles will be operated in close pursuit unless further units are authorized by the supervisor.
7. The second unit shall:
 - a. Activate emergency lights and siren from the point they enter the pursuit until the pursuit is terminated.
 - b. Follow the primary vehicle at a safe distance.
 - c. Assume all radio communication for the primary vehicle driver.
 - d. Become the primary pursuit vehicle driver if the primary vehicle abandons the pursuit.
8. Unmarked Sheriff's Office vehicle or Sheriff's Office vehicle mounted on a non-pursuit rated truck chassis involved in a pursuit shall relinquish close pursuit to a marked vehicle as soon as is reasonably possible.
9. If the violator abandons their vehicle, the deputy should secure the Sheriff's Office vehicle, notify the Emergency Services Communication Center (ESCC) of their location, check the suspect vehicle for occupants, remove the keys or block the vehicle's exit. The deputy may continue the pursuit if prudent and safe to do so.

10. Deputies operating office vehicles with personnel not employed by this office (i.e., civilian riders, witnesses, complainants) should not become engaged in pursuit situations or should drop their rider(s) at a safe place and notify their supervisor before engaging in the pursuit. The supervisor shall be responsible for having the dropped rider(s) picked up as soon as possible.
11. Units involved in the pursuit should consider taking radio traffic to the Rapid City Interagency Channel so other law enforcement personnel in the area may monitor.
12. A request should be made to maintain “emergency traffic” on the primary pursuit channel until the pursuit has ended.

B. Continuance or Termination of Pursuit:

1. The pursuing deputy should use the best judgment in evaluating a chase, making a continuous appraisal in deciding if the pursuit should be continued.
2. Deputies shall discontinue any pursuit when:
 - a. The hazards of exposing the deputy and the public to unnecessary dangers do not warrant continuation.
 - b. Environmental conditions indicate the futility of continued pursuit.
 - c. The offense is a misdemeanor and the identity of the violator is known.
 - d. When directed to do so by the supervisor.
3. When the pursued vehicle leaves the roadway, containment rather than pursuit, should be initiated unless a violent crime is involved.
4. When a pursuit has been terminated, deputies will quickly slow to the legal speed limit, obey all traffic laws, and turn off all emergency lights and sirens. Deputies will abandon all active attempts to stop or follow the suspect vehicle.
5. After the termination of a pursuit, if the suspect vehicle re-appears, a new pursuit should only be initiated when directed or authorized by a supervisor.

C. Responsibilities of the Supervisor

1. Assert control over the pursuit.
2. Control the number of authorized vehicles in the pursuit.
3. If a sergeant or corporal is not on duty, the acting supervisor will have dispatch contact the patrol lieutenant or captain who will then monitor the pursuit and assume supervisory responsibilities. In circumstances where the patrol lieutenant or captain is not available, another sheriff’s office captain or chief deputy will be contacted to perform this role. The acting supervisor will be

responsible for all supervisory duties related to the pursuit until such time they are relieved.

4. Authorize continuation or discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver.
5. Ensure that no more than two (2) emergency vehicles are engaged in close pursuit unless additional marked vehicles are required based on the following circumstances:
 - a. The severity of the offense
 - b. The number of occupants in the suspect vehicle
 - c. The likelihood the suspects are armed
 - d. The area the pursuit is headed (remoteness).
6. Respond to the scene, when available and able, of any arrest or accident resulting from the pursuit to control the scene.

D. Deputies not involved in Pursuit Activity:

1. Deputies not involved in the pursuit are to curtail radio transmission except for emergency traffic.
2. Deputies not involved in the pursuit may relocate to the pursuit area to be in position if the supervisor requests their assistance regarding the pursuit.

E. Deployment of Mechanical Tire Deflator:

1. Use of an issued mechanical tire deflator is an acceptable method of terminating a pursuit. The decision to deploy a mechanical tire deflator shall be based on careful consideration of all facts apparent to the deputy.
2. Conditions warranting deployment of a mechanical tire deflator are, but not limited to:
 - a. To influence the suspect vehicle's direction of travel, as a way to keep the suspect vehicle out of congested areas or keep them on a certain road or street.
 - b. To slow the speed of the pursuit.
 - c. To disable the suspect vehicle.
3. The mechanical tire deflator shall not be used to stop the following vehicles unless the continued movement of the pursued vehicle would result in a serious hazard to others.

- a. Any vehicle known to be transporting a hazardous material.
 - b. Any passenger bus, school bus, or van transporting passengers.
 - c. Any motorcycles, mopeds or similar two or three wheeled vehicles.
4. The mechanical tire deflator shall not be used in locations where geographic configurations increase the risk of injury of the suspect.
- a. Deployment locations should have adequate sight distances in all directions to enable deputies deploying the device to observe the pursuit and other traffic as it approaches.
 - b. The deploying unit should notify the pursuing units as far in advance as possible. The deploying unit should be in a position at a pre-determined location to allow sufficient time for deployment.
 - c. The deploying unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the device.
 - d. After the mechanical tire deflator has been deployed, that deputy will immediately seek the protection of their vehicle or other barricade and maintain communications with the pursuing deputies. The pursuing deputies must increase time and distance from the violator to allow the device to be cleared from the roadway before passing through the deployment site.
5. The deputy deploying the deflator is responsible for securing the device immediately after use.
- a. The deputy will immediately pull the device from the roadway.
 - b. Wait for pursuing vehicles to pass the location.
 - c. Secure the device in a patrol car.
 - d. Search the immediate area where the device was used, and collect any spikes which may have become detached.
 - e. The mechanical tire deflator and any detached spikes will be forwarded to the patrol lieutenant or their designee to ensure prompt re-assembly or repair.

F. Tactical Vehicle Intervention (TVI)

- 1. Training:
 - a. Only deputies trained in TVI will be authorized to use the technique.

- b. Deputies must successfully complete a TVI certification course. The course will include classroom training and practical exercises at a driving facility.
- c. Deputies must re-certify every two years to maintain TVI certification. Re-certification will include demonstration of proficiency in the practical exercises.
- d. This technique will only be taught by Office approved emergency vehicle driving instructors.

2. Limitation and Use:

- a. TVI may be used when authorized by a supervisor. An exception to this would be when obtaining such authorization at the time would prove unreasonable or impractical. Supervisors shall be decisive and consider the totality of the circumstances when authorizing or declining TVI.
- b. When the TVI deputy has reasonably determined it is necessary to apprehend a dangerous suspect or terminate a hazardous driving situation because the suspect poses an imminent threat to public safety.
- c. When the apparent risk of harm to the public from the fleeing suspect outweighs the apparent risk of harm involved in using the TVI maneuver.
- d. TVI should not be used on motorcycles, ATVs or off-road vehicles.
- e. TVI should not be used on trucks with passengers riding in an open bed or cargo area.
- f. TVI should not be used on vehicles with placard showing hazardous materials.
- g. TVI should not be used when contact points cannot be reasonably matched by the patrol vehicle.

3. Factors to Consider:

- a. Once TVI is determined to be appropriate, deputies should attempt the maneuver early in a pursuit as the danger to public safety increases with added pursuit duration.
- b. Deputies utilizing TVI will plan for the timing and execution of the technique. The executing deputy should select a location that provides sufficient roadway width, free from obstructions to allow the target vehicle to come to rest without impacting any object or person. Prior to the execution of TVI, the following potential hazards need to be evaluated:
 - 1) Speed of fleeing vehicle
 - 2) Presence of pedestrians

- 3) Volume of vehicular traffic
 - 4) Actions of passenger in fleeing vehicle
 - 5) Parked vehicles
 - 6) Weather and roadway conditions
 - 7) Time of day and lighting
 - 8) Other hazards such as ditches, curves, utility poles, road width and elevation changes
- c. Deputies must take additional consideration when attempting TVI on vehicles with high centers of gravity such as elevated trucks, vans or SUVs when they are operating patrol vehicles with high centers of gravity.

4. Utilizing TVI:

- a. When practical, the deputy attempting the technique will make notification over the radio that they are about to perform the maneuver.
- b. A minimum of one additional patrol vehicle should be present before TVI is attempted. The assisting unit(s) should remain behind the executing unit for the purposes of suspect apprehension.
- c. Upon completion of TVI, a “pin” of the suspect vehicle can be attempted at the discretion of the involved deputies when their tactical and practical assessments of the situation deem it appropriate.
- d. A coordinated high-risk apprehension (felony stop) should follow the execution of the technique whenever possible. Deputies are cautioned against rushing the suspect vehicle and should avoid any potential cross-fire situation.

5. Reporting:

- a. A use of force report will be completed as part of the deputies’ report.
- b. A state accident report is not required for TVI unless an unintended collision occurs after the target vehicle comes to rest meeting State criteria. However, a diagram of final rest should be added to the deputies’ narrative.
- c. Photographs will be taken of the patrol vehicle and suspect vehicle documenting the points of contact and any resulting damage. Photos should also document any relevant scene evidence at the location of termination.
- d. The patrol vehicle will be taken to the Fleet Maintenance section to ascertain the extent of any damage received.

- e. All incidents of TVI or TVI attempts will be documented in the Pursuit Memo Form and in the Annual Pursuit Report. An administrative review will be conducted with each use of TVI.

G. Use of Roadblocks:

1. Roadblocks shall not be used to apprehend wanted subjects when it is apparent that the danger to innocent persons exceeds the danger presented by the wanted subject.
2. The use of roadblocks is discouraged, and their use is limited to only those incidents of a severe nature, such as a forcible fleeing felon, where by the escape of the suspect may result in death or serious bodily injury to others. Roadblocks will be established only after authorization from a supervisor.
3. Once a roadblock has been ordered and an official vehicle has been stationed as part of a roadblock, no one shall remain in or behind the vehicle.

H. Pursuits Originated by Other Jurisdictions:

1. When a Sheriff's Office pursuit is originated by another jurisdiction and enters Pennington County, either by exterior boundary, or from within a city jurisdiction inside Pennington County, the shift supervisor shall determine what assistance is to be rendered and make assignments accordingly.
2. Deputies will not fall in line and continue pursuits when the pursuit was initiated by another jurisdiction, unless directed by the supervisor.
3. All procedures pertaining to pursuits are applicable to deputies assisting another jurisdiction in the pursuit.
4. When the primary pursuing agency terminates a pursuit, PCSO deputies will terminate their involvement based on the pursuing agency's determination.

I. Relinquishment of Pursuit to Another Jurisdiction: The continuous working relationships between the Pennington County Sheriff's Office, the Rapid City Police Department, and other law enforcement agencies may involve pursuits originating in a city going out into the county. Pursuits may originate outside city limits and progress into a city. There are times when the initiating agency may find it wise to relinquish a pursuit to another agency. Public safety may best be served by having the pursuit executed by law enforcement officers and supervisors most familiar with the area where the pursuit is taking place. It is important the agencies understand how pursuits may be "handed off" to another agency and the procedures for doing so.

1. These procedures are founded on these principles:
 - a. Agencies have policies in force prohibiting their personnel from joining a pursuit with another agency unless directed by a supervisor.

- b. Agencies have policies in place enumerating the roles and responsibilities of supervisors in use of force situations.
 - c. Agencies have policies in force regulating pursuits for protecting the public and involved personnel.
 - d. Agencies have policies in place requiring personnel involved in pursuits to keep the supervisor informed of the progress to the greatest extent possible.
 - e. The Pennington County Sheriff's Office will adhere to this policy regardless of whether the other agency has a corresponding policy.
2. The procedure to "hand off" a pursuit involves the following considerations and stipulations:
- a. Some pursuits may cross jurisdictional lines so quickly that it is best for the originating agency to pursue until the suspect is stopped or the pursuit is terminated by the original agency.
 - b. The non-originating agency may not have sufficient personnel or personnel may be in a poor position to take over a pursuit.
 - c. No pursuit will be assumed from another agency unless a request is made from the originating agency's on-duty supervisor and accepted by the Pennington County Sheriff's Office on-duty supervisor.
 - d. No pursuit will be assumed by Pennington County Sheriff's Office unless pertinent information about the suspect and offense(s) is provided to the on-duty supervisor.
 - e. When a pursuit is assumed from another agency, pursuing law enforcement officers of the originating agency should disengage from the pursuit.
 - f. When a supervisor from either agency accepts the request to take over a pursuit, that supervisor shall assume all authority regarding that pursuit and shall adhere to their agency's policies.
 - g. Acceptance of a pursuit from another agency does not impose any obligation on the supervisor to continue the pursuit in violation of policy or judgment. The supervisor of the agency assuming the pursuit shall have complete authority to terminate the pursuit without consultation with the supervisor of the originating agency.
3. Requesting another agency to deploy mechanical tire deflators shall not, in itself, be deemed a request to "hand off" a pursuit.
- a. Either agency may request such assistance through their respective supervisors and maintain responsibility for the pursuit.

- b. The law enforcement officer assigned to deploy the tire deflators shall restrict their activity to that single task and shall not become involved in the pursuit if the use of the deflator is unsuccessful and the pursuit continues.
 - 4. Deputies shall employ felony, high-risk traffic stop techniques at the end of pursuits.
- J. **Pursuit Reviews:** All pursuits involving any member of the Pennington County Sheriff's Office will be documented and reviewed.
- 1. For the purposes of this policy, "involvement" in the pursuit is defined as:
 - a. Being directly involved in chasing the pursued vehicle at any point.
 - b. Assisting by utilization of tire spikes.
 - c. Supervising the pursuit at any point.
 - d. Assisting in the arrest stage after the pursuit is concluded.
 - e. Any other manner of direct involvement in the incident.
 - 2. All deputies or supervisors involved in the pursuit shall complete a written report documenting their part in the pursuit.
 - 3. The supervisor shall complete the office Pursuit Review Form after any pursuit. In addition to providing the required information on the form, the supervisor will include the following information in their narrative section:
 - a. The reason or probable cause for engaging in the pursuit.
 - b. An account of all violations committed during the course of the pursuit.
 - c. A summary of tactics employed to apprehend the suspect.
 - d. The approximate length (in miles or city blocks) of a pursuit to include the starting point and exact point the pursuit was discontinued (to include termination) or the suspect's apprehension.
 - e. Names and assignment of all deputies involved in the pursuit.
 - f. A summary of accidents or other incidents arising from or related to the pursuit.
 - g. Reason and exact location if the pursuit was terminated.
 - 4. The supervisor will also be responsible for approving and collecting copies of all reports and patrol vehicle videos from all deputies involved in the pursuit.
 - 5. The supervisor will request and include (if available prior to end of shift) a copy of relevant traffic on the dispatch tapes.

6. The supervisor will ensure the patrol lieutenant or captain receives all of the information required in sections 3, 4 and 5 above in a timely manner for further review.
7. The patrol lieutenant or captain will review the entire pursuit report packet received by the supervisor and provide one of the following dispositions.
 - a. Policies and procedures followed / closed with review.
 - b. Minor policy and procedure infraction(s) / narrative explanation / corrective or disciplinary actions noted.
 - c. Major policy and procedure infraction(s) / narrative explanation / corrective or disciplinary actions noted.
 - d. Policy and procedure / state law violation(s) / narrative explanation / corrective or disciplinary actions noted.
8. All pursuit reports with a disposition listed under b, c or d above will be reviewed with the Chief Deputy.
9. All pursuit reports with a disposition listed under b, c or d above will be reviewed with all supervisory and deputy staff involved in the pursuit as appropriate.
10. The patrol lieutenant or captain will forward all completed pursuit review packets to the Chief Deputy for final review and filing.
11. Pursuit review packets will receive a corresponding number (year / sequence number) and will be filed with the Sheriff's' Administrative Assistant in order of date of occurrence per calendar year. (An example of the corresponding number would be that the first pursuit in the year 2010 would be numbered as 10-01.)

512-03: Special Purpose Vehicles

Chapter: Vehicle Operations

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide guidelines, procedures and proper training to all deputies utilizing special purpose vehicles.

II. Definitions

- A. **Special Purpose Vehicle:** Any motorized vehicle owned by the Pennington County Sheriff's Office, other than standard marked and unmarked vehicles. (e.g. Motorcycle, ATV, Mobile Command Post)

III. General Information

A. Mobile Command Post (MCP):

- 1. The purpose of the MCP is to provide work space and a communications station for field command operations.
- 2. The MCP will be used for emergency situations which require extended communications and control facilities.
- 3. The MCP may be used during disaster or emergency response situations. The MCP may also be used for any office special operation.

B. Four Wheel Drive Vehicles:

- 1. All four-wheel drive vehicles are designed to be utilized in routine patrol and supervisor operations.
- 2. All four-wheel drive vehicles are also designed to be utilized in those circumstances where the use of regular sheriff's office vehicles is difficult or impossible due to terrain, inclement weather, lack of roadways, etc.

C. Bicycles:

- 1. Bicycle patrol units can be used in an effort to increase the level of positive community service, enhance enforcement efforts, and provide more opportunities for direct community interaction.
- 2. Bicycle patrol may be utilized but are not limited to:

- a. Bike paths and parks.
- b. Contract community patrol.
- c. Special events (i.e. Central States Fair)
- d. Community relations events (i.e. parades, fairs, rodeos, etc.)

IV. Procedural Guidelines

A. Operation of Office Motorcycle:

1. The patrol motorcycle may be used when the use would be efficient and beneficial to the mission of the Office.
2. The Office motorcycle shall be utilized by qualified deputies in routine patrol operation, traffic enforcement, community relations events and traffic safety education programs.
3. At a minimum, deputies operating the motorcycle will possess a valid South Dakota Driver's License with a motorcycle endorsement.
 - a. Deputies operating the patrol motorcycle for patrol operations shall complete a designated law enforcement motorcycle operation course.
4. Deputies operating the motorcycle shall wear a motorcycle helmet, eye protection, boots, and gloves designed for that purpose.
5. The Office motorcycle shall not be operated unless authorized by the shift supervisor.
6. The Office motorcycle will only be operated between the hours of 6:00 a.m. and 10:00 p.m.
7. Pursuits with the motorcycle are discouraged, however, motorcycle operators who initiate a pursuit shall use due caution while in chase and shall relinquish close pursuit to marked law enforcement vehicle at the first opportunity.
8. Deputies who are assigned to motorcycle patrol shall be responsible for the care and cleaning of the motorcycle. This will consist of all minor maintenance checks, including oil, fluids and tire pressure.
9. Passengers will not be allowed to ride on any office operated motorcycle.
10. To the extent possible, the patrol motorcycle shall be equipped with first aid and traffic related items contained in standard patrol vehicles as practical.

B. Operation of Mobile Command Post (MCP):

1. The Command Vehicle may only be operated by personnel with the following qualifications:

- a. The operator must possess a valid driver's license.
 - b. The operator must be trained in the operation of the auxiliary power systems, satellite system and slide out.
 - c. A list of trained operators will be kept in the MCP.
2. The MCP shall only be operated by those trained individuals from the Pennington County Sheriff's Office, Rapid City Police Department and the Rapid City Fire Department and other individuals approved by the Chief Deputy or Sheriff as appropriate.
3. All equipment and supplies stored in the MCP may be utilized for deployment to any emergency situation.
4. Request for MCP by other jurisdictions:
 - a. Requesting may be made through the Pennington County Emergency Management Office, Pennington County Sheriff's Office, Rapid City Fire Department or the Rapid City Police Department.

C. Operation of Four-Wheel Drive Vehicles:

1. Four-wheel drive vehicles may be used for routine daily patrol.
2. Prior to using a four-wheel drive vehicle in a pursuit, the deputy must know if the vehicle is pursuit rated. (Design and handling characteristics of these vehicles may preclude high speed pursuits under some circumstances \ Refer to pursuit policy for further information).
3. All deputies should familiarize themselves with the owner's manual and follow the operation rules listed in the manual.

D. Operation of ATV's:

1. Deputies must complete specialized training prior to operation.
2. Deputies operating ATV's shall wear a motorcycle helmet, eye protection, boots, and gloves.
3. ATV's may be utilized to gain access to remote areas or to transport equipment where other vehicles would be impractical.
4. Deputies who are assigned to an ATV will be responsible for the care and cleaning of the ATV. This will consist of all minor maintenance checks, including oil, fluids and tire pressure.

E. Bicycle Operation:

1. The bicycle patrol unit is a voluntary collateral assignment; therefore deputies desiring bike duty must first complete their probationary status:

- a. Deputies working bike patrol are required to pass all portions of the Office's physical fitness standards in annual testing.
2. During favorable weather and at the direction of the Shift Supervisor, a deputy may use a bicycle for patrol duties.
3. Deputies working bike patrol are expected to handle all types of calls for service, but may on occasion need the assistance of marked units for a situation that cannot be handled on a bicycle, such as arrest transportation.
4. Since deputies will wear a uniform unique to bicycle patrol, they must be careful to identify themselves whenever taking police action to avoid unnecessary confusion.
5. Deputies shall not attempt to make motor vehicle traffic stops unless the deputy can identify themselves to the driver, and the stop can be accomplished safely.
6. Bicycle patrols will normally be used during daylight hours, however at the discretion of the Shift Supervisor, bicycle patrols may be permitted at any time, such as special surveillance operations.
7. When in use the rider shall be responsible for its security. The bike shall be secured to a fixed object if the rider will be away from it for an extended period of time. When not assigned, the bikes will be hung in the jail sally port.
8. Bicycles will be equipped with a forward positioned white light and a rear red light for night time use, saddle bags which contain a first aid kit, bike lock and necessary reporting forms for the deputy's use while on duty.
9. Proper attire for bike patrol shall be as follows:
 - a. A safety helmet with the word "sheriff or police" written on two sides will be worn at all times while the bike is being ridden.
 - b. Riding gloves.
 - c. The uniform will consist of a tan polo shirt with and embroidered gold or black badge positioned over the left breast, black shorts (non-spandex) or BDU type shorts, low cut socks, black athletic shoes and duty belt with a portable radio.

512-04: Vehicle Marking and Inspection

Chapter: Vehicle Operations

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. All vehicles used regularly for patrol service will be conspicuously marked and regularly inspected.

II. Definitions

- A. N/A

III. General Information

A. Patrol Vehicle Equipment:

1. Each marked patrol vehicle shall be equipped with the following equipment:
 - a. Red/blue emergency lights visible front and rear
 - b. Amber warning lights visible front and rear
 - c. Siren with multiple modes including public address capability
 - d. Mobile radio transceiver
 - e. Computer
 - f. Video camera
 - g. Patrol rifle.
 - h. Less lethal shotgun.
 - i. Security cage for the transportation of prisoners.

IV. Procedural Guidelines

A. Marked Vehicle Inspections:

1. Deputies will inspect their assigned marked patrol car at the start of each shift.
2. Deputies will inspect all emergency equipment to ensure proper operation.

3. Rifles will be placed into appropriate rack and checked to ensure it is in “cruiser safe” mode.
 - a. Rifles will be removed and secured when vehicles are sent to a third party for maintenance.
4. Check vehicle fuel, oil and fluids.
 - a. Employees are to fuel their vehicle at the end of their tour of duty.
 - b. No vehicle is to be returned to the parking area with less than three quarter tank of fuel.
5. Check tire condition.
6. Check trunk for the following required emergency equipment:
 - a. First aid kit, fully stocked
 - b. Fire extinguisher, fully charged
 - c. Clean blanket
 - d. Other equipment assigned to vehicle
7. Check back seat for weapons and or contraband:
 - a. If weapons or contraband are found in the vehicle, the deputy shall immediately notify the shift supervisor.
 - b. A report will be written including details of what was found and under what circumstances.
 - c. The shift supervisor will check the log to determine the last deputy assigned the vehicle and the patrol sergeant will investigate the incident.
 - d. The patrol sergeant will report the findings to the Patrol Captain or his designee.

B. Unmarked Vehicle Inspections:

1. Unmarked vehicles shall be periodically inspected by the deputy the vehicle is assigned too, to ensure the vehicle is operational and clean.
2. Supervisors will periodically follow up on these inspections to ensure they are being completed.

513-01: Patrol Investigations

Chapter: Patrol Operations
Order No: LE 12-06
Effective: 01-31-2001
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. Patrol deputies will ensure that preliminary investigations or assigned cases are thoroughly investigated.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Patrol Preliminary Investigations:

1. Patrol deputies assigned to conduct preliminary/criminal investigations shall include the following actions as part of their investigation:
 - a. Establish whether a crime has been committed; determine the type of crime committed and whether or not an arrest is appropriate at that time.
 - b. Arrange for the provision of emergency medical treatment as appropriate.
 - c. Maintain the crime scene and protect evidence.
 - d. Develop information through the observation of all conditions, events, evidence, witnesses, remarks and sources available to assist in the investigation.
 - e. In eyewitness cases, secure a description of the suspect, any vehicle involved, and direction of flight. Relay the information to all other units by radio. If possible, identify the suspect and take appropriate enforcement action.
 - f. Locate and interview the victim and witnesses, record their statements as to what occurred and record their identity, addresses or other necessary data for future reference.

- g. Attempt to contact the occupants of any building providing a view of the crime scene, noting the address of each building and the result of the attempt.
 - h. Interview suspects when appropriate.
 - i. When probable cause is developed, an arrest should be considered.
- 2. Protect the crime scene and request technical assistance, if necessary. Search for and collect objects and items that are evidence or likely to be evidence.
- 3. Determine how the crime was committed, the extent of injuries, and nature and value of property taken.
- 4. Complete case report or addendum on all information obtained about the incident, to include but not limited to the following:
 - a. Accounts of participants, victims, and witnesses in the incident.
 - b. Detailed description of the scene.
 - c. Details of the crime scene search, the nature, location and who seized evidence from the scene.
- 5. Child abuse/sexual abuse of a child investigations will be done in accordance with SDCL 26-8A-3 and 26-8A-8.
 - a. As soon as time allows, deputies responding to such calls should notify the on-duty supervisor of any incident involving the abuse/sexual abuse of a child.

B. Patrol Follow-up Investigation:

- 1. Follow up the preliminary investigation and initiate inquiries into investigative leads to identify the suspect and associates.
 - a. Research and review of internal and external records and reports related to the incident, similar incidents or suspects.
 - b. Use all information sources including employees from this jurisdiction and others, witnesses and informants.
 - c. Disseminate criminal information to the law enforcement community.
 - d. Follow the guidelines as outlined in Policies 112-07, 112-08, and 112-09, (Limits of Authority) when conducting searches and collections of non-testimonial evidence.
 - e. Identification, collection, preservation and use of evidence pertaining to the crime and suspect.

2. Analyze the legal significance of information and evidence.
 3. Continue the search for witnesses, interview new witnesses and re-interview original witnesses when necessary.
 4. Submit appropriate evidence for physical analysis.
 5. Submission of the appropriate case closure of the investigation when all leads have been exhausted.
 6. Submit the case for prosecution when appropriate.
- C. **Combined Investigations:** Occasionally, it may be advantageous to combine the investigative resources of the office with one or more law enforcement agencies to address a common crime problem.
1. The office will participate in such joint investigative operations when appropriate, such as cases of major and/or equal importance. Coordination and supervision of Pennington County Sheriff's Office employees and equipment will be the responsibility of the Sheriff's Office shift supervisor. Joint investigations will be terminated upon resolution of the investigation, or when the office decides participation is no longer advantageous.

513-02: Major Tactical Operations

Chapter: Patrol Operations
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will establish general procedures to be implemented in the event of a Major Tactical Operation.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Major Tactical Operations:

1. The first deputy on scene will assume the role of Incident Commander until relieved by a supervisor or other person more qualified to assume the role of Incident Commander.
 - a. As part of their responsibility, should the situation dictate, the first arriving deputy will establish an inner perimeter by making appropriate assignments to other deputies responding.
2. The Incident Commander should attempt to evaluate the need for other emergency services and request same, i.e., Fire Department, Emergency Medical Services.
3. If necessary and safe to do so, evacuation of civilians who may be in danger and first aid for victims should be initiated.
4. The Shift Supervisor is to take charge of the operation as quickly as possible by a formal transfer of command.
 - a. Depending on the type of emergency, another transfer of command may take place from the supervisor to another person with legitimate authority and qualification to assume the role of Incident Commander.
5. The Incident Commander must be mindful to establish the following:

- a. Traffic control
 - b. Outside perimeters
 - c. Command post
 - d. Aid station
 - e. Staging area
6. In a hostage or barricaded gunman situation, refer to the barricaded gunman/hostage section. (PCSO Policy 532-02)

B. Emergency Notification:

- 1. When responding to an emergency situation requiring additional resources beyond the deputy's capabilities, the deputy shall notify the Shift Supervisor.
- 2. The Shift Supervisor will make prompt notification to any other agency or private enterprise outside the Pennington County Sheriff's Office that may be required to provide service in an incident, to include, but not limited to:
 - a. County Coroner
 - b. Public utility companies
 - c. Street and highway departments
 - d. Other law enforcement agencies
 - e. News media if appropriate
 - f. Medical personnel
 - g. Pennington County Emergency Management

513-04: Responding to Domestic Abuse

Chapter: Patrol Operations

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-21-2023

Approved by: Sheriff Brian Mueller

Reference: SDCL: 23-3-39.8, 25-10, 25-10-1, 23A-3-2.1, 25-10-36, 25-10-40, 22-19A, 25-10-13, 22-19A-2, 25-10-38

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will promptly respond to, thoroughly investigate, and aggressively enforce state and federal laws pertaining to domestic abuse.

II. Definitions

- A. **Domestic Abuse:** Physical harm, bodily injury or attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between family or household members.
- B. **Family or Household Members:** As defined by SDCL 25-10. Spouses, former spouses or persons related by consanguinity, adoption or law, persons living in the same household, persons who have lived together, or persons who have had a child together.

III. General Information

- A. This policy has established guidelines for deputies responding to allegations of domestic abuse. This policy complies with SDCL 23-3-39.8.
- B. This policy applies to domestic abuse situations as defined by SDCL Chapter 25-10.

IV. Procedural Guidelines

A. Initial Response and Entry:

- 1. Entry:
 - a. If refused entry, the deputies should be persistent about seeing and speaking alone with the victim. If access to this person is refused, the deputies should request the dispatcher attempt contact with the victim by phone.
 - b. If access is still refused and the deputies have reason to believe someone may be in imminent danger, the deputies may enter in accordance with

office guidelines for responses to situations where persons are in danger of death or physical harm.

B. On-Scene Investigation:

1. The initial actions of the responding deputy(s) should be to ensure the safety of all persons at the scene. This should include:
 - a. Separating the victim and offender physically, verbally, and, if possible, visually (if circumstances permit, move them into separate rooms).
 - b. Taking possession of all involved weapons and securing any other weapons which pose an immediate threat.
 - c. Assessing the severity of injuries to parties and applying or calling for the appropriate level of aid for any injured parties.
 - d. Locating and checking the welfare of any children and others at the scene.
 - e. Steps of the on-scene investigation should include the following:
 - 1) Interview all parties and potential witnesses including children (recognizing the unique sensitivities of children in domestic abuse situations) and neighbors, as appropriate. These persons should be interviewed separately and out of visual/hearing range of each other, if possible.
 - 2) Determine if the relationship is "domestic" (as defined by SDCL 25-10-1) and what crime(s) occurred.
 - 3) Document the nature and extent of all injuries, including defensive wounds (e.g., on the inside of the arms or palms of the hands).
 - 4) Ascertain whether a female victim is pregnant and whether and how the suspect is aware of her condition. Obtain the name of the health care provider, if possible.
 - 5) Determine who the predominant aggressor is using the following factors and the deputy's judgment:
 - a) Extent of any injuries inflicted.
 - b) Fear of physical injury because of past or present threats.
 - c) Actions taken in self-defense or to protect oneself.
 - d) History of domestic abuse perpetrated by one party against the other.
 - e) Existence or previous existence of orders for protection.

f. Record:

- 1) Any statements of the victim, suspect, and/or witnesses which may be categorized as exceptions to the hearsay rule (including excited utterances and spontaneous statements). Note the exact words used, using quotation marks; indicate the approximate time frame when the statements were made; and record the emotional indicators of the speaker.
- 2) Any relevant statements, including self-serving ones, made by the suspect:
 - a) Collect and record physical evidence and, where appropriate, take color photographs and/or videos of injuries and property damage. Request a crime scene technician, if needed. Seize plain view evidence.
 - b) If possible, record statements from the victim and any witnesses, including children, as appropriate. The deputy should attempt to obtain a taped statement from the suspect, as well. These statements should be submitted in accordance with office procedure.

C. Arrests:

1. Arrest is the preferred response to domestic abuse when probable cause exists. That is, when probable cause has been established that an act of domestic abuse has occurred, an arrest shall be made pursuant to SDCL 23A-3-2.1.
2. Warrantless Arrest: Deputies shall make physical arrests in situations involving domestic abuse whenever circumstances justify a probable cause arrest.
 - a. The passage of forty-eight (48) hours does not preclude making a warrantless arrest. Probable cause arrests can be made beyond the statutory forty-eight hours and are required by SDCL 23A-3-2.1 if a determination of probable cause is made within forty-eight hours of the assault regardless of when the arrest is actually made.
 - b. Persons under the age of eighteen are subject to arrest and placement in Juvenile Detention when circumstances permitting warrantless arrest described in SDCL 23A-3-2.1 and 25-10-36 are met and the deputy determines that not arresting the subject may pose a danger to the juvenile or others.
 - c. Citations in Lieu of Arrest will not be used in place of physical custody in situation of Domestic Abuse.
 - d. Persons arrested will be held in accordance with SDCL 25-10-40.

- e. All arrests for incidents of domestic abuse must be accurately documented by the arresting deputy and submitted in accordance with SDCL 25-10-36.
3. The following factors should not prevent an arrest from being made:
- a. Marital status; sexual orientation; race; religion; profession; age; disability; cultural, social or political position; or socioeconomic status of either party.
 - b. Ownership, tenancy rights of either party, or the fact the incident occurred in a private place.
 - c. Victim's request that an arrest not be made.
 - d. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
 - e. Verbal assurances that the abuse will stop.
 - f. The fact that the suspect has left the scene.
 - g. Disposition of previous police calls involving the same victim or suspect.
 - h. Denial by either party that the abuse occurred when there is evidence of domestic abuse.
 - i. Lack of a court order restraining or restricting the suspect.
 - j. Concern about reprisals against the victim.
 - k. Adverse financial consequences that might result from the arrest.
 - l. Chemical dependency or intoxication of the parties.
 - m. Assumptions as to the tolerance of violence by cultural, ethnic, religious, racial or occupational groups.
 - n. Absence of visible injury or complaints of injury.
 - o. Presence of children or the immediate dependency of children on the suspect.
4. Deputies making an arrest should inform the arrestee that domestic abuse is a crime and that the State of South Dakota, not the victim, is responsible for the prosecution. The responding deputies should not initiate discussion of or accept a complaint withdrawal, or have the victim sign a waiver of prosecution form.
5. If the deputies determine a crime has been committed and the suspect has left the scene, the deputies will make every attempt to:
- a. Conduct a search of the immediate area.

- b. Obtain information from the victim and witnesses as to where the suspect might be located.
- c. Prepare and complete case report or addendum for routing to the investigations division for follow-up, if the offender cannot be located.

6. Dual Arrests:

- a. The office shall discourage dual arrests in order to avoid arresting the victim. Where there are allegations that each party assaulted the other, the deputy shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor.
- b. If the predominant aggressor alleges that they are also the victim of domestic abuse, then it is imperative the deputy thoroughly investigate the allegation to determine whether it was an act of self-defense or an act of aggression. If it was a separate act of aggression, then the deputy shall make an arrest or file a warrant request for the aggressor. If the deputy concludes it was an act of self-defense, no arrest shall be made of the secondary aggressor. If dual arrests are made, the facts supporting each arrest must be clearly documented.

D. Victim Support:

1. The deputy must:

- a. Assist the victim in obtaining any needed medical treatment.
- b. Inform the victim of the availability of the WAVI (Working Against Violence Center).
- c. Provide the victim with the Victim Information Packet, which provides:
 - 1) A telephone number for the WAVI Center.
 - 2) Information about the right to file a criminal complaint with the Pennington County State's Attorney's Office.
 - 3) Information about temporary protection orders, and protection orders.

2. Deputies should:

- a. Convey to the victim concern for their safety.
- b. Inform the victim about how to get a protection order in the fastest possible manner.
- c. Advise the victim of what to expect in the near future with regard to the processing of the case by the system, including an assessment of the probability the accused may be in custody for only a short period of time.

- d. Ask the victim if they want to be notified of the suspect's release from jail.
 - e. Tell the victim domestic abuse is a crime and that the sole responsibility for decisions regarding whether charges are filed is with the state and not the victim.
 - f. If an arrest is not made, inform the victim of the reasons and of their options independent of law enforcement.
 - g. Advise the victim to notify the office of any additional incidents or new information.
3. The deputy should not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. If the victim is leaving, the deputy should remain at the scene for a reasonable period of time while the victim gathers necessities for a short-term absence from home. The deputy should ask a victim who is leaving the home for their temporary address and phone number out of hearing of the perpetrator.
4. If the victim requests to go to a shelter, they shall be referred to the WAVI shelter. The deputy shall arrange for or provide transportation to the shelter if the victim is approved for shelter intake or arrange for or provide transportation for the victim to an alternative location of the victim's choice in the local area.
5. Care of Children: Deputies shall see to the appropriate care of children as victims or dependents
- a. In child abuse situations, the deputy shall contact the on-duty Department of Social Services (DSS) caseworker.
 - b. If, as a result of arrests and/or hospitalizations, there is no parent, legal guardian, or relative to either care for the children or direct the deputy as to the appropriate temporary placement of the children, the deputy should contact DSS for purposes of determining placement. The deputy should indicate in the report the identity and address of the person taking custody of the children.
6. Care of Dependent Adults: When an elderly or disabled adult is either a victim of the violence or reliant on the victim or suspect who can no longer provide care, the deputy should make appropriate arrangements for the person's care. In the case of abuse, the deputy shall call DSS.
7. If indicators for future violence exist, the deputy should arrange for increased patrol in the area.

E. Initial Response Report Writing:

1. In accordance with SDCL 25-10-36, the deputy shall prepare a written police report if there has been an allegation of domestic abuse, regardless of whether an

arrest has been made. If no arrest is made the report shall include a description of any observed injuries and the reason(s) no arrest was made.

2. The report form prepared by the deputy should include the letters “DV” in the Crime Classification block behind the specific offense.
3. Domestic abuse report should include, but need not be limited to:
 - a. Information provided by communications personnel (the deputy should consider the evidentiary value of the 9-1-1 calls).
 - b. Descriptive information regarding the victim and suspect, including demeanor of each. Do not include opinions or conclusions, be objective. Report only the facts.
 - c. Written and oral statements obtained from the victim and suspect (including excited utterances and their approximate time frame) and an explanation if written statements were not obtained.
 - d. A list of witnesses and their statements (including excited utterances and their approximate time frame) and the identities of all deputies on the scene.
 - e. A description and location of observed injuries, description of medical treatment rendered and statement about whether an offer of medical treatment was refused.
 - f. The name of the medical treatment provider and the names of any other health care providers, including EMS personnel.
 - g. A description of all other physical evidence including photographs.
 - h. A description of steps taken to locate the suspect if they were not at the scene.
 - i. A list of indicators of threats to future victim and child safety (e.g., threats made, including history of abuse, killing of pets, use of substances, other unusual behavior).
 - j. Information regarding whether children were present and how they were cared for.
 - k. Information regarding whether a protection order is in effect and, if it is, reference to this order and a copy if possible.
 - l. A statement regarding any special needs (including language barriers, disabilities) of the parties involved.
 - m. An indication that the victim received the "Victim Information Packet".

- n. If no arrest was made, an indication that the deputy advised the victim of the reasons why an arrest was not made.
 - o. Any information that may be relevant to the assessment of bond.
 - p. The name and phone number of a person (e.g., family member, employer) who can contact the victim.
4. The deputy should, when appropriate, request the victim sign a release of medical records (related to any domestic abuse incidents) form.

F. Follow-Up Investigation, Referral and Report Writing:

1. A follow-up investigation may be required and could include:
 - a. Interviewing victims who were physically or emotionally unable to be properly interviewed or to provide a statement. The victim should be re-contacted for this purpose or to obtain additional details relevant to the investigation.
 - b. Taking photographs of victim injuries that may not have been apparent/visible at the time of the initial response.
 - c. Interviewing neighbors or other potential witnesses.
 - d. Ascertaining if the suspect is on parole, probation and/or pretrial release and obtaining the name and phone number of the appropriate probation/parole/pretrial officer.
2. In the supplemental follow-up report, the investigator shall document the steps of the investigation.
3. In cases in which a physical arrest was not made, the related case report and warrant request required by the Pennington County State's Attorney's Office should be forwarded within 10 days of the initial report, or when the investigation is completed, or as soon as possible. If a warrant is issued, the Pennington County Sheriff's Office or any officer with knowledge of the suspect's location should attempt to serve or to affect service of the warrant as soon as possible.

G. Court Orders:

1. This policy section applies to the following orders, hereafter referred to as court orders:
 - a. Temporary and permanent protective orders.
 - b. Temporary and permanent stalking orders.
 - c. No contact orders.

2. Upon determination of probable cause, a deputy shall make a physical arrest of the respondent if they willfully and knowingly violate a term of the court order. Generally the order includes, but not limited to:
 - a. Refusing to vacate the shared premises within the time limits stated on the court order.
 - b. Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family member or household member.
 - c. Committing an act of domestic abuse against the petitioner.
 - d. Committing any other violation of the court order through an intentional unlawful threat, word, or act to do violence to the petitioner.
 - e. Telephoning, contacting or otherwise communicating with the petitioner directly or indirectly unless the court order specifically allows indirect contact through a third party.
3. A deputy should make an arrest for a criminal violation of the term of a court order pursuant to SDCL 23A-3-2.1 (An order has been issued pursuant to 22-19A).
4. A deputy should not base their decision to arrest on their perception of the prosecutor's ability to prosecute the case, as this is a court order not subject to the deputy's interpretation.
5. After proper service of a court order upon a respondent, the court order is valid and enforceable in all counties of the State of South Dakota. It is important to verify that a respondent has been properly served the court order prior to arresting them for violating the provisions of the order.
6. Warrantless Arrest: Violations of active court orders shall be pursued by probable cause arrest or warrant request if the arrest cannot be made within a reasonable time after the offense. SDCL 25-10-13 and 22-19A-2 will determine the class of crime charged.
 - a. Deputies attempt to verify the existence of active court orders through the local records management system and NCIC.
 - b. The absence of a court order entry in the registry should not automatically support the presumption one does not exist. Deputies are expected to take all reasonable actions to confirm or deny the existence of an active court order.
 - c. Persons arrested for violation of active court orders will be held as provided in SDCL 25-10-40.

- d. Citations in Lieu of Arrest will not be used in place of physical custody for violations of court orders.
 - e. All arrests for violation of court orders will be accurately documented by the arresting deputy and submitted in accordance with SDCL 25-10-38.
7. Out-of-state court orders: The office should enforce foreign (i.e., out-of-state and tribal) court orders pursuant to applicable state and federal laws. If respondent is found in possession of a firearm, officers shall complete a case report, secure the weapon in evidence.

H. Keep the Peace Standby:

- 1. Deputies will determine if either party has a current protection order or equivalent order. Most orders indicate, as one of the stipulations, there will be no telephoning, contacting or otherwise communicating with the petitioner directly or indirectly unless the court order specifically allows indirect contact through a third party.
- 2. If the order does not contain a stipulation ordering or allowing a “Keep the Peace Standby” by law enforcement, no standby will occur. The deputy will notify the person they must obtain a court order permitting a standby.
- 3. If the protection order or equivalent order stipulates to a “Keep the Peace Standby” or the person has secured an order from the court providing for a “Keep the Peace Standby”, the deputy;
 - a. Should determine the possibility of violence and proceed accordingly.
 - b. Should not assist or participate in the division of personal property. Deputies must remain neutral and be solely concerned with maintaining the peace and safety of those present.
 - c. Should restrain either party from approaching or interfering with the other during the gathering of personal items.

513-05: In Car Audio/Video & ALPR

Chapter: Patrol Operations
Order No: LE 12-06
Effective: 12-28-2009
Revised: 12-18-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office equips all marked patrol vehicles with In-Car Audio, In-Car Video recording equipment and Automatic License Plate Recognition (ALPR). The use of In-Car Audio and In-Car Video is to provide accurate documentation of events, actions, conditions and statements made during traffic stops, investigations, arrests and critical incidents. The use of ALPR systems is intended to gather vehicle license plates to identify stolen vehicles, stolen license plates, missing persons, AMBER alerts and wanted persons.

II. Definitions

- A. N/A

III. General Information

- A. This policy directs deputies and supervisors in the proper use and maintenance of the In-Car Video, In-Car Audio recording equipment, ALPR and evidence handling procedures for the video and data obtained.
- B. The use of this equipment has been demonstrated to be valuable in the prosecution of traffic violations and criminal offenses. The recording of these incidents will enhance the deputies' investigations, evidence collection, report writing and be valuable in preparing for courtroom testimony.

IV. Procedural Guidelines

- A. Deputies should be trained in the use of In-Car Audio, In-Car Video recording systems and ALPR to aid in their investigations.
 - 1. The recording equipment will begin recording automatically when the patrol unit's emergency equipment is in operation. Recording may be stopped during traffic control situations, such as, funeral escorts, or other circumstances when the patrol unit's emergency lights may be in operation for an extended period of time.
 - 2. The recording equipment shall be activated in all of the following situations:

- a. Traffic stops
 - b. Pursuits
 - c. Driving while intoxicated/impaired investigations
 - d. Response to emergency calls when the emergency lights are in operation
 - e. At the direction of the supervisor
 - f. Whenever the deputy develops a feeling their contact may turn into a citizen complaint
 - g. During a verbal or physical confrontation if possible
 - h. While transporting prisoners or citizens
3. Occasionally, deputies will record field situations that do not result in criminal prosecution for a particular offense. These situations, however, may represent significant events that should be recorded. In such situation, the deputy shall mark the media electronically with the applicable information and category in the recording system.
 4. The audio, video, and ALPR systems are for official use only. Recordings shall not be copied without supervisory approval. Recordings containing material deemed beneficial for training purposes, for sworn members of the PCSO or recruit trainees, may be utilized for training purposes.
 5. Deputies shall not erase recordings or override the auto-recording system in an attempt to circumvent the documentation of relevant footage.
 6. Periodically, supervisors should review deputies' recordings for evaluation purposes.
 7. Any deputy involved in a crash, in which the video system was not in operation, will if physically possible, activate the video system immediately.

B. In-Car Audio and In-Car Video Operational Instructions

1. Deputies will check the recording equipment prior to beginning their shift to insure the equipment is working properly. Deputies shall bring all problems to the attention of their immediate supervisor so they may be documented and arrangements can be made for repair.
2. The recorder will start automatically when deputies activate their emergency lights.
3. Deputies should attempt to record the driving behavior of the offender prior to stopping of the offender's vehicle if this can safely be accomplished.

4. The deputies should position motorists in full view of the camera.

C. Automatic License Plate Recognition Technology

1. ALPR technology is integrated into the Axon Fleet 3 in-car video system. The ALPR system is programmed to check all the vehicles in the same manner and therefore it is an objective non-discriminatory public safety tool.
2. Definitions:
 - a. Alert: A visual and or auditory notice triggered when the ALPR system receives a potential “hit” on license plate.
 - b. Hit: A read matching a plate that has been previously registered to a “hot list” of a vehicle plate related to a stolen vehicle, wanted vehicle, other factors supporting investigations or which has been manually registered by the user for further investigation.
 - c. Hot List: License plate numbers of stolen vehicles, vehicles owned by violent offenders or wanted persons. Hot list information can come from a variety of sources including but not limited to National Crime Information Center (NCIC) and AMBER alerts.
 - d. Read: Digital images of license plates, vehicles and associated meta data (e.g. date, time and geographical coordinates associated with the vehicle image capture) that are captured with the ALPR system.
3. Procedures for ALPR use:
 - a. The use of ALPR systems is restricted to official duties and shall not be used for personal reasons.
 - b. All deputies shall be trained in the use of the ALPR technology and this policy.
 - c. ALPR equipment and related data is the sole property of the agency, but is the responsibility of the individual deputies to ensure the equipment is functioning properly. Equipment malfunctions shall be brought to the attention of the deputy’s supervisor or the Video Evidence Team as soon as possible.
 - d. When an alert is received, the deputy shall visually confirm the plate number and issuing authority against the captured image and verify the validity of the alert through dispatch or an NCIC query. ALPR hits alone do not constitute reasonable suspicion or probable cause to initiate a traffic stop.
 - e. All ALPR data related to a case report shall be converted from ALPR data to an evidence record in evidence.com

- f. License plate numbers may be entered manually for inclusion to a local hot list. This includes but are not limited to welfare checks, runaways and person/vehicles of investigative interest.
- g. Access to ALPR data is based on the user's role in evidence.com. Review and use of the data is for official duties and shall not be used for personal reasons.

D. Axon Respond for Devices

1. Respond for Devices includes a live mapping feature that uses GPS and Wi-Fi functionality of the system to determine a patrol car's location.
2. The following personnel are authorized to use the live mapping feature to improve situational awareness:
 - a. Command Staff
 - b. Patrol Supervisors
 - c. Authorized Designee
3. The real-time mapping feature will be deactivated in all vehicles as the standard setting, however it may be activated by authorized users in situations to include, but are not limited to:
 - a. Identifying the location of a deputy in need of help or who is not responding to radio broadcasts.
 - b. Locate a deputy who needs additional units or other assistance.
 - c. Coordinate a response to a major incident.

E. Evidence Handling Procedures:

1. The Digital Evidence Team will manage the storage, duplication, and dissemination or recordings. The server will maintain a chain of custody for each recording.
2. All recordings will be automatically uploaded from the car to the server.
3. All digital evidence obtained from the in-car camera system will be maintained according to the retention category given.
 - a. The following incidents will be given an indefinite retention category
 - 1) Homicide investigation
 - 2) Officer involved shootings
 - 3) Vehicle pursuits resulting in obvious serious injury accidents

- 4) Fatality accidents
- 5) Significant incidents at the direction of a supervisor or investigator
- 6) 1st Degree Rape
- 7) 2nd Degree Rape
- 8) Law Enforcement canine bites

b. Accidental or inadvertent recordings may be manually deleted with appropriate supervisory approval. Accidental recordings will be automatically deleted after 30 days.

c. ALPR reads and hits will be maintained in evidence.com for 5 years.

F. Data Release:

1. All in-car camera and ALPR data are the property of the Pennington County Sheriff's Office. The in-car camera and ALPR data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.
2. Information obtained from the in-car camera and ALPR will only be disseminated to other law enforcement agencies for legitimate law enforcement purposes. Absent a court order, in-car camera and ALPR data will not be released to non-law enforcement or non-governmental agencies.
3. Designated personnel from government prosecutorial agencies will be authorized to view and request copies of recordings and ALPR data for legal proceedings.

513-06: Body Worn Cameras

Chapter: Patrol Operations
Order No:
Effective: 01-04-2018
Revised: 07-18-2022
Reviewed: 07-18-2022
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will equip some deputies with Body-Worn Cameras, hereafter referred to as BWC, in order to provide accurate documentation of events, actions, conditions and statements made during traffic stops, investigations, arrests and critical incidents.

II. Definitions

- A. N/A

III. General Information

- A. This policy is intended to identify the procedures and practices applied to the lawful use of BWC.
- B. The recording of these incidents will enhance the deputies' investigation in the areas of evidence collection, report writing and be valuable in preparing for courtroom testimony.

IV. Procedural Guidelines

- A. BWC equipment is issued to Deputies assigned to the Patrol and Warrants Divisions, as well as other Deputies the Sheriff or his designee deem appropriate. Deputies who are assigned BWC equipment must use the equipment while on duty, unless otherwise authorized by supervisory personnel who hold the rank of Lieutenant or higher.
- B. Sheriff's Office personnel shall use only BWC issued by this office.
- C. Prior to issuance, all deputies assigned BWC's shall be trained in the use of the technology and this policy.
- D. BWC equipment is the sole property of the agency, but is the responsibility of individual deputies and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the deputy's supervisor as soon as possible so that a replacement unit may be procured.
- E. Deputies shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

- F. Deputies are not required to notify the public they are being recorded.
- G. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Sheriff or authorized designee.
- H. Deputies shall note the incident, arrest and related reports when recordings were made during the incident in question and tag the video by case number. However, BWC recordings are not a replacement for written reports.
- I. Deputies shall ensure and confirm that BWC data transfer has been completed before the end of their shift, or at the end of an assigned duty/event.
- J. BWC equipment will be positioned on the deputy based on the manufacturer's recommendations.

V. Activation and Deactivation Requirements

- A. The BWC should be activated whenever a law enforcement deputy is responding to a call for service or at the initiation of any other law enforcement encounter with a member of the public.
- B. If a deputy is facing an immediate threat to his or her safety that makes activating the camera impossible or dangerous, the deputy should activate the camera at the first reasonable opportunity to do so.
- C. The BWC should not be deactivated until the encounter has fully concluded and the deputy leaves the scene.
- D. When appropriate, deputies should narrate important facts and observations as they occur.
- E. Prior to deactivating the recording, the deputy should record a short verbal reason for the deactivation as documentation it is over.
- F. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the deputy shall document in a written report or verbally why a recording was not made, was interrupted, or was terminated.
- G. Communications should not be muted between deputies and the public, i.e. witnesses, victims, etc. Conversations may be muted between deputies and other Law Enforcement entities, i.e. State's Attorney's Office, supervisors and other deputies.
- H. If the deputy deems it to be in the best interest of justice, the deputy has the option to deactivate the BWC audio and video during interview situations when a member of the community requests the recording to be discontinued. Requests by a member of the community to discontinue recording should be recorded prior to deactivation of the BWC.

VI. Activation and Deactivation for Task Force Deputies (TFDs) assigned to the United States Marshal Service (USM) Task Force

- A. TFDs will wear and activate their BWC during USM Task Force operations during:

1. A planned attempt to serve an arrest warrant or other planned arrest;
2. The execution of a search warrant;
3. During the approach of a subject or premises to make an arrest or serve an arrest or search warrant;
4. TFDs will deactivate their BWCs during Task Force Operations once the scene is secured and under law enforcement control.
5. TFDs are authorized to wear and activate their BWC equipment anywhere they are authorized to act as peace officer under local, state, territorial, or tribal law.

VII. Restrictions on using the BWC for TFDs

- A. TFDs will not activate their BWC during the following circumstances:
 1. The use of undercover personnel;
 2. The use of confidential informants or confidential sources;
 3. During on-scene witness interviews prior to or after an operation;
 4. During the use specialized investigative techniques or equipment;
 5. When non-law enforcement persons are assisting law enforcement personnel on-scene prior to or after an operation.

VIII. Restrictions on using the BWC

- A. BWC shall be used only in conjunction with official law enforcement duties. The BWC should not be used to record:
 1. Casual or non-call related conversation between office employees;
 2. Encounters with undercover deputies or confidential informants;
 3. When on break or otherwise engaged in personal activities; or
 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; unless the activation is for the purpose of official law enforcement activity;
 5. Any search which includes partial or complete nudity, for example, urinalysis collection;
 6. Deputies will only use the BWC in patient care areas of a healthcare facility when the recording is for law enforcement purposes and caution should be used to record only the parties involved in the event being investigated.

IX. Data Review

- A. Recordings may be reviewed in any of the following situations;

1. For use when preparing reports, statements, or for court room testimony, unless it is determined to have “Restricted Access” by the Sheriff or authorized designee;
 2. By a supervisor investigating a specific act of deputy conduct;
 3. By a supervisor to assess deputy performance;
 4. By a supervisor following a critical incident;
 5. By an investigator who is participating in an official investigation;
 6. To assess proper functioning recording technology;
 7. For official training purposes;
 8. Designated personnel from governmental prosecutorial offices will be authorized to view and request exported copies of recordings for legal proceedings;
 9. By authorized court personnel through proper process or with permission of the Sheriff or authorized designee;
 10. Upon authorization of the Sheriff or authorized designee.
- B. Deputies only have direct access to view their recordings.
- C. An audit trail exists to track all access to recordings by the data system.
- D. No Pennington County Sheriff’s Office employee will access or obtain data for personal use.
- E. Only the Sheriff, Records Custodian, or designee may authorize release of data to the public, unless court ordered.

X. Data Storage and Retention

- A. The Pennington County Sheriff’s Office Records Division will manage the storage, duplication, and dissemination of recordings. The software will maintain a chain of custody for each recording.
- B. All BWC data is the property of the Sheriff’s Office and the County, which shall be preserved and retained in accordance with state law and department evidence protocols. The BWC data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.
- C. Designated personnel from the government prosecutorial offices will be authorized to view and request copies of recordings for legal proceedings.
- D. TFD BWC recordings taken during USMS Task Force operations will be made available to the USMS per the signed Memorandum of Understanding.
- E. All digital evidence maintained in Axon’s Evidence.com, to include body camera, in-car, and interview video will be maintained according to the following retention schedule, based on disposition codes from the records management system:

Code	Description	Retention
ADV	ADVICE GIVEN	90 days
AR	ARREST REPORT	10 years
ARISE	ARISE	10 years
ARPT	ACCIDENT REPORT	3 years
ATL	ATL TO UNITS	90 days
CINF	CONFIDENTIAL INFO ITEM	5 years
CIT	CITATION ISSUED	1 years
CNRP	CANCELLED BY RP	90 days
DUP	DUPLICATE CALL FOR SERVICE	90 days
EX	EXCUSED ALARM ACT OF GOD	90 days
FAU	FALSE ALARM UNKNOWN	90 days
FE	FALSE ALARM EMPLOYEE ERROR	90 days
FI	FIELD INVESTIGATION CARD	1 years
FIN	FINISHED (Not used)	5 years
FM	FALSE ALARM MALFUNCTION	90 days
GPA	GONE PRIOR TO ARRIVAL	1 years
LEO	LOG ENTRY ONLY	1 years
LL	HANDLED BY LANDLINE	1 years
MDT	SENT TO UNITS VIA MDT	90 days
NN	CALL NOT NEEDED	90 days
RESV	RESOLVED	1 years
RPT	REPORT WRITTEN	10 years
RR	TRANSPORTED TO DETOX	1 years
RT	RED TAGS ISSUED	3 years
SEP	SEPARATION	1 years
SRV	CIVIL PAPERS SERVED	1 years
TAG	TAGGED ABANDONED VEHICLE	90 days
	TRAINING / TEST	30 days
TOT	TURNED OVER TO ANOTHER AGENCY	5 years
TOW	TOWED VEHICLE	1 years
UNF	UNFOUNDED	1 years
VA	VALID ALARM	10 years
VER	VEHICLE EXAM REPORT	90 days
VWAR	VERBAL WARNING	1 years
WWAR	WRITTEN WARNING	1 years

F. Recordings will be stored indefinitely for the following situations:

1. Homicide investigations;
2. 1st Degree Rape;
3. 2nd Degree Rape;
4. 1st Degree Kidnapping;
5. Deputy involved shootings;

6. Vehicle pursuits resulting in obvious serious injury crashes;
 7. Fatality crashes;
 8. Significant incidents at the direction of a Supervisor or investigator.
- G. Accidental or inadvertent recordings may be manually deleted by the system administrator with appropriate supervisory approval.

IX. Buffer Recall Video

- A. Buffer recall video is a feature in the Axon Body 3 camera where the camera can store up to 18 hours of video recorded while the camera is in standby mode. The buffer recall videos are captured in 30-minute increments. The oldest video is over written when the 18-hour buffer is full. The video captured is low resolution with audio. Video recordings are retained on the camera only and will only be uploaded to Evidence.com upon command staff approval.
- B. The buffer recall video may be accessed after a critical incident to include, but not limited to: an officer involved shooting or allegations of criminal or serious misconduct. The buffer recall video will not be accessed for routine calls for service or random BWC reviews.
- C. After a critical incident a deputy shall notify a supervisor as soon as possible when the entire incident was not recorded. The supervisor will notify the chain of command so a determination can be made if the incident meets the criteria to access the buffer recall video. The deputy will be notified if their video is accessed.
- D. Only an employee in an administrator role in Evidence.com may access the buffer recall video. Only the video capturing the crucial aspect of the incident will be uploaded to Evidence.com. The administrator shall place a note in the case report indicating the name of the deputy owning the video and who authorized access.
- E. Availability of this feature does not negate a deputy from activating their BWC under this policy.

X. AXON Respond

A. AXON Respond for Devices

1. Live Mapping

- a. Respond for Devices includes a live mapping feature that uses the GPS and WiFi functionality built into the Body 3 camera or determine a user's location. This functionality is only available while the BWC is recording.
- b. An authorized Respond user can locate the camera on a map available through Evidence.com or the real-time mobile application when there is cellular service.

- c. Authorized Respond users can view a list of actively recording cameras or cameras that have recorded within the previous eight hours.
 - d. The following personnel are authorized to use the live mapping feature to improve situational awareness:
 - 1) LE Command Staff
 - 2) First Line LE Supervisors
 - 3) Authorized Designee
 - e. The live mapping feature may be used by authorized users in situations to include, but are not limited to:
 - f. Identify the location of a deputy in need of help or who is not responding to radio broadcasts;
 - g. Locate a deputy who needs additional units or other assistance;
 - h. Coordinate a response to a major incident; and
 - i. Follow the location of a deputy in a foot or vehicle pursuit.
2. Live Streaming
- a. AXON Respond does have this capability but will not be utilized on the BWC.
 - b. Live streaming can be utilized with the PCSO drones.

XI. Data Release

- A. South Dakota State Law SDCL 1-27-1.5 addresses law enforcement records. Records developed or received by law enforcement agencies are not subject to inspection and copying; however, records can be released if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
- B. The Records Section reserves the right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
- C. The Records Section is responsible for the distribution of police records. A formal request to review or obtain documented video footage of a deputy incident must be filed with the office and contain the day and approximate time of the stop along with the name of the deputy, if available.
- D. The Records Custodian shall have 10 days from the date of the BWC video request to make a determination and may notify the applicant in writing. If

additional time is needed to consider the request, the Records Custodian may notify the applicant in writing.

- E. With permission from patrol shift captains, supervisors may allow the public to view BWC footage in an authorized setting.

XII. Policy Review

- A. This policy and program will be reviewed on an annual basis by a team designed by the Sheriff.
- B. Patrol supervisors shall review one video per deputy, per month, selected at random and assigned by the Police Evidence Video Technician.

513-07: Lake Patrol and Water Rescue

Chapter: Patrol Operations
Order No:
Effective: 04-26-2016
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

XIII. Policy

- A. It shall be the policy of the Pennington County Sheriff's Office Lake Patrol to promote compliance with South Dakota boating statutes. The Lake Patrol will be actively involved in public education on both the group and individual levels. The unit will assist and support outside agencies toward this end. In addition to education and encouraging compliance, the Lake Patrol will take direct enforcement action to ensure the fulfillment of its mission. The Lake Patrol will provide support to the Water Rescue Team as needed.

XIV. Definitions

- A. **Bow:** The forward most part of the hull of a ship or boat.
- B. **Stern:** The back or aft-most part of a ship or boat.
- C. **Starboard:** The right-hand side, facing forward. Indicated by a green light during periods of limited visibility.
- D. **Port:** The left-hand side, facing forward. Indicated by a red-light during periods of limited visibility.
- E. **Leeward:** The side of a boat facing away from the wind.
- F. **Windward:** The side of a boat facing into the wind.

XV. General Information

A. Uniforms

- 1. While on patrol, the uniform will be the special duty polo and black seven pocket patrol pants or authorized shorts. Employees electing to wear shorts will be required to purchase their own and they must be an approved style and brand by the Sheriff's Office.
 - a. Only rubber or composition soled and heeled black footgear will be worn while aboard the patrol boat.
 - b. Soles will be of a non-marking material.

2. The special duty ball cap may be worn.
3. The standard duty belt will be worn.
4. The following safety equipment will be worn while conducting lake patrol:
 - a. Department issued body armor shall be worn.
 - b. A U.S. Coast Guard approved flotation vest, flotation coat, or auto/manual inflatable PFD shall be worn by anyone in the boat at all times.
 - c. Appropriate eyewear will be worn when the boat is underway.
5. Body camera worn on person.

B. Daily Reports

1. An activity log will be maintained and turned in at the end of each shift.
2. Daily reports will be submitted to the Special Operations supervisor at the end of each duty day.
3. The boats maintenance log will be filled out daily. This log will indicate the engine hours and the amount of fuel used. Any maintenance issues will be logged and the Special Operations supervisor informed of the any maintenance issues.

XVI. Procedural Guidelines

A. Arrests

1. During the normal course of patrolling, it may become necessary to arrest those who show disregard for the safety and well-being of others.
2. All prisoners shall be handcuffed and thoroughly searched.
 - a. Refer to LE Policy 514-01 for more information regarding handcuffing and transporting arrestees.
 - b. When an arrest is made on the water, *all* prisoners are required to wear a properly fitted and sized Coast Guard approved personal flotation device (PFD) while on the water. This includes while the boat is stationary or docking.
 - 1) The PFD will not be removed until the prisoner is well removed from the boat or transferred to a land patrol unit.
 - 2) The PFD may not be removed if it is necessary to remove the handcuffs from the prisoner.
 - c. Deputies shall at all times monitor the prisoner for his/her safety, for the safety of the deputies, and for the safe operation of the boat.

- d. *At no time* shall the prisoner be handcuffed to any portion of the boat or dock.

B. Boarding

- 1. While on patrol, deputies will board and inspect boats to conduct safety inspections, where violations are observed, or where they reasonably believe they exist.

- a. Boarding Sailboats

- 1) Extreme caution must be exercised.
- 2) Generally, inspection of sailboats will be carried out as follows:
 - a) Patrol boat will be brought to the leeward side of the vessel.
 - b) Operator will be instructed to hold up for view the required equipment.
- 3) Sailboats may be boarded if the vessel can be halted by lowering (or spilling wind) from the sail.

- b. Boarding Motorized boats

- 1) Operator will be signaled to bring boat to a stop by either voice, hand signal, horn, emergency lights and/or siren.
- 2) Operating deputy will bring the patrol boat to the side of the stopped boat.
 - a) Fenders will be lowered along the starboard side of the patrol boat to prevent damage to either boat.
 - b) The boarded boat will be brought alongside and held by hand.
 - c) The boat should not be secured to the patrol boat with line unless absolutely necessary.
 - d) The deputy holding the boat will maintain a lookout for hazards.
 - e) If a wake or other hazard occurs, the boat will be held away from the patrol boat or released.
- 3) If the boat is physically boarded, the boarding deputy will step aboard the boat while the patrol boat remains alongside. It is not generally acceptable to push off, or leave direct contact with the boarded boat while the deputy is on board. Separating of partners is always a last resort and only with mitigating circumstances.

- a) After the inspection is completed, the boarding deputy will return to the patrol boat. Once on board the operating deputy will control the patrol boat while the second deputy pushes off, away from the citizen's boat.
- 4) Unless directed otherwise, the boat operator will retain control of his boat to prevent any damage that might occur if the boat was allowed to drift.
- 5) If the weather or water conditions constitute a hazard to the safety of boats and personnel, the deputy may direct the boat to the nearest safe dock and complete the boarding and inspection there.

C. Possible or Confirmed Drowning

1. If the victim has not been recovered, determine the location the victim was last seen as accurately as possible.
2. Identify and interview all witness. Keep all witnesses at the scene.
3. If the Water Rescue Team is not in-route, determine if the Water Rescue Team is needed.
4. Notify the on-duty supervisor of the situation and any additional resource requirements.
5. Notify the Special Operations supervisors.
6. Notify the Patrol Captain.

D. Boating Accident/Fatality

1. Rescue any survivors. Check for injuries and request medical assistance if necessary.
2. Secure and protect the scene locating any wreckage.
3. Determine if any survivors or victims are trapped in the boat and request the Dive Team.
4. Identify and interview all witness. Keep all witnesses at the scene.
5. Request a SD Game, Fish and Parks (GF&P) unit respond to investigate the accident. If a GF&P unit is not available, forward information to SD GF&P for investigation.
6. Notify the on-duty supervisor of the situation and any additional resource requirements.
7. Notify the Special Operations supervisors.

8. Notify the Patrol Captain.
9. Assist the Water Rescue Team as needed.

E. Removal of Floating Hazards

1. Floating hazards present a hazard to skiers and boaters they shall be towed to the closest safe spot.
2. Small/non-hazardous debris will be allowed to float.

F. Assisting Distressed Boats

1. Assistance will be rendered to assure the safety of the boat and its passengers.
2. Towing
 - a. Prior to towing any boat, all occupants aboard will be seated or stationed in a safe location on their boat and be properly wearing a flotation device.
 - b. The disabled boat will be towed to the closest dock, marina or ramp.
 - c. In the event a life-threatening emergency arises requiring our response, the boat will be left adrift or tied to a dock or fixed object if one is within a reasonable distance.
 - d. Towing techniques:
 - 1) The owner must accept liability for damage to their boat.
 - 2) After deciding to tow the boat, a line will be affixed.
 - a) Use line adequate for the size of the boat to be towed.
 - b) Generally, towing lines should not be secured to deck cleats.
 - c) When towing a sailboat, attempt to tie onto the mast or other bolted on fixture.
 - d) Play out sufficient line to avoid problems should the patrol boat maneuver or stop suddenly.
 - e) Advise the operator to steer the boat directly aft of the patrol boat.
 - f) When towing, maintain a steady, moderate speed.
 - 3) Docking
 - a) Upon approaching the dock, shorten the line by one-half to two-thirds.
 - b) Maneuver in order to be towing into the current and/or wind.

- c) Always take the towed boat to the most accessible dock.

G. Call-out Procedure

1. When a request for emergency call-out of the Patrol Boat is received the following notifications will be made in the order in which they are listed:
 - a. Special Operations Sergeant
 - b. Special Operations Lieutenant
 - c. Patrol Captain

513-08: Trail Patrol

Chapter: Patrol Operations
Order No:
Effective: 6-12-2019
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

XVII. Policy

- A. It shall be the policy of the Pennington County Sheriff's Office Trail Patrol to assist citizens and to promote compliance with motor vehicle and trail use statutes. The Trail Patrol will be actively involved in public education on both the group and individual levels. The unit will assist and support outside agencies toward this end. In addition to education and encouraging compliance, the Trail Patrol will take direct enforcement action to ensure the fulfillment of its mission.

XVIII. Definitions

- A. **All-Terrain Vehicle (ATV):** An ATV is a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.
- B. **Utility Terrain Vehicle (UTV):** UTVs are motorized off-road vehicles designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, and an occupant protective structure.

XIX. General Information

- A. Uniforms
 - 1. While on patrol, the uniform will be the special duty polo and black seven pocket patrol pants. Approved uniform shorts may be worn when operating a UTV. Uniform shorts will not be worn while operating an ATV.
 - 2. The special duty ball cap may be worn.
 - 3. The standard duty belt will be worn.
 - 4. The following safety equipment will be worn while conducting trail patrol:
 - a. Department issued body armor shall be worn.
 - b. A DOT approved helmet will be worn when operating an ATV.
 - c. Seatbelts will be worn while the UTV is in motion.

- d. Appropriate eyewear will be worn.

B. Daily Reports

1. An activity log will be maintained and turned in at the end of each shift.
2. Daily reports will be submitted to the Special Operations supervisor at the end of each duty day.

XX. Procedural Guidelines

A. Arrests

1. During the normal course of patrolling, it may become necessary to arrest those who show disregard for the safety and well-being of others.
2. All prisoners shall be handcuffed and thoroughly searched.
 - a. Refer to LE Policy 514-01 for more information regarding handcuffing and transporting arrestees.
 - b. When an arrest is made on the trail, *all* prisoners will wear a safety belt and will be taken to the nearest trailhead where they will be turned over to a patrol unit for transport to the jail.
 - c. *At no time* shall the prisoner be handcuffed to any portion of the UTV.
 - d. When operating an ATV, custodial arrests should be avoided if possible.

B. ATV/UTV Accident/Fatality Investigation

1. See LE Policy 523-01, Traffic Accident Investigation and Reporting and LE Policy 523-02, Crash Scene Responsibilities.

C. Traffic Law Enforcement

1. See LE Policy 522-02, Traffic Law Enforcement Actions and LE Policy 522-04, Special Traffic Violations.
2. Driving Under the Influence, Reckless Driving and Careless Driving are enforceable on any trail system open to the public.

D. Call-out Procedure

1. When a request for emergency call-out of the Trail Patrol is received the following notifications will be made in the order in which they are listed:
 - a. Special Operations Sergeant
 - b. Special Operations Lieutenant
 - c. Patrol Captain

513-10: Local Outreach to Suicide Survivors

Chapter: Patrol Operations
Order No: LE 12-04
Effective: 03-01-2008
Revised: 11-01-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will investigate all suicides while at the same time assisting the victims in dealing with the loss of their loved one.

II. Definitions

- A. **L.O.S.S.:** Local Outreach to Suicide Survivors
- B. **ED:** Executive Director
- C. **CSD:** Community Services Director employed by the Front Porch Coalition

III. General Information

- A. The L.O.S.S. Team provides bereavement service that is specific to suicide. The L.O.S.S. Team serves persons who are impacted by completed suicides. This policy establishes the guidelines to follow when activating the L.O.S.S. Team at the scene of a suicide.

IV. Procedural Guidelines

- A. **Activation Procedures:** It is important to note that a 45-minute response time is required for each activation call (from the time the call is received until the time that the team arrives at the scene), unless the scene is outside the Rapid City limits, in which a 60-minute response time is required.
 - 1. At the death scene, if the deputy coroner determines the manner of death is suicide, the L.O.S.S. Team should be activated.
 - 2. A coroner or designated representative from the Pennington County Sheriff's Office (Coroner's Office) will call dispatch and request a response by the L.O.S.S. Team.
 - 3. Dispatcher will then call the telephone call service (605-719-3820) for the L.O.S.S. TEAM activation.
 - 4. The call service will then contact the L.O.S.S. Team representative

5. Once notified, the L.O.S.S. Team representative will call dispatch for pertinent information as it relates to the call. Dispatcher should release the following information to the L.O.S.S. Team representative upon call back:

- a. Name of deceased
- b. Age
- c. Gender
- d. Method of suicide
- e. Who found the body
- f. Name of family members
- g. Address of the scene
- h. Directions to the scene

B. On-Scene Procedures:

1. When the L.O.S.S. Team arrives on scene, they will identify themselves as the “L.O.S.S. Team” and ask to speak with the coroner directly.
2. L.O.S.S. Team members will not enter the scene until cleared by law enforcement.
3. The coroner will introduce the L.O.S.S. Team Members to the family and friends of the deceased.

- C. Delayed Activation Procedure:** If the Coroner’s Office determines the suicide is not appropriate to activate the L.O.S.S. Team right away; then they may be activated at a later time.

513-14: Private Alarm Response

Chapter: Patrol Operations
Order No: LE 12-06
Effective: 08-01-2000
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. Deputies will respond to any alarm call promptly and thoroughly and check the structure serviced by the alarm to assess the cause of the alarm.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Private Alarm Response:

1. The Emergency Services Communications Center (ESCC) monitors a variety of alarm types, including but not limited to:
 - a. Bank hold up or panic alarms
 - b. School and public building fire alarms
2. Alarms should require immediate sheriff or fire dispatch/response. Alarm notifications received from private central monitoring systems shall be dispatched following the same procedures as alarms received in the ESCC.
3. The source of the alarm shall be checked by appropriate personnel regardless of its nature.
4. Once on a scene of any alarm, the deputy shall make an initial assessment of the situation, and advise dispatch personnel of the situation.
 - a. The dispatcher shall be advised to contact the respective owner or responsible person to contact the deputy on scene.
 - b. An interior check should be accomplished if possible in addition to the exterior check.

- c. Unless the cause is known, an attempt shall be made to determine the cause of the alarm. Specific information is required for the deputy's report or log entry, including; cause of the alarm, person responsible for alarm activation (if applicable), name of person contacted at the scene, action recommended to resolve false activation problems, company servicing alarm, status of the alarm upon clearing the scene etc.
 - 1) Information relative to false/unknown cause alarms shall be recorded on the log.
 - 2) In cases of alarm activations caused by criminal activity, crime reports specific to the offense shall be generated.
- d. The owner should be advised to have the alarm checked by their alarm company if the cause is unknown or if line trouble is indicated.
- e. The assigned deputy shall resume patrol once the owner/employee assumes responsibility and the alarm is secured unless an offense has occurred, in which case an appropriate investigation will be conducted.

513-17: Diminished Capacity

Chapter: Patrol Operations
Order No: LE 10-02
Effective: 03-19-2010
Revised: 12-02-2015
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. It is the policy of the Pennington County Sheriff's Office to equip deputies with essential tactical and processing skills necessary for effectively dealing with persons of diminished capacities. Deputies shall provide these persons with the required professional assistance while protecting the community and safeguarding all individuals involved in the encounter.

II. Definitions

- A. **Persons of Diminished Capacity:** A segment of the community that deputies will be expected to deal with. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as "irrational," "bizarre," "unpredictable," or "weird." For the purposes of this policy, these outward observable symptoms could be the result of suicidal indications, mental illness, or medical complications. Another consideration is that someone displaying these outward symptoms may be a result of being under the influence of alcohol or drugs. For the purposes of this policy, "Persons of Diminished Capacity" do not fall into the category related to being under the influence of alcohol or drugs.
- B. **Mental Illness:** This policy does not require deputies to make a diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have but rather to use reasonable judgment to recognize behavior, which is outside the norm in which a person poses a danger to themselves or others.
- C. **Professional Resources:** Sources that are available to Sheriff's Office personnel such as mental health professionals, emergency medical facilities, and detoxification centers.
- D. **Voluntary and Involuntary Commitments:** Provisions within the State in which the Sheriff's Office can use for the civil commitment of persons requiring professional mental health intervention.

III. General Information

- A. Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field deputies with different and often complex issues. These types of persons, whether from suicidal

potentials, medical complications, or mental illness, present field deputies with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable, and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the deputy would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field deputies confronting these special needs persons to resolve the encounter in the safest manner. It is the deputy's task to bring these types of persons to professional resources, when necessary. It is not the mission of the field deputy to diagnose the root cause for the person's behavior. Every deputy can expect to encounter these types of special needs persons while performing their official duties.

- B. It is the policy of the Pennington County Sheriff's Office to evaluate the necessity for and method of prosecution when dealing with a person of diminished capacity. Deputies will evaluate felony and/or other crimes committed upon non-agency personnel to determine whether a physical arrest is warranted. The ultimate mission of the agency is to encourage professional resource intervention for the person of diminished capacity. Physical arrest should be considered a last resort.

IV. Procedural Guidelines

- A. **Field Control Tactics:** The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication, and Time.
 - 1. Containment: Before any reasonable control and defusing techniques can be used, the subject must be contained:
 - a. Should a deputy find him/herself in a situation with a person of diminished capacity, and they are a single unit, the deputy shall request back-up and if possible, notify back-up of the type of subject they are dealing with.
 - b. Responding deputies should avoid the use of emergency lights and siren when entering into an area in close proximity to this type of call for service. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.
 - c. The deputies shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Deputies should continuously evaluate this comfort zone and not compress it, unless necessary.
 - d. It is important for deputies to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.

- e. Effective containment reduces the elements of agitation, such as large groupings of persons/officers/deputies, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
 - f. Deputies should move slowly if possible.
 - g. Deputies should utilize all available tactics to de-escalate the situation where possible. However, if a deputy is faced with a dynamic and violent situation, which poses a threat to the deputy or other persons present, then deputies should utilize their law enforcement control tactics outlined under the "Use of Force" policy to gain control.
2. Coordination: This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:
- a. If there are multiple deputies on scene, one deputy shall be designated or assume the position of being the lead deputy. This may not be the most senior person on the scene.
 - b. A perimeter shall be determined to ensure that outside persons and/or family members do not become involved.
 - c. Deputies shall limit observable indications of force in circumstances it is deemed safe to do so.
 - d. When possible, a deputy should be designated to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, dispatch, neighbors and/or family. This information can become important in determining the further tactical approaches to the subject and the most appropriate form of referral.
 - e. The lead deputy is responsible for determining what resources should be requested including additional sheriff personnel, specialized weapons, and professional resources and staged medical personnel.
 - f. If there is a need to utilize a command post and staging area, it should be out of sight of the location of the subject encounter.
3. Communication with the person of diminished capacity should be planned and controlled:
- a. One deputy shall be designated to communicate with the subject and other deputies shall refrain from becoming involved in giving directions.
 - b. Verbal communication should be non-threatening. A deputy should begin the contact by introducing themselves and asking a short series of closed-ended questions to evaluate the subject's mental state. Questions such as; "what is your name", "where are you", "do you know what day of the

week this is,” may provide the deputy with valuable information concerning the subject’s mental state. After the initial assessment, the deputy should try and use open-ended questions designed to facilitate the subject’s participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated to communicate with the subject and determine whether that might be beneficial.

- c. Sharp, authoritative commands should be avoided. Deputies should use calming communicative attempts.
 - d. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that you are there to help them. Be truthful with the subject.
 - e. Deputies must constantly analyze what effect, if any, their efforts are having on the subject. It is essential to identify areas that appear to agitate the subject and that should be avoided.
 - f. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.
4. Time is the concept of elongating the encounter, rather than hastening it:
- a. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
 - b. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
 - c. Creating time also allows the field units to be supported by the deployment of additional sheriff personnel, specialized equipment and medical support personnel.
 - d. Time encourages the ability to communicate and create a relationship between the subject and the deputy communicating with the subject.

B. Commitment Procedures: The primary purpose for law enforcement response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources.

- 1. In determining the most appropriate form of professional resource and referral, deputies should consider the facts presented along with information provided by professional resources persons and family members.
- 2. It is important for the deputies on the scene to determine what, if any, on-going threat potential the subject poses to him or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure rather than simply hand off the subject to the family for a voluntary commitment.

3. A deputy who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained, shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility and provide written documentation or a verbal account of the facts to staff at the facility as to the behavior of the subject that led to the deputy taking custody. (A peace officer may apprehend any person that he has probable cause to believe requires emergency intervention under the criteria in § 27A-10-1.) (The peace officer shall transport the person to an appropriate regional facility, as defined in § 27A-1-1)
4. Deputies shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending. (§ 27A-10-6. A jail may not be used for prehearing custody until the availability of other appropriate regional facilities has been explored and exhausted. No person may remain in a jail for longer than twenty-four hours on a mental illness hold alone.)
5. Deputies are required to prepare or assist in the preparation of all required reports. (§ 27A-10-4. Completion of petition after apprehension. After a law enforcement officer or other designee transports an apprehended person to an appropriate regional facility pursuant to § 27A-10-3, the law enforcement officer, a physician, or other person with personal knowledge of the relevant facts shall complete a petition as provided in § 27A-10-1.)
6. If a deputy completes an involuntary mental hold, they shall contact the Pennington County State's Attorney's Office to provide notice of the hold prior to the completion of their assigned shift.

C. Use of Restraints when Dealing with persons of Diminished Capacities

These types of persons may present deputies with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting deputies. In some cases, an ambulance may be required.

513-25: Response to Opioid Overdose

Chapter: Patrol Operations
Order No: LE 2021-06
Effective: 11-2-2021
Revised: 11-3-2021
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

IX. Policy

- A. This policy establishes guidelines and regulations governing the utilization of the opioid antagonist Naloxone Hydrochloride (Naloxone) by trained personnel with the Pennington County Sheriff's Office (PCSO). The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses or when symptoms are identified due to an absorption or inhalation accident by Pennington County Sheriff's Office personnel.

X. Definitions

- A. N/A

XI. General Information

- A. It is the policy of PCSO that members of this agency are required to be trained in the use of Naloxone. A member of this agency who is trained under this policy and who acts under a standing order issued by a physician licensed pursuant to SDCL Chapter 36-4 may possess and administer Naloxone to a person exhibiting symptoms of an opiate overdose.

XII. Procedural Guidelines

- A. Activate response of EMS through dispatch and make scene safe.
- B. Assess the victim – administration of NARCAN Nasal Spray to a person suspected of an opioid overdose with respiratory depression or unresponsiveness as follows:
 - 1. Conscious or easily rouse – if yes, do not give Naloxone.
 - 2. Not conscious, abnormal breathing with pulse – if yes, give one dose of Naloxone in a nostril.
 - 3. Not conscious, abnormal breathing with NO pulse – if yes, administer one dose of Naloxone in a nostril.

- C. Monitor Victim
 - 1. Breathing improves within one minute – if yes, place in recovery position and reassess frequently.
 - 2. Breathing does not improve within 2-3 minutes – if yes, administer another dose of Naloxone in the other nostril.
 - 3. Breathing does not improve within 2-3 minutes – if yes, additional doses are authorized until the person responds or emergency medical help is received.
- D. Infants and children
 - 1. Children or adolescents five years or older should receive the same dose as adults.
 - 2. Infants and children less than five years or less than or equal to 40 pounds, the employee should consult EMS.
- E. Upon arrival of EMS/ambulance, give responding emergency services personnel a full report of victim assessment, use of Naloxone, and victim's response to the use of Naloxone.

XIII. Training

- A. All participating PCSO personnel will receive training that shall include:
 - 1. The signs and symptoms of an opioid overdose;
 - 2. The protocols and procedures for administration of an opioid antagonist;
 - 3. The signs and symptoms of an adverse reaction to an opioid antagonist;
 - 4. The protocols and procedures to stabilize the patient if an adverse response occurs;
 - 5. Opioid antagonist duration;
 - 6. The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim;
 - 7. The procedures for storage, transport, and security of the opioid antagonist; and
 - 8. The method of opioid antagonist administration being taught.
- B. All participants shall be trained every three years on Naloxone administration.
- C. The PCSO Naloxone training curriculum will be approved by a qualified physician before personnel receive training.
- D. PCSO personnel that have successfully completed a Naloxone training will have the authority to possess and administer Naloxone on a person exhibiting symptoms of an opiate overdose. The PCSO Training Section will maintain training/administrative records for all personnel and update these records as training events occur.

XIV. Documentation

- A. Following a Naloxone administration, PCSO personnel must submit a written report in the records management system that includes the following information:
 - 1. Initial encounter with the patient;
 - 2. A summary that will include the line “Naloxone Administered”;
 - 3. Patient presentation;
 - 4. Route (intranasal);
 - 5. Number of doses that were administered; and
 - 6. The patient’s response to the Naloxone administration(s).

XV. Maintenance / Replacement

- A. Naloxone kits shall be carried and/or kept in a manner consistent with proper storage guidelines for temperature and sunlight exposure. Naloxone will be stored in the patrol rifle go bag, to remain consistent with guidelines for temperature and sunlight exposure.
- B. Naloxone must be stored in a temperature-controlled area within the range of 59°F to 77°F. It may be stored for short periods between 39°F and 104°F.
- C. A routine inspection of the Naloxone kit shall be the responsibility of the personnel assigned the equipment to ensure that the kit is in good condition and not expired.
- D. Used, lost, damaged, or expired Naloxone kits shall be reported through the chain of command for replacement.
- E. Expired Naloxone will be properly disposed of according to agency standards and/or FDA policy.

Appendix A

NARCAN NASAL SPRAY 4mg

Physician/Medical Director Standing Order

NARCAN Nasal Spray 4mg (naloxone hydrochloride) is indicated for the reversal of opioid overdose induced by natural or synthetic opioids and exhibited by respiratory depression or unresponsiveness. NARCAN is delivered by intranasal administration as indicated:

This standing order authorizes a first responder who has completed the Pennington County Sheriff's Office Opioid Antagonist Naloxone Hydrochloride Training Program to obtain, possess and administer NARCAN Nasal Spray 4mg. Trained staff of the Pennington County Sheriff's Office may possess and administer NARCAN Nasal Spray 4mg to a person who is exhibiting the symptoms of an opioid-related overdose.

Trained staff is to administer NARCAN Nasal Spray 4mg as follows:

- *Important: For use in nose only.*
- Use NARCAN Nasal Spray for the known or suspected opioid overdose in adults and children.
- Do not remove NARCAN Nasal Spray until ready to use.
- Each NARCAN Nasal Spray has 1 dose and cannot be reused.
- Do not prime NARCAN Nasal Spray

How to use NARCAN Nasal Spray 4mg:

Step 1. Lay the person on their back to receive the dose of NARCAN Nasal Spray.

Step 2. Remove NARCAN Nasal Spray from the box. Peel back the tab with the circle to open the NARCAN Nasal Spray.

Step 3. Hold the NARCAN Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.

Step 4. Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into one nostril until your fingers on either side of the nozzle are against the bottom of the person's nose.

Step 5. Press the plunger firmly to give the dose of NARCAN Nasal Spray.

Step 6. Remove the NARCAN Nasal Spray from the nostril after giving the dose.

Step 7. Get emergency help right away. Move the person on their side (recovery position) after giving NARCAN Nasal Spray. Watch the person closely. If the person does not respond by waking up to voice or touch or by breathing normally, another dose may be given. NARCAN Nasal Spray may be dosed every 2 to 3 minutes, if available. Repeat Steps 2 through 6 using a new NARCAN Nasal Spray to give another dose in the other nostril. If additional NARCAN Nasal Sprays are available, Steps 2 through 6 may be repeated every 2 to 3 minutes until the person responds or emergency medical help is received.

Step 8. Put the NARCAN Nasal Spray back into its box.

Step 9. Dispose of the used NARCAN Nasal Spray in a place away from children.

This Standing Order expires three years after the date it is issued.

QTY:

SIG:

DATE:

10/22/21

Dr. Signature:



514-01: Trip East-NW Shuttle Extraditions

Chapter: Prison Transportation
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. To establish uniform procedures that provide adequate safety and security of prisoners, deputies, transporting officers, and the public during prisoner transport.

II. Definitions

- A. **Adult Offender:** Is an individual in the custody of the Pennington County Sheriff's Office who is over the age of 18 or any juvenile who has been transferred by the juvenile system to the adult system.
- B. **Contraband:** Articles or substances prohibited from the possession of prisoners.
- C. **Handicapped Prisoner:** A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.
- D. **Juvenile:** Any youth committed in juvenile court to the Department of Corrections juvenile division or a youth under the age of 18 years old.
- E. **Prisoner:** A person who has been arrested and taken into custody.
- F. **Proper Search:** The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia, and implements, which may facilitate an escape from custody or confinement.
- G. **Restraining Devices:** Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.
- H. **Security Hazard:** Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact.
- I. **Transporting Officer:** An agency employee who is responsible for transporting a prisoner from one point to another.

III. General Information

- A. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to either the jail or Juvenile Services Center for booking, processing, and short-term holding. The second concerns the movement of prisoners from the holding facility to a hospital or other medical facility; to court; to attend a funeral or visit a seriously ill relative. Regardless of the reason for the transportation of prisoners, potential hazards are always present.
- B. Once a prisoner is being prepared for transport, there will be no communication by them with anyone other than law enforcement personnel. Any person desiring to communicate with an arrestee will be instructed to contact the prisoner after they reach their destination.
- C. Whenever a transport officer takes custody of a prisoner, either in the field or for the purposes of transportation, the transporting officer shall prior to transport:
 - 1. With few exceptions, all prisoners shall be handcuffed.
 - 2. Transportation officers shall only use those restraining devices for which they have been trained.
 - 3. Handcuff as appropriate, double lock and check for proper application.
 - 4. Search the prisoner seizing any contraband or potential weapons.

IV. Procedural Guidelines

- A. Prior to and again following the transportation of any prisoner, the transporting officer will conduct a search of the transport vehicle's passenger compartment to ensure no contraband or similar items have been introduced.
- B. When a prisoner is to be transported from the jail to another facility, transport officers will ensure that the correctly identified arrestee is transported. The prisoner to be transported will be positively identified by using a picture or positively answering security questions such as, social security number, date of birth, etc.
- C. When a transporting officer takes custody of a prisoner from another, the receiving officer shall search the prisoner.
- D. All prisoners shall be in full restraints. This includes handcuffs, belly chains and leg irons unless there are extenuating circumstances. Such circumstances include consideration of the arrestee's age, physical disabilities or other mitigating circumstances.
 - 1. No exception to the handcuffing requirement may be made unless approved by the transport supervisor
 - 2. All deputies shall ensure that when an individual is handcuffed that the handcuffs are double locked.

3. In no case shall a prisoner be secured to any portion of any vehicle.

E. Observation of Prisoners during Transport

1. Transportation officers shall maintain continuous sight of prisoners being transported.
2. Anytime juveniles and adult offenders are transported jointly in the same vehicle, juveniles should be kept separated from adult offenders.
 - a. The transportation staff will communicate to both juvenile and adult prisoners prior to departure of the contact restrictions between juvenile and adult prisoners.
 - b. Juveniles will be placed in separate seats from adults and empty seats should remain open to separate juveniles from adult prisoners.
 - c. Special attention should be given during the loading and unloading of juveniles and adults to ensure no contact, communication or interaction occurs between the juveniles and adult prisoners.
3. Anytime juveniles are jointly transported with adults, they shall remain in constant supervision by the transporting officers.
4. Transportation officers will take appropriate actions necessary to prevent verbal or physical interaction or any form of juveniles by adult prisoners.
5. Physical separation among juvenile and adult prisoners will be maintained at all times during stops that may require exiting of the vehicle.
6. Any identified verbal or physical interaction or acts of intimidation will be documented by deputies by completing the Joint Transportation Incident Report.
 - a. The completed Joint Transportation Incident Report will be electronically forwarded to the Director of Juvenile Services and the Sheriff by the following day.
 - b. The Sheriff's Office will respond to the report by initiating any corrective actions required.

F. Prisoner Escape:

1. If during the course of a prisoner transport, the prisoner should escape from custody, the officer will immediately notify the local law enforcement communication center of the following:
 - a. Location and last known direction of flight
 - b. Description of prisoner.
 - c. Charges.

d. Request additional units.

2. In every case a complete and detailed report outlining the details of the escape, as well as any follow-up taken or required, shall be prepared by the transporting officer

G. **Transport Officers Actions at Destination:** When a transport officer transports a prisoner to another facility where a change of custody will occur, that officer will at a minimum:

1. Secure their firearm in an appropriate container at the facility prior to handling the prisoner, or entering the facility.
2. Unless otherwise directed by facility personnel, remove restraining devices prior to the prisoner being placed in any holding cell.
3. Provide facility personnel a copy of all documents necessary for their custody of an arrestee.
4. Complete all forms required by the custodial facility.
5. If, in the opinion of the transporting officer, or if the transporting officer is advised by other officers, of a significant security risk or a medical hazard exists concerning a prisoner, that officer shall inform the appropriate custodial officer or any other concerned official of the nature of the risk.

522-02: Traffic Law Enforcement Actions

Chapter: Traffic Enforcement
Order No: LE 12-06
Effective: 08-01-2000
Revised: 12-21-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The enforcement of traffic laws/ordinances is a basic responsibility of the Sheriff's Office. A deputy sheriff's role is to observe, detect and prevent and take appropriate action when violations are observed.

II. Definitions

- A. N/A

III. General Information

- A. **Uniform Procedures for Traffic Law Enforcement Actions:** Supporting Documentation: SDCL 32-23-1, 32-33-1, 32.33.2
- B. **Roadside Checkpoints:** Supporting Documentation: SDCL 32-33-10 through 32-33-14.

IV. Procedural Guidelines

- A. **Uniform Procedures for Traffic Law Enforcement Actions:**
 - 1. Deputies should take appropriate enforcement action for violations of the law witnessed by them.
 - 2. Deputies are to use individual discretion, based upon professional judgment, as to what form of enforcement action is to be taken.
 - 3. The primary objective of traffic enforcement is to achieve voluntary compliance with the law by all motorists and pedestrians.
 - 4. In considering what enforcement actions should be taken against any violator, the deputy must consider the totality of the circumstances. These circumstances include, but are not limited to:
 - a. The severity of the violation
 - b. The state of mind and intent of the motorist
 - c. The conditions in the area (i.e.: weather, traffic volume, road surface)

- d. Whether an accident resulted
 - e. The threat the violator poses to the public
 - f. The prior record of violations or warnings
 - g. Whether the violation merits court action
 - h. Whether the violation resulted from a recently enacted and possibly unfamiliar law
 - i. The credibility of mitigating circumstances offered by the violator
5. A physical arrest will normally be made when the offender has committed the following:
 - a. A violation of SDCL 32-24-1 Reckless Driving
 - b. A violation of SDCL 32-23-1. DUI
 - c. When the violator refuses to accept and or the citation, or when the officer has a strong and articulated belief that the violator's identity is in doubt.
 6. Citations and/or warnings may be issued for any motor vehicle violation, except as provided above, and the motorist shall be advised whether or not they must appear in court.
 7. Warnings may be issued for any motor vehicle violation when circumstances warrant. In making the decision between enforcement action and a warning, the deputy must consider the factors listed above.
 8. Enforcement action does not provide the employee a privilege to scold, belittle, berate or otherwise verbally abuse a traffic violator. The deputy's action should demonstrate a courteous professional attitude and serve to improve the relationship between the motoring public and law enforcement personnel.
- B. Uniform Traffic Law Enforcement Policies:** The intent of this standard is to provide guidelines for consistent traffic law enforcement actions under routine conditions.
1. A citation or warning may be issued for a violation of SDCL 32-25 Speeding.
 - a. At the deputies discretion, a citation or warning may be issued, based upon consideration of the totality of circumstances or when otherwise directed.
 2. Enforcement of equipment violations, covered under SDCL 32-15-all, 32-17-all, 32-18-all and 32.19-all of the Motor Vehicle Law may be taken as follows:
 - a. A warning is normally appropriate for non-hazardous and minor equipment violations.

- b. If a warning for the same violation was issued more than 72 hours prior, a citation may then be appropriate.
 - c. When a vehicle is found to be in violation of several equipment requirements, a citation may be issued for the most serious and a warning given on the remainder.
 - 3. Enforcement action on the owner or operator of a public carrier/commercial vehicle, when that vehicle is in violation of the motor vehicle laws, shall be consistent with the requirements for hazardous and non-hazardous violations.
 - 4. Violations of other non-hazardous laws will be cited or warned taking into consideration all the circumstances listed in Section A.
 - 5. Multiple Violations:
 - a. A combination of hazardous and non-hazardous violations should generally result in a citation for the most serious violation and warnings for the remainder.
 - b. Enforcement action will normally be taken for hazardous violations. In the case of multiple hazardous violations, one or two citations for the most serious violations should be issued with warnings given for the remaining violations.
 - 6. The policy of the Pennington County Sheriff's Office is to issue warnings for violations of newly enacted laws and regulations for a reasonable period of time so as to ensure that the public has an opportunity to learn about or adjust to the change.
- C. **Traffic Enforcement Practices:** Under normal circumstances, marked patrol cars shall be used for patrol purposes. Specific circumstances may warrant the use of unmarked/unconventional vehicles and concealed observation. These unmarked units shall be equipped with emergency lights and siren. The Patrol Captain must approve use of these vehicles for traffic enforcement assignments.
 - 1. Overt enforcement tactics:
 - a. Visible traffic patrol is appropriate in the following circumstances:
 - 1) Patrol of areas where analysis indicates motor vehicle violations, and accidents most frequently occur.
 - 2) Patrol high traffic volume areas.
 - 3) Patrol of areas where pedestrians frequent, bus stops, school crossings, etc.
 - 4) Patrol of areas where dangerous traffic patterns exist.
 - 5) Patrol of areas that receive citizen complaints.

- b. Visible traffic patrol can be conducted in the course of the deputy's normal tour of duty in a given patrol area, or it can be a directed patrol as their main responsibility.
- c. Directed visible patrol can be in a general area or it can be on a specific route between two points where the deputy can be moving or remain stationary.

2. Covert enforcement tactics:

- a. Unmarked cars are the most appropriate for covert patrol.
 - 1) The deputy remains less visible to the violator.
 - 2) The intent is to take practical enforcement actions, or when visible patrol has not had the desired impact.
- b. Caution must be taken when using unmarked cars for this purpose.
 - 1) Stationary observation shall be conducted at a location that allows the deputy to safely position the vehicle.
 - 2) Violators may not immediately identify the unmarked as a law enforcement vehicle when the stop is attempted and may question the deputy's authenticity. Deputies should be in uniform. In every case, deputies will carry official agency identification.
 - 3) After the stop is made, other motorists may not recognize the unmarked car as an emergency vehicle, even with emergency lights activated. Deputies should attempt to get as far off the roadway as possible.

D. **Roadside Checkpoints:** Roadside checkpoints are a law enforcement function where motorists are temporarily stopped to determine if the driver, occupants, or vehicle are in violation of criminal statutes. Stopping is based on a prepared plan, but without specific probable cause or reasonable suspicion.

- 1. Roadside checkpoints are permitted only as part of an organized systematic plan.
 - a. They must include an analysis of the problem the checkpoint will address.
 - b. The plan must specify the location of the checkpoint.
 - 1) The location must correlate to the identified problem.
 - 2) The location must consider the safety of stopping vehicles on or near the roadway, and provide appropriate notification and equipment as specified in SDCL 32-33-12:

- a) The temporary roadblock must be established at a point on the highway clearly visible at a distance of not less than one hundred yards, in either direction.
 - b) At a distance of not less than one hundred yards from the point of the temporary roadblock, at least one flashing amber light shall be placed at the side of the roadway so as to be clearly visible to oncoming traffic
 - c) The plan must limit the time of the stop and intrusion into the vehicle to whatever is necessary to accomplish the goal.
 - d) The checkpoint must utilize uniformed deputies and marked vehicles.
 - e) The Sheriff must approve all checkpoints.
2. Roadside checkpoints must be designed to discourage discretion and discrimination in the stopping of vehicles.
- a. All vehicles may be stopped if conditions warrant.
 - b. If not all vehicles are stopped, stopping must be based on a specified system to assure randomness.
 - c. If reasonable suspicion or probable cause is developed, a vehicle may be stopped out of the prearranged sequence.
3. The supervising deputy is responsible for appropriate evaluation and documentation of all checkpoints.

522-03: Traffic Stops

Chapter: Traffic Enforcement
Order No: LE 12-06
Effective: 08-01-2000
Revised: 11-21-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The objective of the Pennington County Sheriff's Office is to provide maximum safety for the deputy, violator and other users of the roadway when stopping and approaching a traffic violator.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Stopping and Approaching a Traffic Violator:

1. Notification should be made to the Emergency Services Communications Center when the deputy is positioned behind the violator to begin the stopping procedure. The deputy shall identify themselves by call sign and nature of the stop. After acknowledgment by dispatch, the deputy shall give the license plate number the location of the stop. The deputy may provide other information such as number of people in the vehicle should they feel it's relevant.
 - a. In the event the primary channel is in use and exigent circumstances exist requiring immediate law enforcement action, the above procedures shall be followed by using the backup channel (PCSO-2) or calling "break for emergency traffic" on the primary channel.
2. The deputy should be familiar with the area, and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space and appropriate lighting. Every effort should be made to avoid stops on hills, curves, intersections, private driveways, and business locations which have limited parking.
3. The deputy should signal the violator to stop. This signal should be done by activation of emergency signaling equipment. (Red/Blue lights and siren) These signals alert other drivers of the intent of the deputy, and will usually facilitate

securing the right of way for the stopping maneuver. Deputies should position their patrol cars offset to the left of the rear of the violator's vehicle. This technique will give the deputy a safety zone in which to operate.

4. Deputies should turn off the red and blue lights after successfully stopping and pulling the violator to the side of the roadway. The deputy will then turn on the flashing amber lights indicating caution to other drivers. The Deputy should wait for acknowledgment by dispatch prior to making contact with the driver.
 5. Per state law, the violator should yield to the right side of the roadway close to the curb, or on the shoulder if roadway design permits. However, if the driver stops on the left side of the roadway, the deputy will use their discretion on whether or not to move the violator.
 6. The deputy shall exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
 7. The deputy will approach from the rear of the violator's vehicle. The deputy should stop at a position which gives them the best tactical position available. Where the deputy stops during the approach will depend on the type of vehicle, and number of occupants in the vehicle. The deputy may also approach from the right side of the violator's vehicle if necessary.
 - a. From this position, the deputy can communicate with the violator, at the same time keeping the occupants of the vehicle in view.
 8. Deputies should be familiar with conducting felony stops. Felony traffic stops will be conducted, but not limited to the following situations:
 - a. Vehicle pursuits
 - b. Stopping a vehicle involved in a violent crime
 - c. Stopping a known or suspected felon
 - d. When a deputy has information that suspect(s) in the vehicle are armed with a dangerous weapon.
- B. Conduct with Traffic Violators:** Once a deputy has stopped a violator and is about to communicate with them, deputy/violator relations are paramount.
1. The deputy should, to the best of their ability:
 - a. Project a professional image:
 - 1) Dress
 - 2) Grooming
 - 3) Language

- 4) Bearing
- 5) Emotional stability
- b. Be certain of the alleged violations;
- c. Be prepared- having necessary equipment and forms available;
- d. Greet violator with appropriate title in a courteous manner;
- e. Request the driver's license, vehicle registration, and/or other identification;
- f. Discuss the violation and required actions;
- g. Complete required forms correctly;
- h. Check for signs of physical impairment, emotional distress, and alcohol or drug abuse;
- i. Assist the violator to reenter the traffic flow safely.

C. Information Provided to Traffic Violators: At the time a motorist is charged with a violation, the deputy shall provide information relative to the specific charge, to include:

- 1. Court appearance schedule;
- 2. Whether court appearance by the motorist is mandatory;
- 3. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail.

522-04: Special Traffic Violations

Chapter: Traffic Enforcement
Order No: LE 12-06
Effective: 08-01-2000
Revised: 11-21-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. Deputies shall, when appropriate, understand and utilize the correct procedures in the enforcement of special traffic violations.

II. Definitions

- A. N/A

III. General Information

- A. **Special Traffic Violation Processing:** Supporting Documentation: SDCL 32-12-12, 32-12-23, 32-12-28, 32-12-45.1, 32-12-56.1
- B. **Handling of Suspensions/Revocations:** Supporting Documentation: SDCL 32-12-65
- C. **Referral of Drivers for Re-Examination:** Supporting Documentation: SDCL 32-12-46
- D. **Off-Road Vehicle Enforcement:** Supporting Documentation: SDCL 32-20-12

IV. Procedural Guidelines

A. Special Traffic Violation Processing:

1. Specific procedures shall be followed when a motor vehicle violation has been committed by the following individuals.
 - a. Juveniles are treated as adults for the purpose of taking enforcement action on a violation of any misdemeanor traffic offense included in Chapter 32 of the South Dakota Codified Laws. However, with the exception of Felony DUI, the following procedures should be utilized for juveniles cited or arrested for felony traffic offenses included in Chapter 32 of the South Dakota Codified Laws.
 - 1) Such offenders will be handled as a juvenile delinquent offender.

- 2) In the event of multiple offenses being charged, with at least one being of the felony classification, that specific offense and all associated offenses will be directed to the juvenile court.
 - 3) As with citations issued for other juvenile offenses, the deputy should include the juvenile's school they attend, their parents' or guardian's name and address either on the citation or include such information in a traffic arrest report.
 - 4) No court date is issued for any offense(s) being referred to juvenile court. In those cases the term "To Be Set" should be written on the court date block.
 - 5) Should incarceration or the posting of a cash bond be necessary, those procedures should take place at the Pennington County Juvenile Services Center.
- b. Military personnel while on active duty status will be treated as follows:
 - 1) When responding to an alert or other emergency, a violator should not be detained for an unreasonable period.
 - 2) If an emergency does not exist, the violator should be treated as any other violator.
 - c. Persons with legislative or diplomatic immunity cannot be arrested except for felonies. If a deputy stops such a person for a traffic violation, they should identify the person, release them, and then follow-up at a later date with a charge, when appropriate.
2. When a deputy decides to charge a violator that resides in or holds a license from a state that is a member of the compact, they may issue a citation and may not require the posting of bond unless:
 - a. The issuance of a citation in lieu of bond is prohibited by law.
 - b. Conviction of the offense will result in suspension or revocation of the violator's right to operate.
 - c. The violator requests to post such bond.
- B. Handling of Suspensions/Revocations:** The Pennington County Sheriff's Office will take enforcement action against any motorist who may be operating a vehicle in violation of SDCL 32-12-65, driving while license is canceled, suspended, or revoked. Deputies taking enforcement action may consider any circumstance warranting a physical arrest of the violator, or appropriate alternatives to physical arrest when the actual status of the motorist's driving privilege cannot be determined.
- C. Referral of Drivers for Re-Examination:** In the course of a deputies related activities, they may identify certain individuals that have a physical, mental or other

condition which prevents or limits that individual from exercising adequate care and/or operation of a motor vehicle. In cases where the deputy feels it is necessary to request administrative action from the Department of Motor Vehicles, the following procedure shall apply:

- a. The deputy should prepare a letter to the Department of Commerce and Regulation using the appropriate form (Recommendation for Re-Examination). After supervisory approval, the completed form will be mailed to the Department of Commerce and Regulation in Pierre.

D. Off-Road Vehicle Enforcement: The Pennington County Sheriff's Office will enforce laws and regulations relative to the operation of off-road vehicle operation.

1. For the purpose of this directive, off-road vehicle shall be defined as the following:
 - a. Snowmobiles
 - b. Motorcycles
 - c. Mini-bikes
 - d. Automobiles
 - e. Trucks and Pickups
 - f. All-terrain vehicles
 - g. Any motorized vehicle driven off the paved roadway
2. Deputies are encouraged to use sound discretion when dealing with juveniles and/or the removal of unlicensed vehicles from private property. The towing of off-road vehicles from private property must be accomplished with the approval and knowledge of the property owner if practical.

522-05: Speed Measuring

Chapter: Traffic Enforcement
Order No: LE 12-06
Effective: 08-01-2000
Revised: 11-21-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office establishes procedures and requirements relating to the use, proper testing, calibration, care, upkeep and program maintenance of office owned traffic radar/lidar units.

II. Definitions

- A. N/A

III. General Information

- A. Only those radar/lidar units approved and capable of being maintained by certified factory maintenance facilities will be purchased for office use.

IV. Procedural Guidelines

- A. **Speed Measuring Devices:** All deputies must be certified by an office certified instructor. After initial certification, deputies should be re-certified every three years.
 - 1. Deputies operating traffic radar or lidar units shall operate those units in accordance with recognized practices designed to ensure the safe operation of the devices.
 - a. Radar equipment shall not be operated with cover panel or protective shields removed.
 - b. Radar antenna shall be forward and/or rear mounted in marked patrol vehicles.
 - c. Hand held Radar/Lidar units shall not be operated with the antenna pointed directly at the deputy.
- B. **Speed Measuring Operation:** Deputies operating Radar/Lidar shall park their patrol vehicle in a manner which does not create a danger to the public.
 - 1. If parking is restricted on the street on which radar is being operated, deputies shall park on an intersecting street if the patrol vehicle can be clearly observed by motorists from both directions on the street on which radar is being operated.

2. Unless specifically directed, deputies should not park in concealed areas where their presence is not conspicuous, i.e., private driveways, parking lots, or behind objects that would shield their patrol vehicle, unless at the specific direction of their supervisor.

522-06: Driving While Intoxicated Enforcement Policy

Chapter: Traffic Enforcement

Order No:

Effective: 08-01-2000

Revised: 10-05-2015

Approved by: Sheriff Kevin Thom

Reference: CALEA Standards 1.2.3, 1.2.7, 44.2.2, 44.2.3, 61.1.5, 61.1.10, 61.1.11, 61.2.2, 83.3.2

SDCL 32-23-10

Classification: Public

I. Policy

- A. To establish guidelines for the enforcement of impaired driving in an effort to reduce the number of intoxicated drivers on the road and increase public awareness.

II. Definitions

- A. **Drug:** Any substance which, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- B. **Alcoholic Beverage:** Any distilled spirits, wine and malt beverage.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Driving While Intoxicated Enforcement Program:** Each deputy shall be trained in the detection of intoxicated drivers.
 - 1. Deputies shall be specifically trained in standardized field sobriety testing procedures.
 - 2. Portable testing instruments (PBT) will be provided for use by patrol deputies.
 - a. Maintenance of PBTs will be scheduled and completed on regular basis by an assigned deputy.
 - 3. Public education regarding DUI enforcement is encouraged and shall be accomplished through media release and public appearances by assigned personnel.
- B. **Driving Under the Influence Arrestee Handling:**
 - 1. Upon stopping a motorist suspected of driving under the influence, the deputy will attempt to have the operator perform standardized field sobriety testing in order to form an opinion about the driver's level of impairment due to alcohol or

drugs. There may be instances where certain or all standardized field sobriety tests cannot be administered due to the operator's intoxication level, physical restrictions, or lack of cooperation.

2. Deputies will use standard Field Sobriety Testing methods.
 - a. The use of a Portable Breath Test (PBT) is authorized to detect the presence of alcohol.
 - b. If the deputy feels there is probable cause to believe an arrest should be made, the subject should be placed under arrest.
 - c. The deputy will then request the driver to voluntarily submit to a blood draw. If the driver refuses, a search warrant will be obtained.
 - d. The deputy shall arrange for qualified personnel to collect blood or other bodily fluids.
3. In cases where the operator of a vehicle is arrested for driving under the influence, and the deputy believes the suspect is under the influence of any drug, or combination of drugs and alcohol, the deputy may request additional testing to be completed by a Drug Recognition Expert (DRE).
 - a. The arresting deputy shall determine impairment, placing the subject under arrest, and, having read the Miranda Warning prior to inquiring the availability of a DRE for further assessment.
4. If a motorist is arrested for driving under the influence they shall be transported in a safe manner and handcuffed as provided for in Policy 514-01.
5. The deputy may release the motorist's vehicle to a sober, responsible party with the permission of the arrestee.
 - a. Prior to releasing the vehicle to another driver, the deputy will verify that the driver has a valid driver's license and no warrants for their arrest.
 - b. If no responsible person is available, the deputy may have the vehicle towed. The vehicle should be disposed of consistent with Policy 525-02, Towing of Vehicles.
 - c. Under no circumstances will intoxicated individuals be allowed control of the vehicle.
 - d. Deputies shall make appropriate arrangements to ensure the safety of all passengers within the vehicle at the time of the stop.

C. Blood Draw and Miranda Rights:

1. An arrestee does not have the right to consult with their parents (in the case of a juvenile) or their attorney before making a decision regarding a blood draw. Deputies may use their discretion in allowing such contact, but no unreasonable

delay can be permitted. An arrestee who will not voluntarily submit to a blood test can be subjected to a forced blood draw only after a search warrant has been granted. The blood draw will be performed by qualified medical personnel.

- a. If a forced blood draw is performed it will be video recorded.
2. When an accident results in death or serious bodily injury to any person, all drivers and deceased vehicle occupants or pedestrians should be tested for blood alcohol content.
3. Inform the arrested person of their Miranda Rights from the official form. The Miranda Rights need not be given at the time consent for a blood draw is solicited.
4. Deputies need only inform the defendant of their Miranda Rights if;
 - a. The deputy plans on questioning the defendant on items concerning the offense, such as those questions on the DUI field notes form.
 - b. Miranda Warning should be read prior to inquiring the availability of a DRE for further assessment.
 - c. If the offender is a juvenile, parent/guardian consent guidelines should be followed when Miranda is advised.
5. The release of the arrestee will be handled as explained in Policy 112-03, bonding procedures. Additional information relative to the handling of intoxicated persons is contained in Policy 511-02, Intoxicated Persons.

522-07: Drug Recognition Expert

Chapter: Traffic Enforcement
Order No: LE 12-06
Effective: 11-21-2012
Revised: 12-22-23
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office has adopted the Drug Recognition Expert program to aid in the detection, apprehension and prosecution of drug impaired drivers.

II. Definitions

- A. **Drug Evaluation and Classification (DEC):** The system used by Drug Recognition Experts, designed as a systematic, standardized, post-arrest procedure to determine whether a suspect is impaired by one or more categories of drugs.
- B. **NHTSA:** National Highway Traffic Safety Administration
- C. **IACP:** International Association of Chiefs of Police
- D. **DRE:** Drug Recognition Expert

III. General Information

- A. The use of Drug Recognition Experts (DREs) is an effective means of identifying and prosecuting drug-impaired individuals. Use of DREs in police work has gained acceptance and approval throughout the United States primarily due to their accuracy and effectiveness.

IV. Procedural Guidelines

- A. **Command Structure:**
 - 1. DREs will be assigned to the Patrol Division for two years following certification.
 - 2. The South Dakota Highway Patrol (SDHP) DRE coordinator will supervise training, evaluate reports and ensure maintenance of program records and standards.
- B. **DRE Certification:** Deputies seeking certification shall successfully complete the standardized training curriculum mandated by the NHTSA/IACP. This training includes:

1. Phase One: Attend and complete the IACP/NHTSA DRE pre-school or an IACP recognized equivalent. During this phase the deputy shall be able to:
 - a. Define the term “drug” as it is used in the DEC Program.
 - b. Name the seven drug categories identified in the DRE training program.
 - c. Measure vital signs, including blood pressure, pulse and body temperature.
 - d. Show familiarity with the 12-step drug recognition evaluation process.
 - e. Demonstrate proficiency in the administration of the Standardized Field Sobriety Tests, including Horizontal Gaze Nystagmus.
 - f. Show familiarity with the administration of the eye examinations, including pupil size, vertical nystagmus and lack of convergence.
2. Phase Two: Attend and complete Drug Recognition School.
 - a. This includes instruction in the techniques of the drug evaluation examination as well as in physiology, the effects of drugs and legal considerations.
 - b. In order to satisfactorily complete the classroom portion of the training and proceed to field certification, candidate DREs must complete an IACP-approved final examination with a score of not less than 80%.
 - c. Candidates scoring less than 80% on the final examination may be re-tested one time, under the supervision of a certified DRE instructor. The retest shall be completed not less than fifteen or more than thirty days following the completion of the classroom training.
3. Phase Three: The Field Certification Process. Upon completion of this phase the deputy must demonstrate the following:
 - a. The ability to conduct a complete drug evaluation in an approved sequence and appropriately document and interpret the results.
 - b. Document the findings of the evaluation and demonstrate proficiency in interviewing techniques.
 - c. Satisfactorily complete a minimum of 12 drug evaluations, during which the candidate must encounter and identify subjects under the influence of at least three of the drug categories as described in the DRE training program. All three drug categories must be supported by toxicology.
 - d. Of the evaluations required for certification, the candidate shall administer at least 6 evaluations. The candidate may observe the remaining evaluations. Certification training evaluations will be conducted in accordance with the current procedures and guidelines established in the DECP training curricula.

- e. All evaluations, administered or observed, and documented for certification purposes, shall be observed and supervised by at least one certified DRE instructor.
 - f. Satisfactorily complete an approved "Certification Knowledge Examination." The examination shall be administered and the results reviewed by at least one certified instructor. The examination shall only be administered after the candidate has completed not less than three drug evaluations.
- 4. The candidate DRE shall complete the field certification phase of training within six months following completion of the classroom training, unless the time limit is extended by the appropriate DRE Coordinator.
- 5. By the time the candidate DRE has completed field certification training, the candidate shall have prepared a resume that shall reflect the candidate's training and experience in drug recognition. The resume shall include a complete log of all evaluations in which the candidate has participated. A copy of the resume shall be forwarded to the Highway Safety Supervisor and State DRE Coordinator and placed in their personnel file. Resumes shall be updated bi-annually and submitted to the Highway Safety Supervisor and State DRE Coordinator.
- 6. DRE responsibilities include performing DRE evaluations upon the request of other deputies or, upon approval of a supervisor, evaluations for other agencies.
- 7. The DRE shall attempt a full evaluation of each individual. If a DRE evaluation is conducted and it is determined the person is not under the influence of drugs, the DRE shall still complete the Drug Recognition Evaluation form.
- 8. The DRE shall be responsible for the maintenance and care of agency owned equipment assigned to them. This includes, but is not limited to; a blood pressure cuff, stethoscope, penlight, pupilometer cards, digital thermometer and DRE manuals.
- 9. The DRE shall maintain an updated resume and rolling log. Based on national standards, DREs may be decertified for not having a current resume and rolling log available for review.
- 10. It is the responsibility of each individual DRE to maintain their certification status pursuant to IACP standards. Refer to the DRE Recertification section.
- 11. The following forms and certificates shall be maintained by the individual DRE:
 - a. Copies of all drug evaluations.
 - b. Evaluation, certification and recertification logs (rolling logs)
 - c. Curriculum Vitae

d. Certificates

12. DRE Recertification is necessary to ensure DREs and DRE instructors maintain proficiency by utilizing the standards set forth by NHTSA and certified by IACP.
13. DRE certification is valid for a two-year period from the date which is dictated by IACP's receipt of the student's completed IACP Certification Progress Log. The expiration of the DRE's certification will be noted on the IACP Certification Card issued to the DRE.
14. Every two years, each DRE shall demonstrate continued proficiency by:
 - a. Performing a minimum of four acceptable evaluations since the last date of expiration noted on their IACP DRE card.
 - 1) Evaluations must be a minimum of 80% accurate.
 - 2) At least one evaluation must be performed in front of a DRE instructor.
 - 3) Simulated evaluations may be done to meet the required number of evaluations needed.
 - b. Completing a minimum of eight hours of recertification training since the date of the DRE's most recent certification.
 - c. Submitting a photocopy of his/her current Curriculum Vitae and rolling log to the DRE State Coordinator providing recertification training, for review and forwarding to the State Coordinator and IACP.
15. Drug Recognition Selection Guidelines: Prior to consideration for selection as a DRE, the following shall be the minimum requirements to be met:
 - a. Applicant must have a minimum of two years of field experience with the Pennington County Sheriff's Office or currently be DRE certified.
 - b. Submit through the chain of command a written request volunteering for the DRE program.
 - c. Applicants must have shown an earnest desire to work as a DRE.
 - d. Applicants shall commit to serve as a DRE for a minimum of two years.
16. DRE Instructor selection guidelines and criteria should include the following:
 - a. Minimum of one-year experience as a DRE.
 - b. Desire to perform the duties of a DRE instructor.
 - c. Demonstrated ability to detect people under the influence of drugs.

- d. Strong interpersonal and communication skills.
 - e. Experience in courtroom testimony as an expert in drug influence cases.
- 17. DRE Instructor is expected to meet the training guidelines set forth by NHTSA and certified by IACP.
- 18. The DRE Instructor is required to successfully complete the classroom instruction, supervise two drug evaluations performed by candidate DREs during the field certification training and teach a minimum of two hours in the classroom portion of a DRE class.
- 19. The DRE Instructor shall provide assistance with classroom instruction, field certifications, Advanced Drug Training classes, Standardized Field Sobriety Test training classes and biennial recertification as requested.
- 20. In compliance with national standards to maintain DRE Instructor certification, a DRE Instructor must remain active and shall instruct a minimum of eight hours annually in any approved drug recognition training program.
- 21. The following forms and certificates shall be maintained by the DRE Instructor:
 - a. Copies of all drug evaluations.
 - b. Evaluation, certification and recertification logs (rolling logs).
 - c. Curriculum Vitae
 - d. Certificates
- 22. Removal / Decertification from the DRE Program: Any DRE who requests to be voluntarily removed from the DRE program prior to completing their two-year commitment should not be selected to again serve as a DRE for a minimum of three years.
- 23. If a DRE is removed involuntarily from the DRE program, they shall be issued a memorandum stating the reason(s) for their removal and decertification. A copy of the memorandum shall be placed in their personnel file. Any DRE who is involuntarily removed from the DRE program should not be selected to serve as a DRE in the future. The following shall be considered sufficient cause for a DRE to be removed and decertified from the DRE program:
 - a. Substandard performance.
 - b. Improper and inaccurate documentation of DRE evaluations.
 - c. Refusing to perform DRE evaluations.
 - d. Insufficient use of DRE skills.
 - e. Failure to successfully complete the required biennial recertification.

- f. Any inappropriate acts on the part of the DRE that brings discredit upon the Drug Evaluation and Classification Program.

C. DRE Utilization:

1. Generally, the DRE will be requested to provide a drug evaluation on a person who has been arrested for DUI or another driving or drug related offense. Most evaluations should involve post-arrest situations or ongoing investigations.
2. A DRE may perform a 12-step evaluation on individuals under the age of 18 years. An individual's parent or legal guardian must be present and have provided consensual authorization prior to performing the evaluation.
3. The Pennington County Sheriff's Office supports the use of a DRE when any of the following circumstances exist:
 - a. A suspect has a low BAC level not consistent with their field test results (under a .08 BAC)
 - b. The suspect has admitted to using medication and/or drugs in the past two hours and is under arrest or suspected of a DUI or a related drug crime.
 - c. The suspect is obviously drug-impaired (i.e., cannot perform field sobriety tests to the satisfaction of the arresting officer).
 - d. A crash involving serious or fatal injuries, where a driver exhibits no intoxication by alcohol impairment.
 - e. A traffic stop involving a drug arrest or an odor of a controlled substance on the suspect or in the vehicle (i.e., a warm pipe, recent smoking, an admission, and chemical odors).
 - f. There is reasonable suspicion that drug impairment could be a factor in any felony/fatal/critical injury or department-involved crash. A DRE may respond to the scene and evaluate the surviving driver(s). If at all possible, a DRE should respond to all fatality crashes where there is a surviving driver.
4. Requests for a DRE should be made as early as possible since the physical indicators of drug impairment diminish as time passes. The requesting or arresting officer should talk to the DRE directly. The DRE will ask specific questions about the suspect (behavior and performance on Standardized Field Sobriety Tests (SFST's), pupils, speech, drugs in the vehicles, admissions, etc.).
5. The drug evaluation process is a systematic, standardized, post-arrest process that requires adequate facilities to perform the various tasks. These required facilities include:

- a. A room sufficiently large to permit unobstructed administration of the psychophysical tests (Walk and Turn, One Leg Stand, Modified Romberg).
- b. A room that can be completely darkened for the eye examinations.
- c. Access to breath testing equipment producing immediate on the spot results.
- d. An interrogation/interview room that provides privacy and prevents distractions from the general prisoner population.
- e. A room equipped with video/audio recording equipment. DRE may use the issued recording devices if the room is not equipped with video/audio recording equipment.

6. Reporting Procedures:

- a. DREs shall submit evaluations to the SDHP DRE coordinator as soon as possible, preferably within 10 days of completing the evaluation. DREs are required to submit all evaluations into the national DRE database.
- b. The following reported information will assist in determining the effectiveness of the DRE program:
 - 1) Total number of DREs.
 - 2) Total number of DRE evaluations.
 - 3) Total number of DRE evaluations which resulted in an opinion of the suspect being under the influence of drugs.
 - 4) Total number of urine and blood samples collected by DREs.
 - 5) Total number of urine and blood samples returned from the laboratory.
 - 6) Of the blood and urine samples returned from the laboratory, and the total number of DRE opinions which were affirmed in the toxicology report.
 - 7) Number of DRE requests.
 - 8) Number of DRE requests responded to.
 - 9) Number of DRE requests unable to respond to.

7. Call Out Procedures:

- a. Requests for evaluations should be performed by on-duty DREs whenever possible.

- b. When no on-duty DRE's are available request should be forwarded through the on-duty supervisor, who will attempt to locate an on-duty DRE from another agency.
- c. If no other DRE is available the supervisor should call out a DRE for an after-hours evaluation.

523-01: Traffic Accident Investigation and Reporting

Chapter: Traffic Crash Investigation

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office accident reporting system shall be in compliance with the State of South Dakota accident reporting system, as mandated by law.

II. Definitions

- A. N/A

III. General Information

- A. **Supporting Documentation:** Instructional Manual for use with South Dakota's Motor Vehicle Traffic Accident Report.

IV. Procedural Guidelines

A. Crash Investigation and Reporting:

1. The deputy will conduct an on-scene investigation of crashes to include:
 - a. Fatal traffic crashes;
 - b. Pedestrian traffic crashes;
 - c. Traffic crashes when deputies respond to the scene of the crash and;
 - 1) Property damage where cumulative damage is in excess of amounts established by statute.
 - 2) Personal injury has been sustained;
 - 3) Any county owned vehicle is involved; (investigation should be conducted by an agency other than the Pennington County Sheriff's Office to avoid conflict of interest)
 - 4) Spillage of hazardous materials has occurred; (deputies should be aware of the possibility of the hazards involved when investigating collisions involving enclosed trucks and/or trailers or other vehicles commonly used in the transport of hazardous materials).

- 5) The crash was a result of any serious offense, including alcohol, drugs, or hit and run.
 - d. The State of South Dakota Accident Reporting Form will also be completed when the crash has occurred on public property, damage is in excess of amounts specified by statute either cumulatively or to a single vehicle and there is serious injury or death or a combination of both. Additional information obtained after the initial report has been turned in will be submitted on an addendum. A state form #2-2703-0 (Red Tag) will be affixed to all motor vehicles involved in a reportable accident.
2. In any serious crash involving a county vehicle, the driver is to immediately notify the on-duty supervisor. The shift supervisor shall immediately notify a lieutenant or captain.
 - a. A case report will be written on all crashes involving county vehicles, regardless of dollar damage, injury or whether on public or private property.
 - b. A State of South Dakota Accident Report will be completed on crashes involving county vehicles in conjunction with reporting requirements of South Dakota State law.
3. When fatal, serious injury or vehicle battery crashes occur, the initial deputy arriving at the scene will:
 - a. Administer appropriate life saving measures for injured parties.
 - b. Secure and preserve the accident scene until the arrival of the accident investigation team.
 - c. Assist the investigators until relieved by the shift supervisor.
4. Alcohol and/or drug related crashes: Investigating deputies are to be aware of the possibility of alcohol and/or drugs being contributing factors in traffic accidents and conduct their investigations accordingly.
 - a. Make notifications of Fatal Alcohol Construction Team (FACT) or Critical Accident Reconstruction Team (CART) when appropriate through acting supervisor.
- B. **Crashes on Private Property:** All crashes, defined by state statute as reportable occurring within the county and reported to the office will, with the exception of certain private property crashes, be investigated.
 1. Deputies will respond to private property crashes when requested and assist the parties involved with the exchanging of names and insurance company information.

2. A full investigation and report will be completed under the following circumstances:
 - a. At supervisor's discretion.
 - b. Driving under the influence.
 - c. Reckless driving.
 - d. Personal injury and fatalities.
 3. In cases of private property crashes where the operator of a vehicle is summoned for a violation, deputies shall ensure their report reflects all information relative to the charges filed. Deputies have the option of conducting a full investigation as necessary to support charges filed as a result of the accident.
- C. **Crash Report Forms:** In cases of reportable accidents, the Pennington County Sheriff's Office will report all traffic crashes on the State of South Dakota Investigator's Motor Vehicle Traffic Accident Report.
1. Each deputy shall be provided access to a copy of the Instruction Manual provided by the State of South Dakota for use in preparation of the Motor Vehicle Traffic Accident Report.
 2. Each deputy will be required to complete the report forms in compliance with the Instruction Manual.

523-02: Crash Scene Responsibilities

Chapter: Traffic Crash Investigation

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference: SDCL 32-33-1.1

Classification: Public

I. Policy

- A. Deputies will understand and execute their responsibilities while investigating a crash to help facilitate scene security along with the protection and preservation of life.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Crash Scene Responsibilities:

1. The first deputy arriving at the scene of a crash shall assess the situation and request assistance if any is required. To prevent further crashes or damage, the marked vehicle should be parked in such a manner that it provides protection to the vehicles involved in the accident scene if possible.
 - a. The first deputy on scene will maintain scene responsibility unless relieved by other law enforcement personnel or a supervisor.
 - b. Serious crashes require the first deputy on scene to advise dispatch of the need for additional equipment or additional personnel, e.g., fire department, ambulance.
 - c. First deputy at the scene should communicate with other deputies/other law enforcement personnel designating positions if required.
2. After taking immediate precautionary measures to ensure that the crash will not involve other vehicles, the deputy's primary duty is to give attention to the need of any injured persons. The deputy's first responsibility at the scene of an injury crash is protection and preservation of life
 - a. Injuries may be treated by the administration of first aid by the deputy.

- b. If there is bodily injury, or if the victim requests treatment, notify the dispatcher immediately for the services of an ambulance.
 - 1) Avoid moving injured persons unless necessary to prevent further injury.
 - 2) Injured persons shall be transported in an ambulance if one is readily available.
 - c. If persons are trapped in a crash vehicle, or if oil and gas has been spilled, the services of a fire department or search and rescue shall be requested.
 - d. If the services of a tow truck are needed, request for such assistance should be made to the dispatcher.
 - e. Call for any other assistance as may be required.
3. If an airbag system in a vehicle has been deployed, special care should be taken to avoid inhalation of fumes or dust.
- a. Gloves and eye protection should be worn before attempting passenger rescue.
 - b. Use a blanket to cover the deployed airbag to limit exposure if the vehicle must be entered.
 - c. If possible, avoid entering the passenger compartment of the vehicle until rescue personnel arrive with appropriate breathing apparatus.

B. Crash Scene Information Collection:

1. As soon as reasonably possible under the circumstances, preliminary investigations shall be conducted and the following information recorded:
- a. Time, date, and place of accident.
 - b. Name, address, and driver's license numbers of the operators.
 - c. Make, model, vehicle identification number (VIN), and registration numbers of the vehicles involved.
 - d. Name and of vehicle owners and insurance companies.
 - e. Name and address of injured persons, description of visible injuries and whether transported to hospital, and the name of attending physician.
 - f. Name and address of witnesses. Relevant statements made by witness and operators. Witnesses and operators shall be interviewed separately and privately except in exigent circumstances.

2. In property or bodily injury crashes, a record should be made of any significant physical evidence, including, but necessarily limited to:
 - a. Type of roadway and width of the roadway.
 - b. Road conditions (e.g. holes, ruts, curbs, low shoulders, pavement markings, whether wet, dry, or icy, construction, etc.
 - c. Weather and lighting conditions.
 - d. Traffic control signs or signals, if in good working order.
 - e. Identification of marks on the roadway.
 - f. Direction of travel of involved vehicles.
 - g. Point of impact.
 - h. Position of vehicles after impact and whether moved.
 - i. Damage to the vehicles and condition of key equipment such as tires or suspension.
3. Photographs, when needed, will be taken with issued cameras. Photos may include any or all of the following:
 - a. Vehicle damage—four (4) sides
 - b. Final resting positions
 - c. Damage to vehicles, exterior and interior
 - d. Debris or marks on roadway
 - e. Paths of vehicles before and after collision
 - f. View of driver approaching accident scene
 - g. Deputies will note in the accident report that photographs were taken.

C. Crash Scene Direction and Control:

1. Law enforcement vehicles should be a safe distance away so that if struck, it will not be pushed into the crash vehicles.
2. The vehicles emergency light bar and or directional lights should be activated.
3. Reflectors or flares, when used, should be placed to the front and rear of the vehicles for a distance sufficient to give adequate warning to all motorists approaching the scene.
4. Block off street or roadway, if necessary, until the crash scene is cleared

5. Deputies should take that property into custody and place it in evidence for safe-keeping any property the victim(s) cannot ensure is secure from theft or pilferage.
6. Additional deputies/emergency responder personnel should direct traffic as required.
 - a. Deputies on the crash scene shall wear a traffic vest or belt or other equipment available to him that is of reflective material.

D. Traffic Crash Enforcement Actions: Enforcement action for violations resulting in a traffic crash and not occurring in a deputy's presence:

1. Obtain evidence of violations and record the information in such a manner that a complaint may be issued against the violator.
2. At those traffic crashes in which a deputy has probable cause to believe a violation of a traffic law or ordinance has occurred and when evidence exists to satisfy all of the elements of the particular violation, appropriate enforcement action should be taken.

E. Crash Scene Special Procedures: For crashes received with no details and crashes with reported injuries, the dispatcher shall notify a deputy and a fire department for the appropriate response.

1. The responding deputy, upon arrival at the accident scene, will:
 - a. Advise the communications center of the existing situation.
 - b. Determine whether or not an ambulance or fire unit is required and notify the communications center.
2. Whenever a traffic crash occurs where there is the potential for any type of fire, the nearest fire department will be requested to respond.
 - a. Any deputy arriving at a fire scene prior to the fire department should, when safe to do so, perform initial fire suppression efforts. The initial efforts will be limited to fire suppression which is readily available for the deputy, i.e. fire extinguisher, blankets, or other extinguishing devices.
 - b. If the deputy should succeed in extinguishing the fire, the fire department will continue to the scene to evaluate the situation.
3. When a traffic crash occurs involving hazardous materials the following procedures will be implemented:
 - a. Involved deputies will use the utmost caution.
 - b. Supervisors will be advised of the hazardous material and all safety precautions will be followed.

- c. The first deputy on the scene will obtain as much information as possible about the hazardous material and will request a fire department to respond.
- d. The supervisor or designee will be responsible for ensuring that notifications are made for the same containment and removal of the material.
- e. Traffic crashes involving hazardous material spills will be investigated in the same manner as any other traffic crash.
- f. The Emergency Services Communications Center (ESCC) will notify the shift supervisor along with a fire department.
- g. Responding deputies should approach the scene from an upwind direction.
- h. On arriving at the scene, the situation will be assessed and the following action taken:
 - 1) Isolate the hazard area and evacuate non-essential personnel.
 - 2) Provide first aid until relieved by medical personnel
 - 3) Co-ordinate traffic control and traffic re-routing, crowd control, and request additional officers as needed. As large an area as necessary should be isolated until the hazard danger is known.
- i. The investigating deputy should attempt to identify the hazardous material by questioning the driver, checking the bill of lading, checking placard identification on the vehicle, or placard identification on the material.
- j. Deputies should not enter the evacuated area to obtain any information. If the area has to be entered, deputies shall wait for properly trained and equipped personnel to respond.

523-03: Crash Investigation Follow-up Reconstruction

Chapter: Traffic Crash Investigation

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Crash investigation follow-up is conducted to determine the cause and events which occurred during a motor vehicle crash and to complete an accurate report concerning the crash.

II. Definitions

- A. **Critical Accident Reconstruction (CAR) Team:** A team comprised of personnel from the Rapid City Police Department who have specialized accident investigation training.
- B. **Fatal Alcohol Construction Team (FACT):** A team comprised of personnel for the Rapid City Police Department (RCPD), South Dakota Highway Patrol (SDHP), Pennington County Sheriff's Office and the Pennington County States Attorney's Office. The team members are specialized in various areas from accident investigation and or reconstruction to case investigation of crashes resulting in injury or death where alcohol and or drugs are presumed to be a factor

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Crash Investigation Follow-Up:** The collection of off-scene data shall be the responsibility of the investigating deputy or criminal investigator assigned to the crash, as necessary on a case by case basis.
 - 1. Off-scene data shall, at a minimum, include:
 - a. Medical records
 - b. Physicians reports
 - c. Blood tests
 - d. Vehicle mechanical inspections
 - e. Laboratory reports

2. Deputies should, if possible, obtain witness statements at crash scenes as soon as possible after the crash. Whenever possible these statements reports should be recorded.
3. The decision to employ reconstruction and skid analysis will be made by the on-scene supervisor on a case by case basis, and will be conducted by a qualified accident re-constructionist or trained investigator.
4. A deputy responding to and handling traffic crashes will submit a full report, to include all documentation which may be needed in any possible charge to be brought or pending court proceeding.

B. Use of Crash Investigation Experts: In certain instances, a detailed and lengthy investigation may be necessary. To assist investigating officers in such cases, the Critical Accident Reconstruction (CAR) Team or Fatal Alcohol Construction Team (FACT) may be utilized.

1. Requests for the (CAR) Team should be made through the shift supervisor to the RCPD patrol supervisor or designee.
2. Requests for the FACT should be made through the acting supervisor to the Captain or Lieutenant of the Patrol Division.
3. The Criminal Investigations Division will be responsible for handling coroner duties during a FACT call out. Investigators will normally focus on details that occurred before the crash occurred. FACT members from the RCPD and SDHP will conduct the on-scene investigation, which may include accident reconstruction and skid analysis.

523-04: Accidents Involving Office Vehicles

Chapter: Traffic Accident Investigation
Order No: LE 10-02
Effective: 08-01-2000
Revised: 12-02-2015
Approved by: Sheriff Kevin Thom
Reference: CALEA Standards 26.1.4, 26.1.5
Classification: Public

I. Policy

- A. It is the policy of the Pennington County Sheriff's Office to review all accidents involving Sheriff's Office vehicles.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. Accident Review Board Established
 - 1. All accidents involving PCSO vehicles will be reviewed. A formal review process will occur culminating with a report to the Sheriff.
- B. Supervisor Responsibility at Accidents
 - 1. The Shift Supervisor will assemble all appropriate and pertinent documents and forward these to the Law Enforcement Lieutenant along with a formal letter that details the circumstances surrounding the accident including perceptions concerning the need or lack of need for disciplinary action.
- C. Law Enforcement Lieutenant Responsibility for Accidents
 - 1. The Lieutenant will thoroughly review the material provided by the Shift Supervisor and will submit to the Law Enforcement Captain a formal letter of findings along with any recommendation for the type of disciplinary action, including but not limited to:
 - a. Administrative Action
 - b. No Fault/No Action
 - 2. In addition, the Lieutenant will submit an Accident Review Form that identifies the classification of the accident.

3. Damage estimates from all divisions will be submitted to the Law Enforcement Captain.

D. Law Enforcement Captain Responsibilities for Accident

1. After carefully considering the facts surrounding the accident, the Law Enforcement Captain will recommend the course of action to be followed whether it be disciplinary action or no action and will, when disciplinary action is required, recommend the extent of action to be taken.
2. The Law Enforcement Captain will submit to the Sheriff all findings and recommendations of the Accident Review Board and his/her recommendations concerning disciplinary action if required.

523-05: Road Killed Deer, Antelope or Elk

Chapter: Traffic Crash Investigation
Order No: LE 13-05
Effective: 08-01-2000
Revised: 12-29-2023
Approved by: Sheriff Brian Mueller
Reference: SDCL 41-1-5.7, 41-15-14
Classification: Public

I. Policy

- A. The Rapid City Regional Office of the State Department of Game, Fish, and Parks has provided the Pennington County Sheriff's Office authorization to offer road killed deer or antelope to any citizen who desires to possess the animal.

II. Definitions

- A. **Big Game:** All cloven-hoofed wild animals, wild mountain lion, wild black bear, and wild turkeys. The term includes facsimiles of big game used for law enforcement purposes, but does not include any captive nondomestic animal.
- B. **Motor vehicle:** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or in the air.
- C. **Public highway:** Every street, alley, public road, public thoroughfare, or highway in this state.

III. General Information

- A. This policy establishes guidelines for notification and proper disposal of road killed deer, antelope or elk.

IV. Procedural Guidelines

A. Disposal of Road Killed Deer or Antelope:

- 1. When a deer or antelope is killed by a motor vehicle on a public highway, street, or road, the deputy may offer the deceased animal, if it is salvageable for human consumption purposes, to any person who is willing to take possession of the animal. If no other persons want the animal or it is not salvageable it is the deputy's responsibility to notify the Rapid City Regional Office of Game, Fish and Parks (GF&P) of the location of the animal so that it may be picked up and disposed of properly. Pennington County Sheriff's Office personnel will not be eligible to take possession of any salvageable deer or antelope for personal use.
 - a. A Game, Fish and Parks "candy stripe" tag will be filled out and given to the person whom the animal is given. This tag will need to be attached to

the animal and is written authorization to allow the person to possess the animal.

- b. If the animal has exceptionally large antlers, to the point it would be consider a “trophy animal,” the deputy should contact a GF&P officer to obtain approval for release of the animal.
- c. The “candy stripe” tag is to remain with the animal while in possession or storage.
- d. The deputy should document in the crash report or call log if a “candy stripe” tag was granted and the number of the tag.
- e. If the animal has to be destroyed by a deputy, a report is to be written.
- f. If a deputy finds any big game that has apparently been shot with any device in violation of state hunting laws, the deputy is to contact the Rapid City Regional Office of Game, Fish and Parks directly or through State Radio, and is not to relinquish the animal to any person without Game, Fish and Parks authorization.

B. Disposed of Road Killed Elk:

1. When an elk is killed by a motor vehicle on a public highway, street, or road, the deputy may follow the steps listed above in “A” with approval of a local Game Fish and Parks Conservation Officer. The name of the approving conservation officer, along with the date, time, and method of contact should be logged in the call.

524-01: Traffic Planning and Engineering

Chapter: Traffic Direction and Control

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will make every effort to respond to and evaluate traffic engineering complaints from the public.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Traffic Engineering Complaints:** When members of the public call the office in reference to a deficiency or problem relating to the engineering of the roadway, signals, or signs, the assigned deputy shall ensure the following is completed:
 - 1. The complainant shall be contacted by a deputy who will:
 - a. Investigate the area and circumstances surrounding the complaint.
 - b. Notify the complainant of their findings and the recommendation(s), if any being made.
 - c. Prepare a report on the complaint when necessary or further follow-up is required regarding the complaint.
 - d. If a report is completed a copy should be forwarded to the patrol captain or designee.
 - 2. When the deputy responding to the complaint recommends changes, to include painting lines or erecting signs, the deputy should forward the report to the patrol captain or designee. The report will then be sent to the Pennington County Highway Superintendent, the Department of Transportation, or the City Streets Department at the discretion of the patrol captain or designee.
 - 3. When the responding deputy observes traffic engineering deficiencies which are an obvious hazard to pedestrians or motorists, the deputy shall contact the on-

duty supervisor. The on-duty supervisor has the authority to immediately contact the Pennington County Highway Department to resolve the problem.

524-02: Manual Traffic Direction and Control

Chapter: Traffic Direction and Control

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office provides direction as necessary to ensure the safe flow of pedestrian and vehicular traffic within the community.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Traffic Direction and Control Function:** Traffic direction and control services are provided through the use of the following specifically trained personnel:
 - 1. Sworn law enforcement Deputies;
 - 2. Sheriff's Deputy Reserves;
 - 3. Personnel from other emergency services agencies.
- B. **High-Visibility Traffic Direction Clothing:** High visibility reflective vests shall be worn at all times when manual traffic direction is conducted.

524-03: Special Traffic Control Situations

Chapter: Traffic Direction and Control

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will assess public events as requested to determine if special accommodations may be required regarding traffic flow and parking concerns.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Special Event Traffic Control Plan:** A variety of public events may require special accommodations to be made for parking and traffic flow. These events include such things as festivals, parades, rallies, sporting events, and other events that attract an abnormally high number of people into a given area.
 - 1. Although the nature and extent of the traffic direction and control required by the office will vary depending on the type of event, the deputy preparing for these events shall consider the following as is appropriate:
 - a. Ingress and egress of vehicles and pedestrians;
 - b. Provisions for parking;
 - c. Spectator control;
 - d. Public transportation;
 - e. Provisions for relief of employees assigned to fixed points for extended periods of time;
 - f. Provisions for media;
 - g. Alternate routes for through traffic;

- h. Temporary traffic controls and parking prohibitions; and,
 - i. Emergency vehicle access.
 - 2. The Patrol Captain or designee shall, when advised of an upcoming special event, review the details of the event, and determine if any special traffic enforcement or control functions will be required. If any are deemed appropriate, a plan to coordinate the requirements to ensure the appropriate law enforcement coverage will be developed.
- B. **Adverse Weather/Road Condition Traffic Control:** When adverse road and/or weather conditions are present, the acting supervisor shall determine if any additional manual traffic directing or controls shall be used. It is the on-duty supervisor's responsibility to assign personnel as needed to accomplish these functions.
 - 1. In case of fog, rain, snow, ice, smoke or other conditions, concerns over the safety of the employee and other highway users is greatly heightened.
 - a. Employees shall make themselves as visible as possible through the use of reflective clothing and/or rain gear.
 - b. Employees may make use of other resources as is necessary. These resources may include such things as requesting assistance from Pennington County Highway or Emergency Management.
 - c. The employee may use an emergency law enforcement vehicle to provide additional lighting or to make use of the emergency lights to warn oncoming traffic.
- C. **Fire Scene Traffic Control:** Office personnel will respond at the request of fire departments to assist at the scene of fires. In these instances, PCSO personnel will be responsible to assist in controlling traffic flow into and out of the area. Any employee assigned to control duties at a fire scene will coordinate with the on-scene fire department incident commander to determine the fire departments requirements.
- D. **Escort Services:** The Pennington County Sheriff's Office will not automatically provide law enforcement escort services. Any requests for escort services will be coordinated through the patrol lieutenant or the on-duty supervisor. Any such requests shall consider the time of the escort, nature of the escort, and whether or not any non-law enforcement resources are available to provide the escort.

524-05: Correction of Highway Hazards

Chapter: Traffic Direction and Control

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-29-2023

Approved by: Sheriff Brian Mueller

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will take corrective action deemed appropriate by a deputy upon discovery or when dispatched to investigate a report of a hazardous condition in or immediately adjacent to a roadway. When possible, the deputy should remain at the scene until the problem is corrected or necessary repair personnel have arrived with sufficient equipment or barricades to reduce the hazard(s).

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Correction of Highway Hazard(s):** The following guidelines are established for identifying, reporting and correcting hazardous highway and roadside conditions. Roadway and roadside hazards are contributing factors in many accidents.
 - 1. Hazardous highway and/or environmental conditions shall include, but not be limited to:
 - a. Defects in the roadway itself (holes, ruts, or dangerous shoulders).
 - b. Lack of, or defects in, highway safety features (striping, reflectors, guardrails).
 - c. Lack of, improper, damaged, destroyed, or visually obstructed traffic control and information signs.
 - d. Lack of, improperly located, or malfunctioning mechanical traffic control devices.
 - e. Natural or manmade obstructions (fallen trees, litter, parts of vehicles).
 - f. Debris in roadway.

- g. Ice or heavy snow accumulations on roadway surfaces.
 - h. Fire and or smoke in areas adjacent to the highway.
 - i. Vehicles parked or abandoned on or near the roadway.
- 2. The term "roadside hazard" shall refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary injury to people or damage to property. Roadside hazards include, but are not limited to:
 - a. Guardrails which may spear a vehicle
 - b. Unshielded bridge railings that may not be able to retain an impacting vehicle.
 - c. Trees, ditches, inappropriately steep banks, rock formations, and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.
- 3. The following procedure will be used in identifying, reporting, and correcting hazardous highway or environmental conditions:
 - a. When a hazard is identified and in the deputy's opinion such hazard requires immediate correction (such as an electrical wire across any part of the roadway), they shall immediately inform the dispatcher of the situation, identifying assistance or special equipment required. The deputy will protect the scene and bystanders, and direct traffic or take any other action deemed necessary to control the situation.
 - b. When a hazard is detected that represents a potential harmful situation, but the threat of such is not imminent, the deputy shall notify their immediate supervisor of the situation and document the situation in a case report.
 - 1) This report shall contain a full description of the hazardous conditions and any recommendations for correcting the condition.
 - 2) The responsibility of the patrol lieutenant or acting supervisor is to ensure the proper authority is contacted regarding the hazardous condition.

525-01: Motorist Assists

Chapter: Ancillary Traffic Services

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Pennington County Sheriff's Office deputies will render assistance to motorists who appear to be in need of help whenever possible.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Assistance to Highway Users:** Deputies shall be constantly alert for highway users who appear to need assistance.
 - 1. Any deputy who discovers or is dispatched to a report of a motorist needing assistance shall render as much assistance as possible, with due regard to other emergency calls for service within his area of responsibility.
 - 2. Deputies who assist stranded motorists will remain alert to the following possibilities:
 - a. The vehicle in the possession of the motorist has not been authorized for their use.
 - b. The vehicle is in unsafe operating condition.
 - c. The motorist is unlicensed to drive.
 - d. The motorist is incapable of safely operating a vehicle.
 - e. The vehicle's occupants have engaged in criminal activity.
 - 3. Deputies should not, unless absolutely necessary, use county vehicles to:
 - a. Push or pull any vehicle for the purpose of starting it.

- b. Jump start another vehicle (County vehicles excluded). Supervisors may approve jump starting a vehicle under special circumstances.
 - c. Push, pull, or tow the vehicle.
- B. **Protection for Stranded Motorists:** When a deputy is with a disabled vehicle, they will be responsible for providing protection to both the disabled vehicle and its occupants. The deputy shall also take appropriate action to facilitate a smooth traffic flow around the disabled vehicle.
- C. **Emergency Assistance to Motorists:** When a deputy responds to an emergency situation involving a motorist, they shall provide all necessary emergency assistance, e.g., first aid, use of fire extinguisher, etc., to the motorist or their vehicle that is within the capabilities of the deputy until relieved by other personnel, such as paramedics or the Fire Department.
 - 1. Deputies may transport stranded motorists to the nearest convenient location where assistance may be obtained, however, they should be certain that assistance is available.
 - 2. Deputies shall provide information and directions upon request. If the information is unknown to the deputy, they should make every effort to obtain the information for the person.

525-02: Towing / Holding of Vehicles

Chapter: Ancillary Traffic Services

Order No: LE 2022-02

Effective: 08-01-2000

Revised: 07-08-2022

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will remove vehicles from the roadways when they are abandoned, a hazard, are evidence, or the owner is incapable of properly securing them.

II. Definitions

- A. **Abandoned:** A vehicle which reasonably appears to be inoperative and does not bear significant indication that the owner is conducting timely repairs or a vehicle which does not bear current license plates or has been parked on the public streets or roadways without moving for 24 hours.
- B. **Impoundment:** A towed vehicle that is held as evidence, or held on a verified release.
- C. **Private Tow:** Where the department simply assists a person in the removal of the person's vehicle. Actual negotiations concerning the company used, payment of charges and destination of the vehicle are between the person and the company.
- D. **Private Property:** Any parking lot, vacant lot or other property not owned or maintained by the City, Pennington County or any other governmental or public agency or institution located within the boundaries of the county.
- E. **Towed Vehicle:** Any vehicle moved, or removed, by a tow company that isn't impounded.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Removing and Towing of Vehicles:** Vehicles which the driver is arrested or where the continued operation of the vehicle would constitute a violation may be legally parked and secured at the scene with consent of the driver or owner.
 - 1. Deputies must give consideration to the relative safety of the location and any valuables that may be in the vehicle when leaving the vehicle legally parked.
 - 2. Towing expenses are generally the responsibility of the vehicle owner.

3. A vehicle may be towed under the following conditions:
 - a. Whenever the driver of a vehicle does not have a valid driver's license or is arrested and a licensed driver is not available. The registered owner or a driver must consent for a licensed driver to assume control of the vehicle.
 - b. If the vehicle is disabled due to an accident or mechanical failure.
 - c. When probable cause exists or the vehicle is not insured as required by SDCL 32-35. Not having proof of insurance alone is insufficient to meet this requirement.
 - d. When continued operation of the vehicle causes a significant safety hazard to the motoring public.
 - e. Reported stolen vehicles located in public areas or private property in circumstances where a search warrant is not required.
 - f. The driver or registered owner is unable or unwilling to give consent for the vehicle being legally parked and secured.
 - g. The vehicle is left unattended and in such a manner that it constitutes an obstruction or a hazard to other traffic.
 - h. The vehicle has been abandoned upon a public street pursuant to SDCL 32-30-1, 2, 3, and 4 and appropriate notice has been posted when applicable.
 - i. When removal is necessary in the interest of public safety, e.g., fire, flood, snow removal, parade routes, or other emergency reasons.
4. **Where to Tow a Vehicle:** The requesting deputy shall direct the towing company to remove vehicles and direct them to the location the vehicle is to be placed.
 - a. Vehicles that are required for evidence will be placed at the Rapid City Police Department Evidence Building or the designated evidence storage area located at the landfill.
 - 1) Deputies must contact the Evidence Supervisor before placement of the vehicle at the evidence lot.
 - 2) An evidence tag must be completed and attached to the vehicle with copies forwarded to the Evidence Section.
 - b. Under normal circumstances, all other vehicles shall be taken to the towing company lot.
 - c. Drivers of vehicles involved in private tows may direct the towing company as they desire.

5. **Towing Under Declared Emergency Condition:** When an emergency condition has been declared by Pennington County officials, the office may direct the towing company to merely move a vehicle in the interest of public safety. The towing company will tow the vehicle to a designated public parking lot, nearby street or other close location where the vehicle will not hinder street maintenance or emergency preparedness.
 - a. The deputy shall record the vehicle make, model, license number, location abandoned, and location where the vehicle was moved. This information will be communicated and maintained by Dispatch.
6. **An Inventory Search in accordance to Law Enforcement Policy 112-09: Motor Vehicle Stops – Searches** shall be completed on every vehicle towed, unless conditions prevent such search.

B. Obtaining Repair/Towing Services: Towing companies will be assigned on a rotating basis.

1. Whenever a vehicle is towed by the office, only an approved towing company (from a list maintained by the Communications Center) will be contacted unless specified otherwise by the vehicle owner.
2. Whenever a motorist requires a tow truck, roadside service, or repair, the deputy should first ask the motorist if they have a preferred company they would like to use.
 - a. Where the person has no preference, the deputy shall request the next tow truck on the rotation list that is able to provide the appropriate type of service needed.
 - b. In some cases, the motorist may have no preference other than requesting the use of a motorist association such as AAA. If it is safe to do so, the deputy should work to accommodate that request.

C. Courtesy Notices: When a vehicle is abandoned or stored for more than 24 hours on a county or city road, it may be towed. Deputies must attach a Tag for Tow notice on the vehicle in a conspicuous place. The location of the vehicle tagged for tow will be logged with Dispatch.

D. Abandoned Vehicles: When the vehicle is illegally parked or presents a safety hazard, then the deputy shall:

1. Check the status of the vehicle to insure it is not stolen.
2. Take immediate, temporary steps to insure the safety of other roadway users.
3. Attempt to have the owner of the vehicle contacted to make arrangements to move the vehicle.

- a. If the owner of the vehicle or other person responsible for it cannot be located or is unable to bring the vehicle into lawful compliance, then the vehicle may be towed.
- b. Prior to the removal of the abandoned vehicle, photos or video should be obtained showing the unlawful or dangerous condition.

E. Vehicles Held as Evidence: Vehicles may be held if they are evidence in a crime or if there are grounds to believe that they contain evidence of a crime.

1. Vehicles held as evidence must be processed thoroughly but quickly in order to decrease the time of impoundment.
2. Vehicles held as evidence will only be stored at the Rapid City Police Evidence Building or the designated area located at the Landfill. Evidence Vehicles will not be stored at the towing agency.
3. A vehicle held for evidence must be released by the deputy ordering the impoundment, a Patrol or Investigations Supervisor, the investigator assigned to the case, or a representative from a government prosecutorial office.

F. Requesting a Verified Release: Deputies impounding vehicles in which law enforcement requires the identification of the responsible party for the vehicle, will request a Verified Release.

1. The deputy will need to inform dispatch if they are requesting a verified release.
2. The impounding deputy will communicate with the towing company any time there is a verified release. They will include this information in their case report.
3. The owner of the vehicle will be responsible for tow fees and storage costs of a vehicle on a verified release.
4. The towing company will obtain the basic information of the person the vehicle was released to. They will provide that information to the impounding deputy or investigator assigned to the case.

G. Claims by Persons for Damages to Their Vehicles While Impounded:

1. Impoundment at the towing company lot:
 - a. The Pennington County Sheriff's Office shall not assume liability for damage or theft after custody of the vehicle has been assumed by the towing company.
 - b. The deputy will document any damage to or theft from a vehicle impounded by a tow company in a case report.
2. Impoundment as evidence:

- a. A person claiming damage to or theft from a vehicle held as evidence, shall present to the office, in writing, the damages claimed, including an itemized list of damages or missing items, photos or videos of the alleged damage, along with an approximate cost to repair or replace the items included in the claim.
- b. The itemized list and copies of all related reports shall be forwarded to the Law Enforcement Commander for preparation of an insurance claim against the county.

H. **Reports to be filed on Towing Services:** In circumstances where a tow truck is required, a report must be written.

1. Reports should document any unsatisfactory service provided, such as a response time over 30 minutes without legitimate reason, excessive charges, or discourteous service. Reports documenting concerns will be routed through the normal report process and forwarded to the Tow Company Research Committee.
2. The Sheriff may refuse to authorize any wrecker service that is identified as providing unsatisfactory service.

531-01: Unusual Occurrences Administration

Chapter: Unusual Occurrences & Special Operations Administration
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will have written plans for responding to unusual occurrences. The Rapid City/Pennington County Multi-Hazard Emergency Operations Plan will meet this requirement.

II. Definitions

- A. **Unusual Occurrences:** Situations, generally of an emergency nature, that results from disasters--both natural and manmade--and civil disturbances.
- B. **Civil Disturbances:** Large scale disorder or other ongoing law violations committed by a large group of people at the same time.

III. General Information

- A. When the county is reasonably threatened by circumstances that may likely escalate into civil unrest or a riot, the Pennington County Sheriff's Office is responsible for maintaining civil order.

IV. Procedural Guidelines

- A. **Unusual Occurrences Responsibility:**
 - 1. The Sheriff, Chief Deputy or designee shall be responsible for planning the Sheriff's Office response to unusual occurrences, in addition to developing policy and procedures relating to general response situations. The Law Enforcement Chief Deputy may assign a staff officer as liaison to Rapid City/Pennington County Emergency Management and Pennington County Local Emergency Planning Committee. This person will be the principal advisor on unusual occurrences to the Sheriff.
 - 2. Narrative reports will be written by all deputies participating in the incident. These reports will be coordinated and reviewed by the incident supervisors who will prepare a summary report of the incident.
 - 3. A representative will be designated as liaison with the Pennington County Emergency Management Director.

4. A representative will be assigned to the Local Emergency Planning Committee (LEPC).

B. Unusual Occurrence Command Authority:

1. The Sheriff is responsible for designating an Incident Command System representative (IC). This representative initiates and supervises law enforcement responsibilities of any unusual occurrence incident.
2. The Law Enforcement Incident Command representative will exercise command and control over all law enforcement resources committed to any unusual occurrence operation within the jurisdiction of the Pennington County Sheriff's Office.

C. Review of Emergency Operations Plans:

1. The responsibility of the Chief Deputy in conjunction with the Pennington County Emergency Manager is to see that the Rapid City/Pennington County Multi-Hazard Emergency Operations Plan is in operational readiness at all times. The Chief Deputy shall plan for the Sheriff's Office response should an unusual occurrence incident occur.
2. Once each year, the Chief Deputy or designee will participate in a review of the Rapid City/Pennington County Multi-Hazard Emergency Operations Plan.

531-02: Special Response Team

Chapter: Unusual Occurrences & Special Operations

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office shall equip and train selected deputies to handle unusually hazardous situation or missions.

II. Definitions

- A. **SRT:** Special Response Team.
- B. **High-Risk Incident:** A situation involving an act of violence, or potential acts of violence, in which innocent persons and or law enforcement officers may be at a tactical disadvantage and or exposed to extreme danger.

III. General Information

- A. The Pennington County Sheriff's Office and Rapid City Police Department have combined resources to form the SRT.
- B. This function is performed by those individual members who have received special tactical training in the following areas: hostage negotiations, sniper/observer, room/building entry, and hostage rescue in order to resolve incidents demanding tactical resolutions.
- C. The SRT may be utilized whenever any of the following situations occur.
 - 1. Barricaded armed suspect.
 - 2. Hostage situation.
 - 3. Serving of Arrest/Search warrant on suspect(s) who may be armed.
 - 4. Apprehension of armed and/or dangerous persons.
 - 5. Active Shooter.
 - 6. Technical and VIP security.
 - 7. Civil Disturbances.

8. Other high-risk situations where patrol resources are taxed or not adequately equipped or staffed to safely manage the situation.
- D. Once a deputy realizes that a high-risk incident has developed, they should refrain from any act, which would endanger the involved parties and seek to confine the suspect(s) to the smallest possible area that is consistent with their own safety.
 - E. Although this is the preferred method of handling high risk incidents, it is recognized, circumstances may dictate immediate action by deputies on scene, such as an active shooter incident.

IV. Procedural Guidelines

A. Request for SRT:

1. When a situation occurs, the shift supervisor shall contact the SRT Commander or designee.
2. The SRT Commander should notify the Sheriff and Police Chief or their designee.
3. The SRT Commander will determine the resources to be utilized and initiate the call-up procedure.
4. The Shift Supervisor should also notify the Patrol Commander.
5. The Shift Supervisor should establish a command post location and staging area for responding units to assemble.

B. Arrival of SRT:

1. SRT will formulate a course of action to include:
 - a. An incident action plan.
 - b. Inner and outer perimeters are set.
 - c. Non-involved individuals are evacuated from the incident.
2. If possible, the tactical operation should be switched to a secondary radio channel such as the SRT's radio system, Inter-Agency Channel or Special Operation Channel.

531-03: Water Rescue Team Administration

Chapter: Unusual Occurrences & Special Operations Administration
Order No: LE 12-07
Effective: 08-01-2000
Revised: 11-29-2012
Approved by: Sheriff Kevin Thom
Reference:

I. Policy

- A. The Pennington County Sheriff's Office maintains, in joint effort with the Rapid City Fire Department, Rapid City Police Department and Pennington County Search & Rescue, a Water Rescue Team to handle water related rescue operations and water related search operations. The Water Rescue Team may be called upon to search bodies of water within the boundaries of Pennington County, or outside the county when requested and approved by proper authority.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Special Operations Deployment-Water Rescue Team:** When a deputy responds to a water related call, requiring a surface or sub-surface search or recovery such as a reported drowning, boating accident, etc., they shall notify their supervisor. The supervisor will then have the Rapid City/Pennington County Emergency Services Communications Center Dispatcher notify the Water Rescue Team.
 - 1. Once the Water Rescue Team members arrive, the deputy should provide assistance to the on-scene Water Rescue Team supervisor. A law enforcement supervisor will assume the position of incident commander during the operation. The incident commander will work in conjunction with the Water Rescue Team supervisor for a successful resolution to the situation.
 - a. The South Dakota Department of Game Fish and Parks (GFP) and United States Forest Service (USFS) should be notified of Water Rescue Team operations involving bodies of water under their jurisdiction.
 - b. The Water Rescue Team will work in cooperation with the GFP and USFS on any operations involving bodies of water under their jurisdiction.
 - 2. The Rapid City/Pennington County Water Rescue Team may be utilized for recovery of evidence or other items deemed significant by Patrol or Criminal

Investigations. When deployed for evidence recovery, the criteria below will be followed:

- a. A written or verbal request for assistance is given to the Water Rescue Team Leader or representative.
 - b. A time and date for deployment of the Water Rescue Team is determined.
 - c. A briefing is held between the requesting component and all responding Water Rescue Team members present, a strategy is established and implemented.
 - d. After completion of the surface or sub-surface operation, a debriefing and critique will be held between the Water Rescue Team and the requesting organization.
3. All Pennington County Sheriff's Office members of the Rapid City/Pennington County Water Rescue Team must maintain all annual physical standards/skill review and keep current with all Water Rescue Team certifications.

531-04: After-Action Reports

Chapter: Unusual Occurrences & Special Operations Administration
Order No: LE 12-08
Effective: 08-01-2000
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. After Action reports will be written after any unusual or special operation to document and improve the response to future events.

II. Definitions

- A. N/A

III. General Information

- A. After-action reports are reports prepared by incident supervisors and submitted, through the chain of command, to the Incident Commander. The purpose of such reports is to provide the office with an overview of the operation and to identify issues encountered during the incident.

IV. Procedural Guidelines

A. After-Action Reports:

1. After-action reports will be submitted within 15 working days of the incident. These reports will be directed through the appropriate division Captain to the Chief Deputy.
2. The suggested format for the after-action report is as follows:
 - a. Introduction: The supervisor completing the report will identify themselves, their regular assignment, when they became involved in the incident, and their assignment during the incident.
 - b. Summary of entire incident (may be written by more than one supervisor).
 - c. Issues encountered:
 - 1) Personnel: What personnel issues were encountered during the incident?
 - 2) Procedures
 - 3) Equipment

- 4) External problems: Emergency operations require some degree of coordination with other agencies. As the seriousness and scope of the incident increase, the number of outside agencies involved will also increase. Supervisors should identify the issues they faced in the coordination of their agency's response with that of other agencies.

d. Recommendations:

- 1) The training of office personnel
 - 2) Planning for future operations
 - 3) The coordination of planning with other agencies or divisions
 - 4) Evaluation of equipment
3. After action reports pertaining to Special Response Team (SRT) call outs will be maintained in the SRT Commanders office. All other after-action reports and supporting documentation will be filed in the administration section of the Sheriff's Office.

532-01: Civil Disturbances and Mass Arrests

Chapter: Unusual Occurrences & Special Operations Administration
Order No: 00-01
Effective: 08-01-2000
Revised: 01-26-2016
Approved by: Sheriff Kevin Thom
Reference: CALEA Standards 46.1.3
Classification: Public

I. Policy

- A. It is the policy of the Pennington County Sheriff's Office to establish control of a situation that has the potential to escalate into a serious confrontation.

II. Definitions

- A. N/A

III. General Information

- A. The tactics employed by dissidents or incarcerated individuals engaged in disruptive activities frequently include efforts to draw law enforcement and other public officials into responses likely to produce violence and injury to participants, and thus garner support for their cause. It is therefore necessary for the Pennington County Sheriff's Office to handle disruptive situations in a professional manner that will minimize the potential for violent confrontations.

IV. Procedural Guidelines

A. Communications

1. The on-scene commander will make the necessary decisions relating to communications. At his or her direction, calls for "Emergency Traffic" and designating the main law enforcement frequency as the primary channel for dealing with the disturbance will be established, or he/she may designate a separate channel for that purpose.
2. A supervisor may respond to the disturbance scene to coordinate communications among agencies at the scene.
3. The Emergency Operations Center (EOC) shall coordinate operations with the supervisor and make notifications or carry out assignments by command personnel.
4. Radio call signs for the duration of the operation will be identified and assigned by the Incident Commander.

5. A complete listing of all assigned radio call signs will be provided to section supervisors and other concerned personnel.

B. Mobilization

1. The shift supervisor or on-scene commander may (after informing higher command personnel) initiate a mobilization of off-duty personnel. This mobilization of personnel will be implemented according to LE Policy 532-04.

C. Situation Maps

1. Situation maps will be available for use in plotting operational commitments during disasters and/or civil disturbances.
2. Situation Maps shall be maintained in the ESCC Situation Room and the mobile command post.
3. Situation Maps are available from:
 - a. Public Works Director (City of Rapid City).
 - b. Emergency Services Communication Center Incident Room (Aerial/Rural Addressing).
 - c. Rapid City/Pennington County Emergency Operations Center (EOC).
 - d. The Emergency Services Communications Center and Mobile Command Vehicle shall have up-to-date situation maps available to all command personnel.
 - e. Register of Deeds.
 - f. Planning & Zoning.
 - g. Rapid City/Pennington County Geographical Information System (GIS).

D. Field Command Posts

1. The operation command post may be located in the EOC in the Pennington County Administration Building.
2. The on-scene commander may designate a field command post at an appropriate location away from the scene of the disorder. The command post will provide a point for the receipt and deployment of personnel and equipment, as well as a central point for dissemination of information and communications.
3. Command personnel shall establish a permanent site for Command Post activities upon their arrival. Factors in selecting location for the Command Post should include:
 - a. Close proximity to a convenient, safe, staging area;

- b. Adequate parking;
 - c. Telephone availability;
 - d. Reasonable proximity to the incident site; and
 - e. Relief facilities.
4. A log shall be kept by personnel staffing the Command Post which should include:
- a. Chronological listing of major events or decisions at the scene;
 - b. Hours worked by on-scene personnel;
 - c. Tracking location duties/assignments of personnel; and
 - d. Any other pertinent information.

E. Chain of Command

- 1. In the event that a deputy determines that a disorder is occurring or is imminent, the on-duty shift supervisor shall be notified, and it shall be his responsibility to ensure that the Law Enforcement Division Captain, Chief Deputy, and the Sheriff are likewise notified.
- 2. The shift supervisor shall respond to the scene and make immediate personnel assignments as necessary to protect the safety of residents, bystanders and other persons not involved in the disturbance.
- 3. The shift supervisor shall be the on-scene commander until relieved by a superior deputy.
- 4. All office personnel scheduled to be directly or peripherally involved will be assigned duties as shown below:
 - a. Overall direction of office activities.
 - b. Incident Commander - responsible for overall planning and for field command and coordination of all activities related to operations. Assigned by the Chief Deputy or Sheriff.
 - c. Command of deputies not specifically assigned to location of event.
 - d. Command of Communication Section; responsible for all office communications requirements.
 - e. Command of Intelligence Section; responsible for direction and coordination of all intelligence gathering, analysis, and dissemination. The intelligence function may involve the following tasks:

- 1) Collate, analyze and disseminate all information pertinent to police operations.
- 2) Provide specialized equipment for covert/covert recording of activities, to include video.
- 3) Provide covert operations for the purpose of mingling with the demonstrators to gather intelligence.

F. Community Relations – Public Information

1. The responsibility for community relations and public information (Media) shall be the responsibility of the designated Public Information Officer (PIO). The on-duty shift supervisor shall follow those procedures for release of information to the media as directed by GP 1-10: Public Information and Media Relations.

G. Other Law Enforcement Support

1. The on-scene commander or his/her designee shall be responsible for liaison with Law Enforcement support agencies.
 - a. Non-Law Enforcement agencies may include fire, medical, and medical support.
 - b. Law Enforcement Officers from other jurisdictions shall be used in a supporting role such as traffic control, transportation, or detention of prisoners rather than in a direct enforcement role, whenever possible.

H. Public Facility Security

1. The on-scene commander shall ensure that adequate steps are taken to protect the security of vital public facilities that may be threatened by the disorder.

I. Traffic Control

1. Traffic Control shall be implemented immediately to secure a perimeter around the emergency scene. Deputies shall direct traffic away from the area and shall inform residents of the affected area where to respond for assistance and information.
2. The on-scene supervisor shall take immediate steps to isolate the scene of the disorder and protect innocent bystanders and residents through evacuation procedures if necessary and appropriate vehicular and pedestrian traffic control.

J. Equipment Requirements

1. All personnel designated or assigned to any activity related to the law enforcement response to a disorder shall be in uniform or wear a badge or other identification conspicuously so as to clearly designate themselves as law enforcement personnel. Non-sworn personnel shall wear attire suited to their assignment.

2. Weapons and Ammunition:

- a. Unless otherwise specified by written instruction, only issued weapons and ammunition will be authorized.
- b. Specialized weapons will be issued only if authorized by the Sheriff or designee.

3. Special Equipment or Supplies:

- a. Special equipment and supply requirements/requests shall be transmitted directly to the Operations Coordinator at the command post.
 - b. Section supervisors shall be responsible for maintaining control of all special equipment issued. They shall submit a list of items expended during the operation to the Incident Commander.
4. If the operation becomes lengthy or develops into a mass arrest situation, arrangements will be made by the Operations Coordinator to insure the maintenance facilities of vendors and the County Shops are staffed to provide emergency maintenance services.

K. Post-Occurrence Duties

1. The on-scene commander may authorize the de-escalation of the law enforcement response to the disturbance when:
 - a. It appears that the disorder has discontinued and the public safety is no longer in jeopardy, and
 - b. The effects of the disturbance (i.e. vandalism, assaults, injuries, etc.) no longer present a danger to the community.
2. The de-escalation procedures may involve the reassignment of personnel from the field to:
 - a. Detention areas to facilitate the processing of prisoners.
 - b. Completion of all reports.
 - c. Maintenance and return of specialized equipment.
3. All office personnel involved in the response to the disorder shall complete a report consistent with Sheriff's Office procedures. This report shall detail all actions taken by that member during the course of the disturbance.
4. The Sheriff may assign a supervisor to review the office response to the disturbance and the effectiveness of actions, procedures, and planning. A report of the findings may be made, including any recommended changes in procedures.

L. After-Action Reports

1. After-action reports are reports prepared by incident supervisors and submitted, through the chain of command, to the Incident Commander. The purpose of such reports is to provide the Office with an overview of the activities and problems encountered during the incident and what actions were taken to adjust to the situations. The procedures for submitting After-Action Reports is covered under LE Policy 531-04.

M. Transportation

1. Transportation may be provided to the scene either by individual marked law enforcement units, unmarked investigations units, the SRT bus, or county owned vehicles as appropriate.
2. Prisoner Transportation:
 - a. Persons taken into custody will be processed and transported according to Pennington County Sheriff's Office procedures.
 - b. If a large number of persons are taken into custody, they will be taken to a field processing center and processed according to the mass arrest procedures outlined below.

N. Civil Disturbance: Mass Arrest

1. The policy of the Pennington County Sheriff's Office is to include within this civil disturbance plan provisions for carrying out mass arrests.
2. A mass arrest situation exists when, in the judgment of the Sheriff, Chief Deputy, or Law Enforcement Commander, the number of persons to be arrested out of a single incident exceeds the Office's ability to perform normal arrest, booking, and reporting procedures.

O. Mass Arrest Procedure

1. In the event that it becomes necessary to make a large number of arrests so that the normal capacity of the office to transport, process, or detain the arrestee is exceeded, the following procedures shall apply.
 - a. A mass arrest situation exists when, in the judgment of the patrol commander, the number of persons to be arrested out of a single incident exceeds the Office's ability to perform normal arrest, booking and reporting procedures.
 - b. Sufficient law enforcement staff will be gathered before any enforcement action is taken at the scene of the mass arrests.
 - c. The Investigations Unit will be notified for deployment of field identification teams.

- d. Frequent and extensive security checks will be made to all city facilities and parking areas by patrol units following mass arrest situations. Groups gathering in the lobby of the Public Safety Building will be kept under close surveillance.
- e. The on-call Deputy States Attorney and the on-call Magistrate Court Judge will be contacted as needed by the patrol shift supervisor.
- f. At the arrest scene, law enforcement vehicles should be parked and secured at one location, with at least one deputy remaining with the vehicles for security purposes.
- g. Law enforcement personnel at the scene should remain together as much as possible. No deputy will leave the group to pursue a subject into or through a crowd.
- h. Arrestees will be immediately removed from the arrest scene and taken to a field-processing center. Arresting deputies will return to crowd control duties as quickly as possible.
- i. Arrestees will be transported directly to an appropriate place of confinement or release as soon as possible after processing. The standard procedures for transporting prisoners apply to mass arrests. In the event that buses or other mass transportation vehicles are used, care should be taken to ensure that arrestees are properly secured with handcuffs or flex cuff, and a sufficient number of law enforcement personnel are on hand to maintain maximum security.
- j. Persons not to be taken into custody are left an escape route by which to peacefully leave the area, either on foot or by vehicle. Law enforcement vehicles will not be parked so as to block streets unnecessarily.
- k. Only one deputy or supervisor shall give instructions to the crowd. The instructions given and the name of the person giving them shall be documented in written reports.
- l. The on-scene commander shall account for all personnel and equipment before leaving the arrest site.
- m. Transportation immediately after an arrest may be accomplished by requesting mutual aid assistance from other departments, or by the use of additional office personnel in unmarked vehicles.

P. Field Processing of Prisoners

- 1. The processing of prisoners shall be consistent with established procedures for completing booking, arrest reports, and fingerprinting, except that in all cases a photograph shall be taken. The normal booking may be substituted for a photo

of the arrested taken with the arresting deputy. Booking may be delayed temporarily until additional personnel are available for this purpose.

2. Deputies will be assigned as needed to maintain order in the field processing area.
3. Arresting law enforcement personnel will complete the subject, charges (except C.R. numbers), and the narrative sections of the arrest report for each arrest.
4. The arrest report will be sent with the transporting deputy to the prisoner's place of confinement or release.
5. The deputies assigned the disposition of the prisoner will annotate the disposition in the narrative section of the arrest report as necessary. The deputies assigned the disposition of the prisoner will also complete any required summons if the prisoner is to be jailed.
6. Arresting deputies will remove each prisoner's property and place it in an evidence bag. The bag will be sealed and the arresting deputy's initials, identification number, and the prisoner's name and field booking number will be written on the bag. Law enforcement personnel will also note any large sums of money or items of exceptional value on the outside of the bag. The prisoner's property will be sent to the prisoner's place of confinement or release.
7. Any evidence seized as the result of a mass arrest incident will be turned over by the arresting law enforcement personnel to designated law enforcement at the field processing area, and the bag initialed by the deputy receiving the evidence.
8. Designated law enforcement will complete a property report noting the time, date, and the law enforcement personnel from whom the evidence was received. The evidence will be sealed in an appropriate container and is identified as evidence, initialed by the law enforcement personnel and the arrestee's field booking number will be placed on it.
9. All evidence will be placed in a secure location by the deputy and transported by that deputy to the Evidence Section at Evidence Building at an appropriate time.
10. Field prisoner booking will be completed by a field booking team, consisting of a minimum of two law enforcement personnel who have kits containing all necessary items to provide a positive field identification, photographs, fingerprints, etc.
11. One booking team will be assigned to the command post or other designated location. Remaining field booking teams will be assigned to mobile crime units or be placed on call.
12. The field booking teams will display the case report number for the incident, the reporting district, and any code numbers used, along with the charges they represent, for deputies to use as a reference.

13. A field booking number will be assigned to each arrestee. This number will be separate and distinct from any type of numbering system now in use. This number will not replace the ID number, case number, or jail booking number and will be used only when mass arrest procedures are in effect. This number will be placed on the back of the 8" by 8" field booking card and will be large enough to be seen in a photograph. The first arrestee will receive booking number 1 and the following arrestees will be sequentially numbered.
14. One photograph will be taken of the arrestee and the arresting law enforcement personnel, while the field booking number is held by the arresting law enforcement in a visible manner.
15. The arrestee's name, date of birth, field booking number and code letter of charges will be entered into the field booking log by a field booking team.
16. The field booking team will place the following information on the reverse side of the 8" by 8" field booking number card.
 - a. Arrestees name
 - b. Date and time of arrest
 - c. Law enforcement personnel's name and number
 - d. Initials of field booking team
 - e. Statute or Ordinance number of arrest charge
 - f. The arrestee's four right fingers printed simultaneously.
17. The photograph will be stapled to the field booking number card. The photograph and the booking card will be taken to the Pennington County Sheriff's Office at an appropriate time for inclusion in the case file.
18. The field booking team will write the field arrest booking number on the right forearm of the prisoner with a permanent black felt tip pen.
19. Upon completion of field processing, arrestees will be taken a place of release or place of confinement.
20. Arrestees who are not incarcerated are normally released at the Public Safety Building (PSB). If the PSB is in close proximity to the disturbance area, increasing the likelihood that released prisoners will again become involved in the disturbance; an alternate release location may be arranged by the patrol supervisor.
21. As soon as the approximate number of persons to be incarcerated is known, the appropriate confinement facilities will be contacted by the patrol supervisor.
22. A liaison deputy will be assigned to coordinate interaction with any defense counsel that may respond to a mass arrest situation.

23. Area hospitals will be notified and an ambulance will be summoned to respond to stand by.
24. Food, water, and sanitation needs will be met whenever possible.
25. Juvenile arrestees shall be handled, processed, and released in accordance with established departmental procedures. and shall remain segregated from adult arrestees.
26. Defense counsel visitations will be permitted only if the manpower level permits the adequate supervision of the visitation and the safety and security of all persons.

Q. Reporting Procedures in Mass Arrests Situations

1. One case report number will be used for an entire incident, and will appear on each custody report.
2. Only one narrative will be written for the entire incident. It will be prepared by one law enforcement personnel and will begin with a chronological listing of all persons arrested in the incident. The narrative need not describe each arrestee's part in the disturbance, as this is noted briefly on each arrest report.
3. The narrative will follow standard format and will include information on:
 - a. The source and number of complaints received by law enforcement.
 - b. The verbatim instructions given to the crowd and the name of the person giving them.
 - c. All law enforcement making arrests listed as witnesses.
 - d. Any injuries sustained by office personnel.
 - e. Whether or not the arrestee(s) had been drinking, and if so, where.

R. Community Relations/Public Information

1. The on-scene commander will identify one person who shall be responsible for the community relations/public information function in relationship to the disturbance. That person may be responsible for:
 - a. Media briefings at a designated location.
 - b. Dissemination of public information and public advisories as necessary to ensure:
 - 1) Citizen cooperation with Law Enforcement efforts.
 - 2) The safety of citizens in the community.
 - 3) Control rumors and the associated public hysteria.

- 4) Dissemination of accurate arrest and casualty information.

532-02: Response Plan for Hostage, Sniper, Barricade Situations

Chapter: Unusual Occurrences & Special Operations Plan

Order No:

Effective: 08-01-2000

Revised: 02-01-2016

Approved by: Sheriff Kevin Thom

Reference: SDCL 22-18-2, 22-18-3

Classification: Public

I. Policy

- A. The policy of the Pennington County Sheriff's Office is that protection of life is of primary concern while using the Priority of Life model to help make those decisions.

II. Definitions

- A. **ESCC:** Emergency Services Communications Center
- B. **SRT:** Special Response Team
- C. **Tactical Advantage:** Any area that allows a deputy to be better prepared to handle any offensive movements by a suspect

III. General Information

- A. When determining how situations should be resolved, The Sheriff's Office employs a "Priority of Life" model. This model is applied during the decision-making process for application of force. The following are listed in order of priority:
 - 1. Hostage(s)
 - 2. Innocent Citizens
 - 3. Law Enforcement Personnel
 - 4. SRT Members
 - 5. Suspect(s)
- B. The "Priority of Life" model should be considered when determining the course of action by deputies responding to these types of situations. It is the responsibility of each deputy to not place hostages, innocent citizens, law enforcement personnel, or SRT members in a situation of greater danger than the suspect.

IV. Procedural Guidelines

- A. **First Deputy on the Scene Responsibility:** When the first deputy on scene determines that it is in fact a barricaded suspect/hostage/sniper situation, they should do the following:

1. Advise ESCC confirming the situation.
2. Advise the location of the incident and describe the exterior of the home or name and description of the business.
3. Request the shift supervisor to respond.
4. Request additional deputies as necessary to contain the perimeter.
5. Advise the responding deputies of any streets or areas which may be unsafe for responding units to enter.
6. Advise responding deputies of a safe location to leave patrol units. Keep in mind that the patrol units may be used to block a street, preventing access by citizens.
7. A deputy should maintain a position of tactical advantage over the suspect, keeping them confined to the smallest area possible.

B. Shift Supervisor Responsibilities:

1. The responsibility of the shift supervisor is to keep control of the situation. The shift supervisors' primary responsibilities are for the safety of everyone, containment of the subject, and the gathering of intelligence information.
2. If the shift supervisor determines the incident meets the required criteria for an SRT call out, they will then notify the SRT Commander.
3. The shift supervisor will make post assignments to include:
 - a. Inside perimeter to contain suspect
 - b. Traffic control
 - c. Establish an outer perimeter
 - d. Designate areas as needed for:
 - 1) Command Post
 - 2) Medical units
 - 3) Fire units
 - 4) Media
 - e. Assign deputies to take positions to control the critical terrain features.
 - f. Assign deputies to take positions of tactical advantage over the suspect, keeping them confined to the smallest area possible.
 - g. When establishing both the inner and outer perimeter, the shift supervisor should:

- 1) Determine the number and location of deputies already surrounding the building in question and assign more if needed, or reassign those that are not needed.
- 2) Inner perimeter should be isolated and all physical movement within it controlled.
- 3) Establish an outer perimeter:
 - a) The distance of the outer perimeter from the scene will be determined by the location of the suspect and the type of weapon being used.
 - b) Deputies assigned to the outer perimeter should be instructed to block all access streets and only first responders involved in the situation will be allowed within the outer perimeter.
- 4) The shift supervisor should assess the need to evacuate persons within the outer perimeter. Neighborhood evacuation should be done only when the situation dictates, and is not automatic. Evacuation, when necessary, should be done by uniformed deputies and only when it does not expose the persons involved to danger.
- 5) The shift supervisor should assess the need to evacuate injured persons within the outer perimeter.
- 6) If an injured person is within the outer perimeter, the shift supervisor will designate uniformed deputies as a rescue team. This rescue team will be directed to evacuate injured persons by whatever means necessary to accomplish the task safely.

C. Crisis Negotiations:

1. The use of a trained crisis negotiator is often critical in the successful resolution of a barricaded suspect/hostage/sniper situation. The Pennington County Sheriff's Office will utilize, whenever possible, SRT negotiators in an attempt to resolve those incidents where the negotiation effort may be successfully employed.
2. In the event that the negotiation process must begin prior to the arrival of SRT negotiators, the shift supervisor may assign a deputy to communicate with the suspect. Further, the shift supervisor should assign another deputy to act in the capacity of secondary negotiator to assist the primary acting negotiator.
3. Upon arrival of the SRT negotiation unit, the SRT negotiation team leader shall communicate with the acting negotiator, if one has been assigned, to determine the following:
 - a. What are the subject's weapons capabilities?

- b. What is the demeanor and attitude of the subject toward law enforcement?
 - c. What has occurred in the negotiation process to this point?
 - d. What are the specific demands of the subject?
- 4. If the SRT negotiation team leader feels that a rapport has been established between the acting negotiator and the subject, the acting negotiator may be allowed to continue with the negotiation process under the supervision of a trained crisis negotiator in order to assure that rapport with law enforcement is maintained.
 - a. Final approval for this must be given by the Incident Commander.
 - b. If the acting negotiator is told they will be replaced by an SRT negotiator, the acting negotiator will relinquish this duty after thoroughly briefing the SRT negotiation team leader.
- 5. The SRT commander must be briefed as soon as possible concerning the entirety of the event, including those matters relating to what has occurred during the negotiation process to this point, and all other matters concerning the suspect, his or her motives, intentions, and capabilities.

D. Incident Commander Responsibility

- 1. The SRT commander is responsible for providing a pool of highly skilled and trained personnel to be utilized during barricaded suspect, hostage, or sniper situations.
- 2. The Incident Commander's primary objective is to resolve the situation with the least amount of force necessary to minimize the danger of injury to the hostage(s), innocent citizens, law enforcement personnel, SRT members and finally the suspect.
- 3. The Incident Commander is to direct, control, and coordinate the overall operation of these situations.
- 4. The Incident Commander or designee should designate a staging area inside the outer perimeter for deployment of arriving deputies to assigned positions. The staging area will also be used for responding ambulance and fire department equipment and personnel.
- 5. The Incident Commander or designee should assign an area outside the outer perimeter that will accommodate the news media.
- 6. The Incident Commander will designate an individual to be responsible for providing logistical support for all persons involved in the incident.
- 7. The Incident Commander will ensure the hospital and EMS personnel are notified.

8. Additional personnel may be obtained through mutual aid requests. The Incident Commander should communicate with other agencies to ensure proper response and deployment of assistant personnel.

E. Investigator Responsibility:

1. When an investigator is advised to respond to the command post they will contact the Incident Commander. The assignment will be at the discretion of the Incident Commander or the supervisor of investigations.
2. If the Incident Commander requires the assigned investigator to gather intelligence information, some of the information they should gather is:
 - a. Relevant suspect information:
 - 1) Is this individual a criminal who was unable to get away from the scene of the crime?
 - 2) Is this individual mentally unbalanced?
 - 3) Is this individual a terrorist?
 - 4) Is this a despondent person?
 - 5) What is the suspect's personality? How do they behave normally?
 - 6) Does the suspect possess a special skill in explosives or weapons?
 - 7) Was the suspect in the armed forces?
 - 8) Does the suspect have any habits, deviations, or addictions that may influence their behavior?
 - 9) Are there any immediate problems such as a family stress, debt problems, death in the family?
 - a) Was there ever a previous crisis situation involving this individual?
 - 10) Obtain a physical and clothing description on suspect(s).
 - 11) Who are the captives?
 - a) Attempt to identify the captives by name, sex, age, and physical attributes.
 - b) What is their relationship to each other or their relationship to the suspect?
 - c) What are their present physical conditions or their known health problems?

- 12) The investigator must treat every bit of information as though it is the most important link to solving the situation. The investigator should pass on information to the SRT commander the negotiations team leader as it is obtained.

F. Mobility:

1. Every effort should be made to keep these situations from becoming mobile.
 - a. The only exception would be if the mobility would be to the advantage of law enforcement or if the mobility occurs outside of law enforcement control.
 - b. If a mobile situation develops, travel routes shall be controlled to the greatest extent possible.
2. If the situation does become mobile, the Incident Commander shall:
 - a. Assign vehicles to follow and maintain constant surveillance.
 - b. The surveillance car shall follow and maintain surveillance as long as the hostages are being held and shall keep the Incident Commander and dispatcher aware of their location and progress.
 - 1) Aircrafts may be used if appropriate and available
 - c. Instruct ESCC to monitor the progress of the mobile units and relay messages as appropriate and to notify the appropriate agencies if the mobile units move toward another jurisdiction.

G. Debriefing:

1. When a barricaded gunman/hostage/sniper situation ends, a debriefing with involved personnel will be conducted.
2. The debriefing will be conducted by the Incident Commander.
3. The debriefing should answer the questions:
 - a. What really happened?
 - b. How did the incident develop?
 - c. Who was involved?
 - d. How well was our response?
 - e. What problems did we encounter?
 - f. What was effective?
 - g. Any open comments.

- H. **After-Action Reports:** All office personnel involved in the response to a barricaded, hostage or sniper incident shall complete a report consistent with office procedures. This report will detail all actions taken by that member during the course of the incident.

532-03: Bomb Threats and Bomb Emergencies

Chapter: Unusual Occurrences and Special Operations Plan

Order No:

Effective: 08-01-2000

Revised: 02-01-2016

Approved by: Sheriff Kevin Thom

Reference: SDCL 22-1-2

Classification: Public

I. Policy

- A. The policy of the Pennington County Sheriff's Office is to ensure the safety of the public and its personnel in situations involving the use or potential use of explosives and/or destructive devices.

II. Definitions

- A. **Bomb Threat:** Any communication reported to anyone warning of an explosive or destructive device placed where it may cause injury to persons or damage to property.
- B. **Explosive:** Any substance or combination of substances that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas or heat.
- C. **Destructive Device:**
 - 1. Any bomb, grenade, explosive missile, or similar device or any launching device therefore.
 - 2. Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.
- D. **Bomb Technician:** Persons trained to handle, deactivate or detonate explosives and destructive devices. Only those persons recognized as certified Bomb Technicians are authorized to act in this capacity.

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Bomb Disposal Operation

- 1. When an unexploded incendiary or explosive device or bomb has been located within the confines of Pennington County, the shift supervisor will immediately notify:

- a. Sheriff.
- b. Chief Deputy.
- c. Patrol Captain.
- d. Patrol Lieutenant
- e. Investigations Captain.

B. Bomb Threats:

1. Responding deputies should avoid radio activation within a 400-foot radius of the bomb threat site to reduce the likelihood of accidental detonation.
2. While at the scene, units shall communicate with the ESCC only by telephone.
3. In cases of bomb threats where no specific evidence exists of an explosive or destructive device, the deputy or shift supervisor shall use discretion in searching the premises.
4. The evacuation of the premises is at the discretion of the adult person responsible for the property.
 - a. Exception: The deputy may order evacuation where information or evidence is compelling that a bomb is there (i.e., very high probability).
5. All searches shall be thorough, systematic and supervised by the shift supervisor or the deputy assigned to the case. Adults who are familiar with the premises may assist with the search with the aid and advice of the deputy or shift supervisor.
6. When no explosives or destructive device is found, the deputy shall notify the ESCC and complete the appropriate report.

C. Un-detonated Explosive or Destructive Device

1. When a deputy discovers any suspected undetonated explosive or destructive device they shall notify the ESCC by telephone.
2. The deputy will request the ESCC to notify the shift supervisor.
3. The shift supervisor shall respond to the scene and take command of security operations. The Incident Command System may be implemented at this time.
4. The finding of a device--or suspected device--shall dictate immediate evacuation with a perimeter of at least 500 feet.
 - a. If the device appears to be a homemade bomb, then a request will be made to DCI for their EOD Team to respond.

- b. If the device appears to be of military grade, then a request will be made to Ellsworth AFB to have their EOD Team respond.
 - c. If contacting Ellsworth AFB, the shift supervisor will notify both the Law Enforcement desk and the Base Command Post.
 - d. Other persons or agencies are required.
- 5. No one other than explosive ordnance specialists and investigators are authorized to enter danger zones except to prevent injury or death to a person or to remove an injured person.

532-04: Mobilization Plan

Chapter: Unusual Occurrences and Special Operations Plan

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will have a written mobilization plan to guide supervisors in the event a mobilization of deputies is required.

II. Definitions

- A. **ESCC:** Emergency Services Communications Center

III. General Information

- A. **Emergency Mobilization Plan:** The Chief Deputy shall be responsible to coordinate the office's participation in rehearsals or drills of emergency response capability, as scheduled by the Pennington County Emergency Management.

IV. Procedural Guidelines

- A. **Notification by Communications:** The Emergency Services Communications Center (ESCC) will be requested to notify the following individuals in the event of mobilization activation.

1. Sheriff
2. Chief Deputies
3. Patrol Captain
4. Investigations Captain
5. Warrant/Civil Captain

- B. **Command and Control:**

1. In any major event, the Sheriff, Chief Deputy, or designee will have the authority to institute a partial or full mobilization
 - a. When mobilization is implemented, the designated Incident Commander will advise the ESCC personnel that the following information is to be relayed to the call back personnel:

- 1) Nature of the emergency
 - 2) Reporting location
 - 3) Reporting time
 - 4) Whether or not to report in uniform
 - b. Specific units to be mobilized will also be identified.
2. Each unit supervisor is responsible for the members of their command being contacted and is also responsible for knowing how many were successfully contacted.

C. Procedures:

1. Mobilization alerts:
 - a. Alert Level One: Utilizes on-duty personnel from available resources.
 - b. Alert level Two: partial mobilization of uniform personnel, usually accomplished by holding over a shift ready to be relieved and/or the early activation of the on-coming shift. It may also involve alerting off-duty personnel of other divisions to be on 24-hour on-call status for call back, if required by the designated commander initiating the alert. During a level two alert, off-duty personnel on a 24-hour call status would be required to keep their immediate supervisor informed of their whereabouts at all times.
 - c. Alert Level Three: full scale mobilization of the patrol section and other essential personnel from other sections, requiring all off-duty personnel to report for duty.
2. Sergeants will notify those deputies assigned to their supervisory group.
 - a. The contacted deputies will be instructed as to:
 - 1) The nature of the emergency
 - 2) The reporting location
 - 3) The time to report
 - 4) Whether or not to report in uniform
 - b. Sergeants will attempt to contact everyone and will make one repeat attempt to reach deputies not contacted.
 - c. After completing the calls to their group, the Sergeant will notify their Captain or, if unavailable, the Chief Deputy and report who was not contacted, as well as, the number of deputies responding.

- d. The Sergeant will provide a list, by telephone, to the ESCC of those personnel responding.
- e. Mobilization of the Special Response Team, Special Response Team Negotiators will be in accordance to Policies and Procedures 531-02, and mobilization of the combined Water Rescue will be in accordance to Policies and Procedures 531-03.

D. Assembly Areas:

- 1. The primary assembly area is the briefing room at the Public Safety Building.
- 2. Alternate assembly areas may be designated as necessary to facilitate resources prior to mobilization.
- 3. Movement from the assembly area to the incident site will be by the use of Pennington County or city owned vehicles.

E. De-Mobilization:

- 1. When the emergency is over, personnel will be demobilized as soon as possible to return to the assembly area for debriefing and completion of reports.
- 2. On duty personnel will return to their normal assignments after the debriefing.
- 3. Mobilized off-duty personnel will be allowed to resume their off-duty status after the debriefing.
- 4. Consideration must be given to ensure there is sufficient transition to allow for adequate rest.
- 5. All overtime will be submitted in accordance to Policies and Procedures and Pennington County Employee Handbook.

532-05: Dignitary Protection

Chapter: Unusual Occurrences and Special Operations Plan

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide security for dignitaries, visiting officials of other major governmental entities or other persons against whom a significant threat is perceived, and to assist other agencies in their assigned security missions while the visiting persons are in Pennington County or a requesting jurisdiction.

II. Definitions

- A. **Dignitary:** Any person who, because of their social, political, religious, or other position, may be a victim of threats of physical harm to themselves, their family, or traveling companions, or may be the victim of threats, intimidation or extortion.

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Dignitary Protection Plan:

1. Responsibilities:

- a. The Chief Deputy or designee is responsible for the planning, procuring, budgeting and initial coordination necessary for the successful implementation of the provisions of this policy.
- b. Investigation Division personnel will normally be used as plain clothes/undercover operatives and for the developing of intelligence information.
- c. The Patrol Division will provide the necessary uniform personnel to control crowds, traffic and lead escorts.

2. Equipment:

- a. The Investigation Division is responsible for providing a sufficient number of unmarked vehicles for use during a V.I.P security mission. The Patrol

unit is responsible for the provision of any marked law enforcement vehicles needed.

- b. The Special Response Team Commander is responsible for providing any special weapons or tactics to be used by qualified members of the security team.
- c. The Investigation Captain will be responsible for the designation and procurement of any distinctive apparel or insignia to be worn by security personnel and for the security of these items and their designs.

3. General provisions for security of dignitaries:

- a. The Patrol Division will be responsible for initial route reconnaissance, to include alternate routes and for recommending a preferred route of travel.
- b. The Investigation Division will be responsible for the inspection of any sites or facilities to be used by the dignitaries. When necessary, outside expertise will be used to assist in this regard, e.g., electronic sweeps, bomb searches, etc.
- c. The Investigation Division is responsible for the gathering of intelligence concerning any visiting dignitaries, their families or companions, to include any person or groups believed to be a threat to the dignitary, or any organization associated with the dignitary.
- d. Upon notification of a pending dignitary visit, the Investigation Captain will be responsible for all coordination, both within the office and with other effected outside agencies and once the security mission itself as begun, the Investigation Captain or designee will be responsible for all coordination activities.
- e. Communication procedures will be in accordance with office policies and procedures. Any special contingencies or requirements will be coordinated with the Emergency Services Communications Center.
- f. Designation of the command post location and any other command and control procedures or responsibilities, will be the responsibility of the Investigation Captain or designee.

532-06: Response Plan for Special Events

Chapter: Unusual Occurrences and Special Operations Plans

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. To establish procedures to be implemented for the response to special events.

II. Definitions

- A. N/A

III. General Information

- A. The responsibility for coordinating and supervising special events shall be assigned to a single person, who shall determine the type of law enforcement assistance necessary to handle the event.

IV. Procedural Guidelines

A. Planning:

1. As soon as possible after notification that a specific event is planned, the Patrol Captain, or designee, shall contact the organizers of the event and determine:
 - a. The nature of the event
 - b. The date, time and expected duration of the event
 - c. Location, including any routes involved
 - d. The number of participants
 - e. Anticipated problems
 - f. Special permits that may be required
2. For larger events or demonstrations where there is a potential for violence, there may be a need for special considerations such as:
 - a. Traffic and pedestrian control to ensure the safety of the participants.
 - b. The number of personnel needed to handle the event.

- c. The need for specialized personnel such as the Highway Patrol, Special Response Team or Fire Department.
 - d. Specialized equipment.
 - e. Notification of other agencies.
 - f. The need for additional radio channels and coordination with the Emergency Services Communications Center.
 - g. The need to gather intelligence on people and groups involved.
- 3. The Patrol Captain or designee shall provide a written plan for the handling of the special event. This plan will include:
 - a. Manpower and scheduling needs.
 - b. Crowd control requirements.
 - c. Traffic rerouting and control requirements.
 - d. Any other pertinent information.
- 4. A copy of this plan will be forwarded to those other individuals and agencies effected by the operation.

611-01: Criminal Investigations Function

Chapter: Criminal Investigations Administration

Order No: LE 12-01

Effective: 08-01-2000

Revised: 03-12-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office established the Criminal Investigation Division to investigate criminal acts while taking into consideration the most effective use of the physical, financial, and staff resources of the office.
- B. The Criminal Investigation Unit shall be organized into specific positions within the component which is responsible for criminal investigations.

II. Definitions

A. Crimes against persons:

- 1. Sex Crimes/Child Abuse
- 2. Assaults/Domestic Violence
- 3. Robberies
- 4. Homicides
- 5. Other violent crimes where injury or the possibility of injury exists
- 6. Juvenile investigations General investigations

B. Crimes against property:

- 1. Burglaries, Larceny and Thefts
- 2. Stolen vehicles
- 3. Forgery/Checks
- 4. General assignment

C. Drug Unit: Unified Narcotics Enforcement Team/Joint with Division of Criminal Investigation and Rapid City Police Department

D. Investigator: Deputy Sheriff assigned to the Criminal Investigations Unit.

III. General Information

- A. The Criminal Investigation Unit supervisor shall apportion the unit for a sufficient number of investigators to be on duty to receive assignments.
- B. The appropriate number of investigators will be on call to handle crimes in Pennington County.
- C. An investigator may be assigned to work evening hours. Investigators should notify the patrol shift supervisor that they are working.
- D. During working hours any available investigator or supervisor will respond to crime scenes, when available or when called.

IV. Procedural Guidelines

- A. Prior to calling for assistance, the on-duty patrol supervisor shall evaluate the need for an investigator or evidence personnel to respond, based upon the following criteria:
 - 1. Magnitude or sensitivity of the crime or situation.
 - 2. Evidence collection, investigative requirements, or other services needed exceed available staff and/or skills of the law enforcement officers on duty.
- B. The on-duty patrol supervisor will notify the investigation supervisor. The Investigation's Supervisor will notify the on-call investigator and he/she shall respond to the scene as expeditiously as possible. Upon arrival at the scene the investigator will immediately notify the on-duty supervisor and become responsible for:
 - 1. Assuming control and coordination of the investigation after being briefed by on scene law enforcement officers.
 - 2. Evidence processing, collection and preservation.
 - 3. Determining necessary interviews of witnesses, victims, suspects, and the priority in conducting the interviews.
 - 4. Notifying investigation supervisor of unusual circumstances or issues.
 - 5. Identifying and prioritizing investigative leads to be followed and the expediency needed.
 - 6. Preparing necessary supplemental reports, photographs and evidence analysis.

611-02: Case Management

Chapter: Criminal Investigations Administration

Order No: LE 12-01

Effective: 08-01-2000

Revised: 03-15-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Investigators/Deputies will use a system of case management allowing for balanced caseload, timely reporting and expedient resolution of criminal investigation.

II. Definitions

- A. **Case Closing:** Each "assigned case" should be closed in one of the following ways as explained below:
 - 1. Arrested Adult: Case closed when the suspect is arrested on a probable cause arrest. Required follow-up, interviews, interrogations and reports are completed.
 - 2. Arrested Juvenile: Same as arrested adult.
 - 3. Exceptional Clearance Adult: Prosecution declined, victim refuses, extradition denied, not applicable, offender death.
 - 4. Exceptional Clearance Juvenile: Prosecution declined, victim refuses, extradition denied, juvenile/no custody, not applicable, offender death.
 - 5. Information Only: Closure used for cases not fitting any other disposition. Can be used on cases where no criminal act occurred and cases that cannot be proven but information needs to be kept on file.
 - 6. Juvenile Petition Request: A juvenile petition request has been submitted to the prosecutor asking that charges be filed against the suspect.
 - 7. Lack of Leads/Suspects: When all persons have been interviewed and all leads have been followed and no suspects have been developed, the case may be closed.
 - 8. No Further Action Required: Coroner cases.
 - 9. Prior Arrest.
 - 10. Referred To Other Agency: Indicate which agency.

11. Restitution: The suspect has agreed to pay restitution to the victim and the victim does not wish to prosecute.
12. Runaway Returned Home: When runaway returns home and no actual arrest is made.
13. Unfounded: The allegations made against the suspect are false or cannot be proven through the investigation.
14. Warrant Request: A warrant request has been submitted to the prosecutor asking that charges be filed against the suspect.

B. Designation of Case Status: Priority one and priority two statuses are identified by:

1. Gravity of offense:
 - a. Felony
 - b. Misdemeanor; and
 - c. Status offense violation
2. Probability of Solution:
 - a. Suspect's name
 - b. Suspect known
 - c. Suspect described
 - d. Vehicle can be identified
 - e. Vehicle can be identified by description
 - f. Witness ability to assist in solution of the case
 - g. Eye witness
 - h. Physical evidence; and
 - i. Traceable property
3. Urgency of Action:
 - a. Danger to others
 - b. Immediate action required; and
 - c. Pattern and frequency of crime

III. General Information

- A. **Designation of Case Responsibility:** The supervisor will read and separate all cases. Supervisors will also be responsible for assigning the cases to members of the units. It will be the supervisor's responsibility to see that the cases are investigated and that the investigator's progress is monitored. Upon being assigned a case for follow-up investigation as lead investigator, that investigator is responsible for overall coordination of investigative actions to ensure that all possible leads are thoroughly investigated. On particularly complex or heinous crimes, an investigative supervisor will be designated as the case manager to coordinate the case.
- B. **Upon receipt of a case assigned for follow-up investigation:** The Investigator/Deputy is responsible for initiation and maintenance of a case file.
- C. **Case files:** Shall not contain original reports.
- D. **Investigative Accountability:**
 - 1. Investigators/Deputies assigned to a follow-up investigation are responsible for the completion of the investigation.
 - 2. Investigators/Deputies assigned to investigate a call for service shall be responsible for the completion of a preliminary or follow-up investigation.

IV. Procedural Guidelines

- A. **Follow-Up Investigations Assignment Criteria:**
 - 1. Investigations administrative support will receive case reports daily. They will then be forwarded to the appropriate unit supervisor.
 - 2. Supervisors in charge of crimes against persons and crimes against property will assign cases to investigators in their respective unit.
 - 3. A supervisor, upon reading a report, shall assign a priority rating based upon the gravity of offense, probability of solution, and urgency of action as noted in priority one or two case assignment.
- B. **Follow-up the preliminary investigation and initiate inquiries into investigative leads to identify the suspect and associates when applicable:**
 - 1. Research and review of internal and external records and reports related to the incident, similar incidents or suspects.
 - 2. Use all information sources from witnesses, informants and others.
 - 3. Disseminate information to the law enforcement community.
 - 4. Conduct searches and collect non-testimonial evidence.
 - 5. Analyze the legal significance of information and evidence.

6. Continue the search for witnesses, interview new witnesses and re-interview original witnesses when necessary.
7. Establish liaison with laboratory technicians and submit appropriate evidence for physical analyses.
8. Conduct appropriate surveillance, interrogation and polygraph testing.
9. Identify, locate and arrest suspects based on probable cause. Determine any involvement in other crimes.
10. Recommend suspension of the investigation if all leads are exhausted.
11. Submit the case for prosecution and confer with the prosecution when the suspect has been identified.

C. Case File Maintenance:

1. The case file is to contain copies of the following reports when applicable:
 - a. Copy of the crime report
 - b. Supplemental investigation reports
 - c. Criminal records of suspects
 - d. Laboratory reports
 - e. Witness and suspect statements
 - f. Affidavits and copies of search and arrest warrants
 - g. Advisement of rights
 - h. Consent to search
 - i. Any other documents that were generated or have direct bearing on the investigation
 - j. Warrant requests

D. Investigative Case Status Control:

1. When a case is assigned, a notation will be made in the records management system, identifying the investigator assigned, supervisor approving, date and time approved, and priority designation.
2. Unit supervisors will, on a quarterly basis, complete case reviews of all open/active cases using available information. On those cases where deficiencies are identifiable, the supervisor of the Investigator responsible will review the case for the purpose of correcting deficiencies that exist. This will be

recorded on a case review sheet and maintained by the supervisor for further review or comparison on future case reviews.

3. Unit supervisors will review all cases declined for prosecution or dismissed by the States Attorney's Office. These cases may be considered for remedial action or for training purposes. These declinations will be forwarded to the Investigation's Commander for review.
4. A compiled listing of all warrant requests sent to the States Attorney Office will be maintained in the investigation administration support office.

E. Preliminary Investigations by Patrol Deputies:

1. A deputy assigned to investigate a call for service shall be responsible for the completion of a preliminary investigation.
2. A deputy assigned to a follow-up investigation is responsible for the completion of the investigation.
3. Responsibility of the deputies for either a preliminary or follow-up investigation ends when:
 - a. All investigative leads have been exhausted
 - b. Another Deputy/Investigator is directed to assume control of the investigation:
 - 1) When a transfer of responsibility takes place, it is incumbent that all employees involved are aware of the transfer of responsibility.
 - 2) The arrival of an investigator or supervisor does not transfer responsibility unless they elect to assume control of the investigation.
 - 3) A deputy is instructed to terminate an investigation by a supervisor.
 - 4) An investigator involved in an investigation may request the assistance of patrol deputies and deploy them as needed, with the permission of the patrol supervisor.

611-03: General Criminal Investigations Procedure

Chapter: Criminal Investigations Administration

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Investigators/Deputies will ensure that all assigned criminal investigation cases are thoroughly investigated.

II. Definitions

- A. N/A

III. General Information

A. Criminal Investigations:

1. Investigators shall be careful in their inquiries not to unnecessarily endanger the reputation of any person who may be the subject of investigation.
2. Continued assignment to the Criminal Investigation Division (CID) depends on the individual's proficiency in investigative work.
3. Intelligence information is to be considered confidential and released only to law enforcement or regulatory agencies. Information that is no longer of use or is inaccurate shall be destroyed.
4. Joint major case investigations may be conducted with the cooperation and assistance of the Rapid City Police Department.

IV. Procedural Guidelines

A. Criminal Investigation Division – Preliminary Investigations: Investigators assigned to conduct criminal investigations shall include the following actions as part of their investigation:

1. Observation of all conditions, events and remarks;
2. Locating and identifying witnesses;
3. Maintaining and protecting the crime scene and arranging for the collection of evidence; and
4. Interviewing the reporting person, victim witnesses, and suspects.

5. Document pertinent activity in appropriate case report or investigation addendum.
6. Submit warrant request when appropriate.
7. Properly close case at the conclusion of the investigation

B. Investigation of Major Crimes:

1. The first investigator to arrive at the scene shall assume command of the investigation until relieved by the assigned investigator or Investigations Supervisor.
 - a. The investigator supervisor will be responsible for obtaining additional assistance as called for by the circumstances. They will be responsible for the overall coordination of the investigation.
 - b. The supervisor will designate a lead investigator of the case who will be responsible for the investigation, assignment of duties, collection of evidence and filing of the case. An evidence technician may be assigned the duties of crime scene processing. Upon assignment, the evidence technician will be responsible to the supervisor on scene and be responsible for control of the crime scene, documentation, preservation and collection of all evidence taken from the scene. Other officers and investigators may be assigned to assist.
2. The lead investigator in charge shall ensure that the scene is secured.
3. The lead investigator of the scene of a death investigation shall decide if they will act as coroner or if another deputy coroner will be called. It is the investigator's responsibility to determine the appropriate time the body will be moved.

C. Follow-Up Investigation Steps:

1. As crime complaints are received, they will be assigned to an investigator who will evaluate the initial information and determine its accuracy and reliability. After determining this, the investigator will decide what action needs to be taken in order to sufficiently investigate the complaint. The investigator shall consider:
 - a. What is the magnitude of the problem?
 - b. What investigative techniques need to be used and are the proper resources available?
 - c. Time commitment in following up on the complaint.
2. Investigative findings will be documented on an intelligence report, case report, or investigative summary report, subject to supervisory review.

3. Intelligence information will be gathered on organized or individual criminal activity on the local, state and national levels. The supervisor will review all active intelligence operations to ensure that the group or individual is likely involved in criminal activities.
4. Investigators will conduct additional interviews and interrogations as necessary.
5. On every case assigned, either a completed phone call or a personal contact shall be made with the reporting person. Investigators will contact all victims and witnesses (to include uniformed officers) expediently after assignment and, unless an emergency exists, will contact the reporting person within a reasonable time after assignment. Additionally, the investigator will contact the victim any time there is a change in the status of the case, including if the case is closed because of prosecution, lack of leads, or any other reason.
6. The identification and prosecution of persons, who fit the definition as a habitual offender, SDCL 22-7-7, 22-7-8 or 22-7-9, is a high priority in this office. Investigators/Deputies should examine the criminal histories of suspects, and upon identifying persons who fit the criteria of a habitual offender are to gather the evidence and forward it to the state's attorney in accordance with SDCL 22-7-10.
7. Investigators will continue to search for additional witnesses and re-interview all principals involved in the original case when appropriate. A second contact with a victim, complainant or witness could provide valuable information not originally discovered.

D. Investigation Checklists: The Pennington County Sheriff's Office provides a system of checklists to aid in the criminal investigation process.

1. The following is an inventory of checklists and report forms available to investigators and patrol deputies for ensuring that critical areas of investigation are not overlooked.
 - a. Death Investigation Checklist.
 - b. Domestic Violence Checklist.
 - c. Additional checklists as developed by investigation personnel.

E. Investigators Assistance:

1. Whenever a special operation, surveillance, stake out or other covert operation is planned, the supervisor in charge of the operation will be responsible for coordinating with and briefing patrol division personnel prior to the operation if it could have an impact on Patrol. As a minimum, the briefing should include the nature of the operation, general location, and whether patrol units should alter their patrol patterns in the affected area.

2. If the investigator supervisor feels the integrity of the operation would be compromised by the disclosure of detailed information, the investigator supervisor may restrict the recipients of the information. The final authority for release of information rests with the captain of the division responsible for the operation.
3. An investigator may assist another member of the office in a case by:
 - a. Assisting in the actual apprehension.
 - b. Undercover, furnishing information, recovery of property.
 - c. Being originally assigned to the case and have conducted an investigation recording the results.
4. When an investigator makes an arrest and the prisoner confesses to an additional crime committed, the investigator shall prepare a supplemental report for each crime confessed, showing the manner of closing. If the crimes occurred in another jurisdiction, the investigator shall promptly notify that law enforcement agency.
5. If the person arrested is known by an alias or nickname, it shall be indicated on the Case Report Supplement. Often, only the alias of a suspect is known. Special attention shall be given to obtain and record any aliases or names of associates of persons arrested.
6. Investigators must document all assists to other agencies.

F. Constitutional Requirements Observed: While conducting investigations, employees shall diligently protect the constitutional rights of all persons with whom they come into contact, specifically, those rights concerning self-incrimination, counsel, search and seizure, and due process.

G. Investigative Task Forces:

1. The Unified Narcotic Enforcement Team (UNET) shall perform the following functions: Refer to Pennington County Sheriff's Office Policy 616-06 (Special Operations)
 - a. UNET will investigate vice activities in an attempt to regulate or control offenders participating in prostitution, bookmaking, gambling, liquor violations and all other illegal acts.
 - b. Illegal drugs will include the identification of suppliers and sources and the seizure of narcotics through undercover activity of other investigative methods. UNET will enforce all laws and statutes which relate to controlled substances, marijuana or prescription drug offenses.

- c. During the preliminary phase of any follow-up investigation, investigators will review and analyze all previous reports, departmental records, results from laboratory examination and other relevant information
- d. The deputies assigned will be responsible for the investigation of drugs with the main objective being to reach the higher sources or suppliers and confiscate illicit drugs. The deputy shall receive assignments, as well as coordinate information on drug activity in South Dakota. The deputy will be available to assist other agencies on drug cases as needed.
- e. The Sheriff's Office recognizes the value of investigative units concentrating on drug, organized crime and vice activities. The Sheriff's Office will provide information to other agencies upon request and exchange information through attendance at the various law enforcement meetings. Further involvement will be on a case-by-case basis and may include physical assistance in surveillances, execution of warrants or assignment of officers to work full time with an investigative unit. Personnel will be under the direct supervision of the UNET Supervisor.

611-06: Declined Case Review

Chapter: Criminal Investigations Administration

Order No: LE 12-04

Effective: 08-01-2000

Revised: 11-01-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Criminal Investigation Division (CID) supervisors will thoroughly evaluate case declinations from the State's Attorney Office for quality control purposes.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Declined to Prosecute Case Review:

1. After the State's Attorney's Office declines a case, for those reasons listed on the declination of case report; the prosecutor's office will forward all reports of declination to the Investigations Sergeant for action.
2. All case declinations will be jointly reviewed by the Sergeants and Captain on a monthly basis for quality control.
3. CID supervisors will look for patterns or trends in case dismissals that may need to be remedied through training, counseling, or remedial actions necessary to ensure proper case handling in the future.

612-01: Polygraph and Criminal Investigations

Chapter: Criminal Investigations Operations

Order No: LE 12-04

Effective: 08-01-2000

Revised: 11-01-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Polygraph examinations may be used by deputies/investigators as a tool in a criminal investigation.

II. Definitions

- A. N/A

III. General Information

- A. The relative success of any polygraph examination is largely the result of proper casework by the investigating officer. The procedures outlined in this policy are designed to instruct personnel regarding office guidelines on the use of the polygraph as a tool in the detection of deception in criminal cases.
- B. The investigator should remember that the polygraph is not a substitute for a more thorough investigation, and the more thorough the investigation, the better chances are for a conclusive opinion from the examiner.
- C. The investigator should never withhold information about the crime or the test subject from the examiner. The effectiveness of the examination depends on the communication and cooperation between the examiner and investigator.
- D. The investigator should never use the polygraph as a bluffing technique. The subject should not be asked to submit to an examination unless it is intended to be given.
- E. The investigator should remember that the final decision regarding whether or not the examination will be conducted rests with the examiner. This decision will be based on a variety of factors, including adequacy of case information, the intensity of the case issue, and the distinctiveness of the case issue.
- F. If the subject is under arrest, they should have been given the Miranda Warning and sign the polygraph waiver. This is done by the examiner.

IV. Procedural Guidelines

A. Preparation for the Polygraph Examination: All reports, notes, statements, and other information shall be forwarded to the examiner as soon as authorization is received to conduct the test.

1. Deputies shall ensure that the investigation has been completed prior to the polygraph, at least to the extent that the facts of the case are known and the subject to be tested has been interviewed/interrogated and a statement obtained.
2. Deputies shall include any information that may be helpful to the polygraph examiner such as the subject's full name, date of birth, criminal record etc.
3. Deputies shall not conduct intensive interrogations of the subject immediately prior to the examination. Subjects may be interviewed briefly prior to the examination, but only to determine opportunity, motive or ability to commit the crime.
4. Facts concerning the crime which could only be known to the perpetrator(s) should not be disclosed to the suspect, public or news media as these facts may be of critical importance to the examiner. Examples of specific facts which should not be disclosed are:
 - a. Specific location of the crime or method of entry/exit.
 - b. Specific amount/type of currency.
 - c. Type of weapon utilized in the crime.

B. Polygraph Prohibitions:

1. Persons under the influence of alcohol or sedatives, or those suffering from physical pain, severe colds or respiratory disorders are not ordinarily considered to be physically suited for examination.
2. Polygraph Examinations will not be conducted if the subject to be tested is mentally or physically incompetent. Questionable physical characteristics include:
 - a. Females during menstrual periods or those that are more than 100 days into pregnancy.
 - b. People who have high/low blood pressure, cardiac trouble, have had major surgery within the past six months or who are amputees.
 - c. People under the age of sixteen.
3. Polygraph examinations will not be conducted if the subject to be tested does not voluntarily submit to the examination.
4. Polygraph examinations will not be conducted if the examiner is of the opinion that performing the examination would be unwise and/or the results of the examination would be unreliable.

612-02: Audio Video Recording

Chapter: Criminal Investigations Operations

Order No: LE 12-07

Effective: 12-28-2009

Revised: 11-29-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide covert audio/video equipment, which may be used during the course of interviews of suspects, victims and witnesses conducted in the interview rooms located in the Criminal Investigations Division (CID).

II. Definitions

- A. N/A

III. General Information

- A. Deputies are encouraged to utilize both the audio and video recording capabilities when conducting interviews in the interview room. The office realizes, however, audio and video recording may not be necessary or appropriate in all cases. Consequently, deputy discretion shall prevail.
- B. The video systems, media, and recordings are for official Sheriff's Office use only. All recordings obtained through the use of the interview recording system are the property of the Pennington County Sheriff's Office. Recordings shall not be copied without supervisory approval. Recordings containing material deemed beneficial for training purposes, for sworn members of the Pennington County Sheriff's Office or recruit trainees, may be utilized for training purposes.

IV. Procedural Guidelines

A. Interview Rooms, Audio and Video Protocol:

1. When an in-custody suspect is left alone in the interview room, a guard should be posted outside the door not only to prevent escape, but also to protect furniture and other equipment in the room. During this time, the audio and video equipment may be activated to record the suspect's actions.
2. Deputies shall not erase recordings or override the auto-recording system in an attempt to circumvent the documentation of relevant footage.
3. Supervisors should review two investigator interviews quarterly for evaluation purposes.

B. Operating Instructions:

1. Operating instructions for the audio and video recording equipment are posted in the Audio/Video room in the Criminal Investigation Division.
2. Deputies shall place the interviewee in the chair on the left side of the table in full view of the two-camera system.
3. Upon completion of recording the deputies shall create a case in the video management system corresponding to the case report number. This provides a tracking mechanism for efficient retrieval.
4. Deputies shall report any malfunctions or other operational problems associated with the recording equipment to their supervisor at the earliest opportunity so the problem can be repaired.

C. Evidence Handling Procedures:

1. The Rapid City Police Department Evidence Section will manage the storage, duplication, and dissemination of interview room recordings. Each interview room recording will maintain a chain of custody on the same server that stores in-car videos.
2. All interview room video recordings will be automatically downloaded to the server. Designated personnel from CID and the State Attorney's Office will be authorized to view and request exported copies of recordings for legal proceedings.
 - a. All interview room recordings will be backed-up to off line storage and may be purged from the server after 60 days. This back-up copy will be retained for a minimum of two years and can be restored upon request.
 - b. Recordings needed for legal proceeding or long-term storage must be exported to an archive copy. The deputy must request an archive copy through evidence. Once the request is made it will be stored by evidence according to normal evidence procedures. Personnel requesting an archive copy will be responsible for its placement in an evidence locker. All recordings not exported to an archive copy may be permanently deleted after two years.
 - c. Archive copy export and storage are recommended in the following investigations:
 - 1) Homicide
 - 2) Rape or sex related crime
 - 3) Child abuse
 - 4) Robbery

- 5) Officer involved shootings
 - 6) Significant incidents or at the direction of a supervisor
- 3. Accidental, inadvertent, or internal investigation video recordings may be manually deleted by the server administrator with appropriate supervisory approval. These recordings may be automatically deleted after 30 days.

612-03: Use of Confidential Informants and Investigative Funds

Chapter: Criminal Investigation Operations

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Investigators/deputies can further criminal investigation cases by the use of confidential informants.

II. Definitions

- A. **Confidential Informant (CI):** An individual who agrees to assist law enforcement in exchange for some benefit.
 - 1. Participating informant refers to an informant who actively participates and assists in the investigation.
 - 2. Non-participating informant refers to an informant who provides information only.
 - 3. UNET: Unified Narcotics Enforcement Team

III. General Information

- A. When using confidential informants, it is essential to establish their credibility and reliability before using information, whenever possible. Deputies must be aware that confidential informants may have different motivations for assisting law enforcement.

IV. Procedural Guidelines

A. Use of Informants:

- 1. All confidential informants will be identified fully and documented prior to the completion of any deal involving the informant. Documentation shall include photo, name, date of birth, fingerprints, confidential informant number, biography, criminal history, and any other pertinent information. A full debrief of criminal information will also be obtained from the confidential informant.
- 2. The confidential informant will be required to fill out a "Confidential Informant Agreement" that specifically lists the stipulations the informant must be followed while being associated with a law enforcement agency. UNET members will insure this form is maintained by the South Dakota Division of Criminal Investigations (DCI).

3. Records will be maintained in a central informant file in CID for non UNET cases on informants as long as the informant is actively participating in current investigations. These files will be kept in a safe and secure location. Inactive confidential informant files will be maintained by the investigation captain. Informant files utilized by UNET members will also be forwarded to and retained by DCI.
4. A confidential informant will be referred to as a number in all reports. The format of this numbering system will incorporate the current year, investigator computer pin number and chronological number of confidential informants used by the investigator for that year (i.e., 12-12345-01). The UNET numbering system will be according to the policy of DCI.
5. Investigators should always maintain control over interactions and relationships with informants.
 - a. Reveal information to the confidential informant only when necessary.
 - b. Corroborate all information received from the confidential informant.
 - c. Do not make any unreasonable or unnecessary payments to confidential informants.
 - d. Do not conduct business or have personal relationships with active confidential informants.
 - e. Do not meet with a confidential informant of the opposite sex unless accompanied by a fellow law enforcement officer.
 - f. Investigators will not conceal violations of laws by active confidential informants. Any criminal activity discovered to have occurred will be reported to the supervisor.

B. Restrictions on Use of Informants:

1. Juveniles will not be used as confidential informants unless authorization is received by the sheriff or designee. The use of a juvenile as an informant will only be under extraordinary circumstances. In the event a juvenile is utilized as an informant, the procedures pertinent to informants will be strictly adhered to and the parent's written consent and cooperation is required.
2. If the individual is a defendant in pending cases, their use as a confidential informant shall be authorized by the state or federal prosecutor.
3. If the individual is on probation or parole, the supervising parole, probation officer or court of jurisdiction shall grant permission to use these individuals as participating or non-participating confidential informants.
 - a. Do not make any unreasonable or unnecessary payments to confidential informants.

- b. Do not conduct business or have personal relationships with active confidential informants.
- 4. A confidential informant will be de-activated when they are no longer able to provide useful information to assist with investigations or they are no longer motivated in assisting law enforcement.
 - a. A deactivation form will be filled out with a brief statement about why the informant is being deactivated. UNET members will forward this form to DCI.

C. Disclosure of Confidential Informant's Identity:

- 1. Whenever possible it is of the utmost importance to maintain the confidentiality of a confidential informants identity as long as legally and ethically possible.
- 2. An investigator will never promise that a confidential informant's identity will never be revealed only that their identity will not be disclosed until required by the courts.
- 3. Release of confidential informant information is prohibited except by court order.

D. Investigative Funds for UNET Members:

- 1. Funds will be maintained in one account and used as follows:
 - a. State Drug Fund Account:
 - 1) A checking account used for the purchase of narcotics, contraband, payment of informants, reimbursement of operation expenses and other necessary expenditures that may arise.
 - b. Each investigator assigned to the Unified Narcotics Enforcement Team will have an account set up under their name at a local bank. The supervisory special agent for DCI will cosign on this account.
 - 1) Funds for payment of confidential informants who provide information in a criminal matter or who participate in controlled purchases of narcotics will be maintained and disbursed from this account.
 - 2) Funds for the actual cost of purchased narcotics or contraband will also be maintained and disbursed from this account.
 - 3) Confidential informants will be paid for "information only" when it is the only method of obtaining information instrumental in solution of a major crime, or the circumstances of an investigation requires rapid obtaining of information.
- 2. All expenditures are required to be documented in appropriate ledgers with the date, amount and reason for the expenditure. Expenditures from this account

must be supported by canceled check, receipt, and crime report or informant documentation.

3. UNET personnel assigned money for investigative purposes will keep a ledger of all money received or expended through operations. This ledger will be audited monthly by the supervisor of the DCI. This ledger will also be available for inspection at any time.
4. Criteria for paying all confidential informants:
 - a. The informant must be documented according to office policies and procedures.
 - b. The UNET supervisor will approve all payments to informants that exceed \$150.00. The decision for payment and amount will be based on the following:
 - 1) Reliability of the informant
 - 2) Magnitude of the crime
 - 3) Probability that the information will be reliable, pertinent and is not obtainable through other means.
 - 4) Probability that the information will lead to arrest or seizure of contraband.

E. Investigative Funds for General Crime Investigators:

1. Funds will be maintained by an investigation sergeant and used as follows:
 - a. An investigation sergeant may receive a money bag containing a pre-designated amount of cash from the Pennington County Sheriff's Office, petty cash custodian.
 - b. These funds will be used for the purchase of contraband, payment of informants, reimbursement of operation expenses and other necessary expenditures that may arise.
 - 1) Funds for payment of confidential informants who provide information in a criminal matter or who participate in controlled purchases of items will be maintained and disbursed from this money bag.
 - 2) Confidential informants will be paid for "information only" when it is the only method of obtaining information instrumental in solution of a major crime, or the circumstances of an investigation requires rapid obtaining of information.
2. All expenditures are required to be documented in the appropriate receipt book with the date, amount and reason for the expenditure. Expenditures from the

money bag must be supported by a receipt, and crime report or confidential informant documentation.

3. Money bag audits will be conducted monthly by the investigative sergeant responsible for the money and the petty cash custodian. Money bags will also be available for inspection at all times. Petty cash custodians will document all audits on the appropriate documentation sheet.
4. Criteria for paying all confidential informants are listed in the criteria for UNET members above. The only exception is that the investigation captain will be the approval authority for all expenditures from the money bag.

612-04: Special Operations

Chapter: Criminal Investigation Operations

Order No: LE 12-06

Effective: 08-01-2000

Revised: 12-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Investigators/deputies can be assigned to participate in special operations.

II. Definitions

- A. N/A

III. General Information

- A. Contact with suspects will be made through the use of confidential informants, unwitting informants or by self-introduction.

IV. Procedural Guidelines

- A. **Special Operations Procedures:** When involved in a drug, vice or other general crime investigation, the investigator will complete a background check of the individual(s) under investigation. This should include complete identity of subject, known locations of frequency, vehicles driven, known associates and any other pertinent information. This type of information can be found by checking existing files, criminal histories, surveillance of individuals, information obtained from confidential informants and information gained from law enforcement undercover operations.
- B. **Controlled Drug Purchases:**
 - 1. All suspects must be identifiable before any attempted purchase is made.
 - 2. All suspects will be fully identified prior to any court proceedings.
 - 3. No operations will be made without prior planning. An operational plan (Ops Plan) will be completed and maintained in the case file.
 - 4. All attempts will be made to not deviate from the operational plan without advance notice. If there is a deviation from this plan, the supervisor will be notified and all participants will be fully advised of the changes.
 - 5. Adequate law enforcement personnel available will be present during a controlled purchase.

6. Money will not be fronted without approval from a supervisor.
7. The supervisor will be informed of the progress of all investigations, including any problems that arise.
8. The denominations and serial numbers of all currency used to purchase illegal drugs or contraband will be recorded and maintained in the case file.
9. All reports are to be completed pursuant to sheriff's office policy or South Dakota Division of Criminal (DCI) Investigation policies for Unified Narcotics Enforcement (UNET) personnel.

C. Undercover Operations:

1. Investigators will not assume the undercover role in their own cases.
2. Before going undercover with a subject, the undercover operative will establish with the surveillance team routine and emergency verbal and visible communication signals.
3. The case investigator and supervisor will assure that ample back-up and surveillance is placed on all undercover operatives to ensure their safety.
4. The undercover deputy will, whenever possible, use a concealed voice transmitter so the surveillance can maintain communications to ensure added safety.
5. The case investigator or undercover deputy will determine when an arrest will be made after ensuring all probable cause for the arrest has been met.
6. A supervisor or designee will be present on all undercover operations.
7. Undercover investigators will carry a weapon unless given authorization not to by the supervisor.
8. When an investigator works undercover in a drug, vice, or other general crime investigation, the deputy may be issued false identity and other necessary credentials, with the knowledge and approval of the investigation's captain or DCI for UNET personnel.

D. Reverse Operations:

1. Reverse operations can be a valuable tool involving undercover agents or informants acting in the role of the distributor of narcotics or contraband. Reverse operations should be used primarily in cases where the suspect is involved in large scale drug operations.
2. Prior to conducting a reverse operation, approval must be obtained by the UNET supervisor or investigation captain.

3. Prior to conducting a reverse operation, the following information must be obtained:
 - a. The type and quantity of the drug or contraband involved.
 - b. The suspect's criminal history including possible propensity for violence or historical use of weapons.
 - c. The predisposition of the suspect to include taped conversations and telephone calls.

E. Surveillance:

1. When performing surveillance, the case investigator shall determine how many investigators will be needed to ensure that ample vehicle and foot surveillance can be maintained. All members of the surveillance team will be issued office vehicles and radios.
2. The UNET will be capable of initiating and maintaining surveillance activity on a 24-hour basis.

F. Search Warrants and Arrest Warrants:

1. Search warrants shall be conducted in accordance with the procedures outlined in Section 112-08 (Limits of Authority – Search and Seizure).
 - a. Entry of a building or residence shall be consistent with state law and Policies and Procedures, Constitutional requirements, and state law.
 - 1) Exceptions to the “knock and announce” requirements shall be by the authority of the court unless clearly exigent circumstances exist.
 - b. A building or residence which has been lawfully entered shall be secured by:
 - 1) Locating and identifying all persons present.
 - 2) Controlling all access into the building or residence.
 - 3) All occupants shall be placed in areas where a safe environment can be maintained and interviews can take place.
 - 4) Deputy(s) shall be assigned to watch the occupants while the search is being conducted.
2. If search and/or arrest warrants are obtained, the case investigator will coordinate the execution of the warrants. The case investigator will develop strategies and tactics for approaching, entering, securing, and ultimately leaving the area.
3. No search warrants will be executed without prior planning. A detailed operational plan (Ops Plan) will be completed and maintained in the case file.

4. The supervisor will be notified prior to the execution of search warrants.
5. Prior to the execution of any search warrant, the case investigator shall conduct a threat assessment. The threat assessment itself shall be documented in writing.
 - a. The threat assessment shall be included with the case file. The assessment will be reviewed by the supervisor or his designee prior to any search warrant being executed.
 - b. In those cases where exigent circumstances exist and the threat assessment can not immediately be produced in writing, the case investigator conducting the threat assessment shall forward the report to the supervisor within 24 hours of the incident.
6. Uniformed Special Response Team Members (SRT) should be used for any High-Risk Entries when executing search and/or arrest warrants.
 - a. High Risk Entries would include:
 - 1) Significant history of violence
 - 2) Threats against law enforcement
 - b. Specific intelligence on the subject carrying weapons
 - c. Fortified structures
 - d. Emotionally disturbed people involved
7. The seizure of evidence and/or contraband will be executed according to department procedures and will be supervised by the case investigator.

G. Equipment:

1. Any specialized surveillance equipment used for undercover purposes may be obtained from the Rapid City/Pennington County Drug Task Force upon request if available. These requests will be coordinated with the supervisor.

613-03: Death Investigations

Chapter: Crimes Against Persons
Order No: LE 12-03
Effective: 08-01-2000
Revised: 10-24-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff 's Office will respond to all deaths and conduct coroner investigations that occur in Pennington County involving a person not under the care of an Attending Physician, Physician Assistant or Nurse Practitioner.

II. Definitions

- A. N/A

III. General Information

- A. SDCL 34-25-21: If a death occurs while a person is not under the care of an Attending Physician, Physician Assistant or Nurse Practitioner, or if any of the above does not feel qualified to complete the medical certificate, the County Coroner and Sheriff will be notified.

IV. Procedural Guidelines

- A. **Patrol:** The patrol division will maintain an adequate number of deputy coroners on each shift to provide initial response to unattended deaths in Pennington County.
- B. A patrol deputy/coroner will promptly respond to all unattended deaths reported in Pennington County, regardless of whether or not the call is inside or outside a municipality in Pennington County.
 - 1. If the death scene is within the municipality, such as Rapid City or Box Elder, the initial investigation will be jointly conducted with the local Police Department having jurisdiction.
 - 2. The death investigation will focus on determining the date, time, location, manner and cause of death.
 - 3. The patrol deputy/coroner will be responsible to insure a death scene- checklist is completed at the scene by either Sheriff's Office personnel or the Rapid City Police Department.
 - 4. The patrol deputy/coroner will be responsible for writing a case report for deaths outside a municipality or an addendum for calls inside Rapid City.

- C. Once on scene, the patrol deputy/coroner will gather preliminary information to determine whether the manner of death is believed to be natural, accidental, suicide, homicide, or undetermined.
1. If the responding deputy/coroner is the first on scene an assessment needs to be made immediately on life saving measures. If there is any reason to believe the victim is in need of medical assistance, or if it is not established that death has occurred, the deputy/coroner will notify responding medical units, through dispatch, and will allow medical personnel into the scene to conduct a medical assessment of the victim and/or provide care to the victim. The deputy/coroner should also engage in any life saving measures they are capable of performing, until arrival of emergency medical personnel
 2. Upon arrival of emergency medical personnel, the deputy should inform the senior paramedic, EMT or firefighter of the facts and circumstances known at that time. It will be the responsibility of the senior paramedic, EMT or firefighter to determine the number of additional personnel needed to render effective aid to the injured, without unnecessarily compromising the scene. Fire and Emergency Service personnel will not enter the scene when there are definitive signs of death, i.e., decapitation, severe bloating/decomposition, incineration, massive dismemberment, or cold and stiff in a warm environment.
 3. These definitive signs of death should be clearly communicated by the deputy to Fire and Emergency Services personnel on scene. If there is any debate over the observed definitive signs, a single Fire and Emergency Services person shall be asked to check the victim.
 4. If more than one law enforcement officer arrives on-scene at the same time, a protective sweep of the structure should be done, being careful to preserve evidence. Once the sweep is complete, all deputies/officers except the initial responding deputy/officer should exit the scene, in order to enhance evidence preservation.
 5. If a protective sweep is not necessary, other responding law enforcement should stage outside the scene and engage in scene protection, identification of witnesses and control of bystanders. In most events, only one law enforcement officer should be needed to make initial victim approach to determine if life saving measures are needed, or if the victim is deceased.
 6. Scene security and evidence integrity should be maintained as appropriate; until the scene can be released or properly turned over to another entity. If designated as crime scene, evidence within the crime scene should not be disturbed or handled in any manner by anyone other than those assigned to do so at the direction of a supervisor or evidence personnel.
 7. If the patrol deputy/coroner determines the manner of death is natural/accidental (non-criminal) or non-suspicious suicide, the patrol deputy may conduct the coroner investigation.

8. If the patrol deputy/coroner determines the manner of death is accidental (criminal), homicide, suspicious, or unexplained, or does not have adequate time or resources to handle the investigation, they will contact the patrol supervisor.
 - a. All witnesses should be identified and interviewed, including paramedics, other first responders and medical personnel.
- D. **Patrol Supervisor:** Shall contact the investigation supervisor and request an investigator/coroner respond to the scene of accidental (criminal), homicide, suspicious or unexplained death investigations.
 1. Traffic Fatalities: When alcohol is believed to be a contributing factor and the possibilities of criminal charges are present, notification will be made to the patrol commander or designee for a determination on response of the Fatal Alcohol Crash Team (FACT).
- E. **Investigations:** All criminal and undetermined cause of death investigations will be reviewed by the investigation supervisor to determine if an autopsy will be conducted. All autopsies will be scheduled through investigations.
 1. On suspected homicide and suspicious deaths, consideration should be given to conduct a joint investigation with the Rapid City Police Department to utilize all available resources for a thorough investigation.
 2. Consideration should be given to separate the duties of the law enforcement investigation and coroner duties and responsibilities, on homicide, suspicious, unexplained death investigations.
 3. The investigation supervisor will assign the undetermined cause of death investigations to an investigator. If an autopsy is authorized it will be scheduled with the pathology department at Clinical Laboratories of the Black Hills or other pathologist.
 4. The assigned investigator/coroner or designee should attend the autopsy. If the assigned investigator/coroner is unable to attend then a substitute person will attend.
 5. All other death investigations will be assigned to an investigator/coroner to conduct follow-up, if needed. To include, but not limited to, medical records review and or interview of family members or witnesses (if not conducted by patrol deputy/coroner) and filing of the medical certificate in the automated CITRIX system.
 6. If the response to the death is at Rapid City Regional Hospital, ensure the attending physician and nurses are interviewed for medical information, to include, obtaining medical documentation/notes.
 7. Photographs shall be taken in all death investigations.
 8. Medication should be seized, documented, and placed into evidence.

9. In accordance with SDCL 34-25-22.1- A blood sample will be taken on all deaths from apparent violence, fire, suicide, motor vehicle, agriculture, or industrial accidents.
 10. If the manner of death is not suspicious and cause of death cannot be determined on scene, the body will be transported to the morgue and an investigation supervisor will be notified.
 11. Upon completion of the investigation the body may be released to the funeral home of the next of kin's choice or transported to the morgue (by ambulance) until a decision can be made on funeral arrangements.
 12. For donor consideration refer to Pennington County Sheriff's Office Policy 513-11; Notification to South Dakota Lions Eye & Tissue Bank.
- F. **Next-of-Kin Notification Procedures:** Notification of next of kin of deceased, seriously injured, or seriously ill persons:
1. Deputies/coroners may be called upon to make notifications to next of kin for deaths that have occurred in other jurisdictions.
 2. If such notification is the result of a death that has occurred in another part of Pennington County or within Rapid City, the deputy/coroner will be responsible for notifying the next of kin.
 3. All notifications should be made by personal contact and carried out promptly in a considerate and sensitive manner.
 4. Whenever possible, assistance should be obtained from a member of the clergy, a relative or close friend of the next of kin.
 5. The names of deceased persons will not be made public and will not be released to the media until the next of kin is properly notified.
 6. The names of seriously injured persons will not be made public and will not be released to the media until after the next of kin have been properly notified.
- G. Newly assigned deputy coroners must be recommended by a supervisor. The newly assigned deputy coroner must attend the prescribed coroner training provided by the Pennington County Sheriff's Office prior to being assigned to a death investigation.

613-04: Missing Persons

Chapter: Crimes Against Persons
Order No: LE 12-03
Effective: 04-10-2010
Revised: 10-24-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will investigate all reports of missing persons.

II. Definitions

- A. **Direct Reference DNA Sample:** An item or article of evidence that can be directly linked to the missing person. Examples are toothbrush, razor, tissue, biopsy, newborn screening bloodstain, baby teeth, unlaundered clothing, etc.
- B. **DNA:** Swab taken freely and voluntarily with consent from family member of missing person; first order of relatives preferred are: mother, father, siblings, children, and spouse.
- C. **CODIS:** Combined DNA Index System (CODIS) database.
- D. **Missing Adult:** The term missing adult refers to a person who is:
1. 18 years of age or older, and
 2. Whose absence is contrary to their normal patterns of behavior and may be due to one or more of the unusual circumstances listed in Subsection F of this section.
- E. **Missing Child:** The term missing child refers to a person who is:
1. Younger than 18 years of age, and whose whereabouts are unknown to their parent, guardian, or responsible party.
- F. **Unusual Circumstances:** The term unusual circumstances refer to:
1. A missing child is 13 years of age or younger.
 2. A missing adult or child will be considered "at-risk" when one or more of the unusual circumstances noted below:
 - a. **Zone of Safety:** Determine if the person is out of the zone of safety for their age and physical and mental condition. The zone of safety will vary depending on age.

- 1) Infant: The zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed.
 - 2) School-aged child: The zone of safety might be the immediate neighborhood or route taken between home and school.
 - 3) Elderly person of diminished physical and/or mental health: The zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.
- b. Mentally Diminished: If the person is developmentally disabled or emotionally disturbed, or the victim of disease, they may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
 - c. Drug Dependent: In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being.
 - d. A potential victim of foul play or sexual exploitation.
 - e. In a life-threatening situation.
 - f. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect, or abuse, or foul play.
 - g. Believed to be with persons who could endanger their welfare.
 - h. Is absent under circumstances inconsistent with established patterns of behavior.

G. Actions upon determination of unusual circumstances:

1. At risk: If it is determined that unusual circumstances are involved in the report of a missing adult or child, the person will be considered at-risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence.
2. Interagency Notification: If appropriate, existing interagency response protocols-including the Amber Alert system and/or other immediate community notification methods, such as a child is missing or endangered person advisory should be activated.

III. General Information

- A. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing-person report, this agency will assume reporting and investigative responsibility.
- B. Questions concerning parental custody occasionally arise in relation to missing-child reports. The Sheriff's Office will accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of Sheriff's Office will open a case when it can be shown that the child is missing, without explanation, from their usual place of residence.
- C. There is no required waiting period for reporting a missing person. A person may be declared "missing" when their whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines.

IV. Procedural Guidelines

- A. **Initial Deputy:** The initial deputy assigned to the report of a missing person shall:
 - 1. Respond promptly to the scene of the report.
 - 2. Interview the person(s) who made the initial report.
 - 3. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other law enforcement officers who may be assisting in the investigation. Recent photographs and/or videotape should be secured if available.
 - 4. Verify that the person is in fact missing.
 - a. In the case of children, deputies should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds should be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere.
 - 5. Confirm custody status.
 - 6. Identify the circumstances of the disappearance. Deputies need to ascertain whether the circumstances surrounding a person's disappearance are such that a

heightened level of response is warranted. If “unusual circumstances” exist, as defined in Subsection F under Definitions, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, deputies should keep the missing person’s safety in mind and act accordingly.

7. Determine when, where, and by whom the missing person was last seen.
8. Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.
9. Identify the missing person’s zone of safety for his or her age and physical and mental state.
10. Make an initial determination of the type of incident.
 - a. Deputies must be cautious in “labeling” or classifying a missing-person case, since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a “less urgent” incident, deputies should consider all possibilities until the case category is clearly determined.
11. Obtain a description of the suspected abductor(s) and other pertinent information.
12. Evaluate whether circumstances of the child’s disappearance meet existing amber alert and/a child is missing or endangered person advisory. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an AMBER Alert or other immediate community notification methods.
13. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.
14. Collection of direct reference DNA samples shall be obtained as soon as practical and entered into evidence. If direct reference DNA samples are not available, family reference DNA sample shall be collected from the appropriate family members within the first 30 days of the missing person report.
15. Provide detailed descriptive information to the communications center for broadcast updates.
16. Identify and interview everyone at the scene.
17. Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, deputies should obtain written permission or consideration of a search warrant to search houses, apartments, outbuildings, vehicles and other property that might hold information about the person’s disappearance. Deputies are again reminded to conduct a thorough, immediate

search of the person's home and property - even if the disappearance supposedly took place elsewhere.

18. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, deputies must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.

19. Prepare necessary reports and complete appropriate forms.

B. Supervisor: The supervisor assigned to the report of a missing person shall:

1. Obtain a briefing from the first responder(s) and other agency personnel at the scene.
2. Determine if additional personnel and resources are needed to assist in the investigation.
3. Consider activation of the Amber Alert system and/or a child is missing or endangered person advisory. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts.
4. Establish a command post if needed.
5. Organize and coordinate search efforts.
6. Ensure that all required notifications have been made.
7. Establish a liaison with the victim family.
8. Confirm that all agency policies and procedures are observed.
9. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention. Supervisors should manage media presence in a way that complements, rather than conflicts with the investigation.

C. Investigator: The investigator assigned to the report of a missing person shall:

1. Obtain a briefing from law enforcement personnel at the scene.
2. Verify the accuracy of all descriptive information.
3. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender

Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.

4. Obtain a brief history of recent family dynamics.
5. Explore the basis for conflicting information.
6. Implement effective case management.
7. Evaluate the need for additional resources and specialized services.
8. Update descriptive information.
9. If the missing person file is still open on the 60th day, the direct reference DNA sample or family reference DNA samples will be forwarded to the SD Forensic Laboratory for coordination of testing and inclusion into CODIS.
 - a. The National Child Search Assistance Act - enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken.
10. Monitor media relations.

D. **Deputy Assigned to Report of Unidentified Person:** A deputy assigned to the report of an unidentified person, whether living or deceased, shall:

1. Obtain a complete description
2. Enter the unidentified person's description into the NCIC Unidentified Person File
3. Utilize all available resources to aid in identification of the person.
4. Cancel all notifications after identification is confirmed.

E. **Deputy assigned to report of recover or return:** A deputy assigned to the recovery or return of a missing person shall:

1. Verify that the located person is, in fact, the reported missing person.
2. Inform, in the case of a missing adult who has been located, the located person that he or she is the subject of a missing-person investigation. If the located person is a competent adult, the deputy shall determine the person's willingness for law enforcement to reveal their whereabouts. To the extent possible, a person's desire to remain hidden shall be honored.
3. Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.

4. Secure, in the case of a missing or abducted person who has been located, intervention services, if indicated.
5. Arrange, in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation, the return of the child to their legal guardian or to an appropriate children's shelter.
6. Place, in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person "hit" is verified, the child in custody and transport them to the appropriate facility for admission.
7. Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.

615-01: Juvenile Procedures

Chapter: Juvenile Operations
Order No: LE 13-04
Effective: 08-01-2000
Revised: 06-15-2018
Approved by: Sheriff Kevin Thom
Reference:

I. Policy

- A. Deputies will utilize the least restrictive response that balance public safety, order, and respects individual rights when dealing with juvenile subjects. Deputies should remain cognizant of the unique quality's juveniles present. Consideration of the totality of the circumstances; including but not limited to, the juvenile's age, maturity level, cognitive and emotional capacity, known mental illness or emotional disturbance, historical behavior, family dynamics, and their prior contacts with the Juvenile Justice System and law enforcement.

II. Definitions

- A. **Arrest:** Taking a juvenile into temporary custody for a violation of SDCL.
- B. **Delinquent Offense (Delinquency):** Any crime that is also a crime for an adult.
- C. **Juvenile:** Any person under the age of 18.
- D. **JDAI:** Juvenile Detention Alternative Initiative.
- E. **RAI:** Risk Assessment Instrument is a tool used to objectively determine the risk of the juvenile to reoffend and the impact to public safety.
- F. **SRO:** School Resource Officer/Deputy
- G. **Status Offense:** Crimes that only apply to juveniles that would not be a crime as an adult, such as underage drinking, truancy, and curfew violations.
- H. **Traffic Offense:** Any crime listed under South Dakota Codified Law Chapter 32.

III. General Information

- A. Different procedures and case law apply to those Deputies assigned in the school setting (School Resource Officers/Deputies) when dealing with incidents inside the school. Those procedures are specified in policy 615-04.
- B. In accordance with JDAI, alternatives to secured detention should be sought if it is safe to do so.

IV. Procedural Guidelines

A. Handling of Juvenile Suspects

- 1. Juveniles are afforded the same Constitutional Rights as adults. In some circumstances, they are granted additional rights and protections.
- 2. When a deputy contacts a juvenile suspected of violating South Dakota Codified Law, the deputy will use their discretion and attempt to resolve

the situation with the least restrictive means while considering the safety of the juvenile and the public.

3. These options include, but are not limited to:
 - a. Verbal Warning/Counseling
 - b. Parent/Guardian Contact
 - c. Mediation between involved parties
 - d. Written Warning
 - e. Referral of report to Court Services Officer, the Department of Social Services, or SRO
 - f. Juvenile Citation
 - g. Summons and Complaint (Citation)
 - h. Written Report, including a possible Juvenile Petition
 - i. Arrest (referral to the State's Attorney's Office) and immediate release to Parents/Guardian
 - j. Arrest and transport to ARISE or the Juvenile Services Center

B. Juvenile Citations

1. A Juvenile Citation should be issued if their only offense is Minor Consumption or Possession of Alcohol (MIC). The citation should include the time and date set for Juvenile Citation Court. If contact with a parent/guardian was made, the juvenile citation court date should be made for the following week. If parent contact was not made, the court date should be scheduled three (3) weeks in advance.
2. If an arrest is made for additional offenses, a separate Juvenile Citation is not required. All charges, including MIC, can be added to the arrest form.
3. If a Juvenile Citation is issued, the juvenile should be turned over to their parent/guardian. If the deputy was unable to contact the parent/guardian, transport to ARISE may be necessary.
4. Juveniles may not be placed in secured detention for MIC under normal circumstances.

C. Summons and Complaint

1. Traffic, hunting, fishing, boating and State Park offenses in which the deputy is issuing a summons and complaint (citation) will include a date and time set for the Magistrate's Traffic Court in accordance with the Clerk of Court's procedure.
2. If there are non-traffic charges, those offenses cannot be included on the same citation.
3. Although Summons and Complaints may be used for delinquency and status offenses (except MIC); this practice is usually utilized only when the parent/guardian is unavailable. If the deputy determines a Summons and

Complaint is the most effective response to their particular situation and/or the parent or guardian is unavailable, only non-traffic offenses can be included and the court date is “To be set”. A separate Summons and Complaint has to be completed for any traffic charges.

4. Parent/guardian’s contact information should be noted on the citation or included in the Incident Report.
5. The juvenile should be notified their parent is required to be present if they are attending court.

D. Arrest

1. Arrest of the juvenile may be needed based on many factors. The completed arrest report refers the juvenile to the State’s Attorney’s Office (SAO) for decision on the most appropriate response.
2. If the parent/guardian is present, or able to respond to the scene, the arrested juvenile can immediately be turned over to their custody.
3. If the parent/guardian is not present and the deputy has taken reasonable measures to attempt contact without success, the deputy may transport the arrested juvenile to ARISE. If the juvenile has threatened violence, is a habitual runaway, is charged with a crime of domestic violence, expressed they will not comply with the ARISE staff, or the deputy has articulable reasons why the juvenile’s RAI should be overridden to secured detention, the deputy should contact ARISE personnel to explain the situation and request. A collaborative effort should be made between law enforcement, ARISE and JSC Staff to determine the best placement for the juvenile.
4. Out of state runaways, those actively violent, or juveniles that cannot be positively identified should be transported to JSC.
5. An arrest form is completed as required. The Disposition for the juveniles released to their parents/guardians is, “Released to 3rd Party”. If they were transported to JSC, the Disposition is, “JSC”. If the juvenile was released directly to parents, the Juvenile Disposition is, “Handled within Department” while if they were transported and released to anyone else, it is “Referred to Other Authorities”.

E. Questioning of Juveniles

1. If Miranda Warnings are required, the deputy should exhaust all reasonable efforts to advise both the juvenile and their parent/guardian of their rights. This can be accomplished either in person or over the phone.
2. The Miranda Warning should include verbiage concerning the possibility juvenile charges may be moved to adult court.
3. Both the juvenile and parent have to waive their rights freely and voluntarily. Factors that should be considered when determining if their waivers were free and voluntary, include, but not limited to the juvenile’s

age, maturity level, cognitive and emotional capacity, and their prior contacts with the Juvenile Justice System and law enforcement.

4. Miranda Warnings are not necessary for non-custodial situations, but parental consent, support or notification should still be attempted when appropriate. Soliciting support from parents is usually helpful and can be accomplished by advising parents outside the presence of the juvenile the details of the case, juvenile justice process and procedures and explain what can be expected going forward.
5. The deputy should avoid loaded, leading, or coercive questioning. The deputy should be cognizant of the setting, circumstances, volume and tone of the interview.
6. Questioning by the initial deputy should not be done in cases of alleged sexual or severe physical abuse involving a juvenile suspect younger than 13, but rather forward the report to Investigations after continuing safety is established. Questioning of potential juvenile victims of these crimes, 13 and younger, should also be avoided and the case will be forwarded to the Investigations Division for a possible forensic interview.
7. It is standard practice to notify and work in collaboration with the Department of Social Services to assist in the development of a safety plan (if applicable), help screen potential caregivers and provide information about past abuse or neglect referrals to their agency.
8. If the juvenile is on probation, or under the supervision of the Department of Corrections, notification of law enforcement involvement should be made to the appropriate Court Services or Department of Correction Officer.

F. Searches of Juveniles

1. Guidelines involving searches involving Juveniles are the same as they are with adults and will be made in accordance with Policies 112-07 (Intrusive Searches), 112-08 (Search and Seizures – Residence), and 112-09 (Motor Vehicle Stops – Searches).

615-02: Protective Custody of Juveniles

Chapter: Juvenile Operations

Order No: LE 12-06

Effective: 08-01-2000

Revised: 11-21-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. If a deputy comes in contact with a juvenile that is in an unsafe environment the deputy will either make the environment safe, if possible, or place the child into protective custody with the South Dakota Department of Social Services.

II. Definitions

- A. **Protective Custody:** When a deputy places a juvenile with the Department of Social Services in order to protect the juvenile from a dangerous person or situation.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Protective Custody:** When a juvenile is being taken into protective custody for any reason, the deputy will complete a case report to include an emergency custody form..
- B. The Pennington County Sheriff's Office is responsible to conduct the investigation of alleged criminal offenses, gather and maintain evidence, present cases for criminal filing, and assist in the protection of all children involved in sexual abuse or child abuse situations, or any situation unsafe for the child to remain in.
 - 1. Notification:
 - a. Deputies shall notify the South Dakota Department of Social Services (DSS) immediately of any case of alleged sexual abuse or child abuse, and in child death cases resulting from non-accidental trauma or severe neglect.
 - b. The Pennington County State's Attorney's Office will be notified in child death cases resulting from non-accidental trauma or severe neglect.
 - c. The Pennington County State's Attorney's Office is available for consultation in the following cases:
 - 1) Child abuse cases involving bodily injury.

- 2) Complex cases involving sexual assaults or physical abuse of children.
 - d. The medical facility should be notified prior to transporting the victim.
2. Response:
- a. Upon receipt of a report alleging any type of abuse, a deputy will respond to make an initial assessment.
 - b. The first priority of the deputy is the child's protection. Therefore, the deputy will make every effort to view the child involved.
 - c. If the deputy believes the report is founded, they will notify the South Dakota Department of Social Services
3. Protective Custody:
- a. Law enforcement officers and the courts are the only parties who can place a protective hold on a child.
 - 1) If the circumstances allow, it is strongly encouraged that the deputy make contact with a Family Services Specialist at the South Dakota Department of Social Services prior to placing a hold.
 - 2) If the deputy decides not to place a hold on the child and the Family Services Specialist decides to request a court-ordered hold, the deputy may remain and assist in enforcing the court order.
 - b. Guidelines for consideration in placing a protective hold:
 - 1) The maltreatment in the home, present or potential is such that a child could suffer permanent damage to body or mind if left there.
 - 2) A child is in immediate need of medical or psychiatric care, and the parents refuse to obtain it.
 - 3) A child's physical and/or emotional damage is such that the child needs an extremely supportive environment in which to recuperate.
 - 4) A child's sex, age, physical or mental condition renders the child incapable of self-protection, and the parent or guardian is not providing adequate care.
 - 5) Evidence suggests that the parents are torturing the child, or systematically resorting to physical force which bears no relation to reasonable discipline.
 - 6) The physical environment of the home poses an immediate threat to the child.

- 7) Evidence suggests that parental anger and concern with the investigation will be directed toward the child in the form of retaliation against the child.
 - 8) Evidence suggests that the parent or parents are so out of touch with reality that they cannot provide for the basic needs of the child.
 - 9) Evidence suggests that the parent or parents' physical condition poses a threat to the child.
 - 10) The family has a history of prior incidents or allegations of abuse or neglect.
 - 11) The parents are completely unwilling to cooperate in the investigation or to maintain a contact with any social service agency and may flee the jurisdiction.
 - 12) If a parent is a suspect in an alleged abuse and the spouse is unable and/or unwilling to protect the child from the suspect.
 - 13) Parent or parents abandon the child.
 - 14) Parent/guardian's explanation of injuries is inconsistent with the findings of the investigation.
 - 15) Any other circumstances which the deputy believes would demonstrate that the child would be in jeopardy if left in the environment.
- c. Strong consideration should be given to placing a protective hold on other children in the environment in cases of child death, serious physical abuse, or sexual abuse. The deputy should discuss the necessity for a protective hold on other children with the Family Services Specialist.
 - d. When circumstances exist in which an agreement cannot be reached by the deputy and the Family Services Specialist concerning placing the hold, the States Attorney or a designee, or the Juvenile Court Judge, shall be consulted if the deputy decides to not do a protective custody hold.
4. Documentation: All child abuse incidents, founded or unfounded, will be thoroughly documented. The report will then be sent to the Department of Social Services.

615-03: Runaways and Truancy

Chapter: Juvenile Operations

Order No: LE 13-03

Effective: 08-01-2000

Revised: 02-20-2013

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will conduct follow-up investigations on reported runaways and truancy violations.

II. Definitions

- A. **Runaway:** A minor who is reported missing because their whereabouts are unknown to the child's parent or legal guardian.
- B. **Truant:** A student of compulsory age who is not in school without leave or explanation.

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **Runaways:** The following procedures will be followed whenever a runaway report is received:
 - 1. Reports should be made upon request of child's parent or legal guardian.
 - 2. There are no specific time limits for a child to be missing before a report can be taken. However, deputies should use reasonable judgment and when parents respond to the office a report will be taken.
 - 3. Reports should be made only by a parent or legal guardian. However, exceptions may be made where another responsible adult may have temporary responsibility for the child.
 - 4. When two juveniles run away at the same time, even if they are siblings, a separate case report number will be obtained for each child.
 - 5. A National Crime Information Center (NCIC) State Case computer entry will be made as soon as possible, through the Emergency Services Communication Center (ESCC), after receiving the initial report.

6. When a child runs from the home of a parent with legal custody to a separate home of their other parent under their own free will, an Information item report should be taken. The child would not be considered a runaway in this situation as their whereabouts are known and they are safe.
7. Any information received that a runaway child has returned home shall be confirmed through parental or guardian contact.
8. NCIC entries will be canceled upon return confirmation.
9. A supplemental report will be made when a runaway returns or is located.

B. Runaway Follow-up Investigation:

1. Read and become familiar with the report.
2. Contact the Emergency Services Communication Center (ESCC) and confirm the juvenile is still active in NCIC and local warrant files.
3. Contact parent or legal guardian who filed the original report. Confirm that they were notified that the juvenile was entered into NCIC, and re-interview them for any new information.
4. Contact friends and relatives when appropriate and check the other information given in the report. The investigator may make a hot sheet, contact another agency, or utilize other methods as necessary.
5. If the juvenile is not located and information as to their location is not developed, the parent or legal guardian should be contacted on a weekly basis at a minimum. The report must also be progressed on a weekly basis.
6. The case cannot be closed until the juvenile has been located or they have turned 18 years of age.
7. If the juvenile is known to be on a reservation and the exact location is known, the investigator should contact tribal police to take the runaway juvenile into custody. If the party that the juvenile is staying with begins tribal court action, the juvenile is no longer considered a runaway and the case may be closed. In this instance the parent or legal guardian who filed the report with the Pennington County Sheriff's Office should be notified that the situation is now a civil matter and they must proceed with appropriate court action. The NCIC entry on the juvenile runaway must also be cleared.
8. If the deputy locates the runaway child and subjects them to an environment in which they are not free to leave, a custody authorization will be completed.
9. If the juvenile has been located by another officer or agency, ascertain the officer's name that made the contact, location of contact, and disposition of the minor.

10. Contact the parent or legal guardian and confirm notification and assure they are aware of the minor's disposition. This would not be necessary if a report has been previously filed which indicates that the parent or legal guardian was contacted. The investigator shall notify the parent or legal guardian that the NCIC entry is being canceled.
11. An interview with the minor should be conducted if possible. The investigator should attempt to obtain the location where the juvenile was, who the juvenile was with, and why they left.
12. The ESCC should be contacted to confirm the juvenile was cleared as a runaway in NCIC and local warrant files. The teletype copies of NCIC cancellation should be obtained if possible and attached to the close out report.
13. Do a close out report to clear the case.

C. Truancy:

1. When school administration notifies the Pennington County Sheriff's Office of a student that is truant the deputy may
 - a. Investigate and document the incident.
 - b. Respond to the student's home.
 - c. Determine if the parent or guardian is responsible in having their child go to school or if the child is beyond the control of the parent.
2. Based on the findings of the deputy concerning the home situation and the actions of the juvenile, the deputy may resolve the situation with one of the following actions:
 - a. Complete a report and submit it to the Criminal Investigations Division for further review.
 - b. Summons the juvenile to Juvenile Court for the appropriate offense.
 - c. Prepare a warrant request for the parent or legal guardian responsible for the child's truancy.

615-04: School Resource Officer Program

Chapter: Juvenile Operations

Order No: LE 2021-03

Effective: 08-01-2000

Revised: 07-12-2021

Reviewed: 07-12-2021

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will provide specially trained school resource officers to various schools within the respective jurisdictions for the purpose of providing assistance to students, administrators, schools and parents of students as an efficient way of providing law enforcement services in a school setting.

II. Definitions

- A. **ALICE (Alert – Lockdown – Inform – Counter – Evacuate):** The emergency planning that has been adopted by the public-school districts in Pennington County.
- B. **SRO (School Resource Officer):** A Deputy Sheriff assigned to perform law enforcement related duties in a school.

III. General Information

- A. The School Resource Officer program is administered jointly through cooperation between the Pennington County Sheriff's Office, the Rapid City Police Department and the Box Elder Police Department.
- B. SRO's are assigned to the Rapid City Area Schools, Douglas School District, Hill City School District and Wall School District.
- C. The School Resource Officer Program is assigned to the Criminal Investigations Division (CID) and is supervised by the SRO Sergeant, CID Lieutenant, and CID Captain.
- D. Within one year of assignment, SRO's should be certified as Basic Level SRO's through the National Association of School Resource Officers and as ALICE Instructors through the ALICE Training Institute. These courses are vital to ensure up-to-date training in school-based law enforcement topics and will allow the SRO to provide lawful, effective school safety services. This requirement can be waived by the Sheriff or designee under extreme circumstances and in collaboration with school administration.

IV. Procedural Guidelines

- A. SRO's are experienced Law Enforcement Officers who adopt the triad concept of school-based policing which provides they not only act in a Law Enforcement role, but also counsel, mentor and teach while developing appropriate, positive relationships with students, staff and parents.
- B. SRO's are an extension of the school building administration and will assist them in accordance with the Memorandum of Understanding for that district. This includes requests for SRO presence at after-hours school activities.
- C. SRO's should be a consistently visible presence on campus and focus on prevention and deterrence of crime and violence on campus
- D. SRO's will be prepared to respond appropriately to crisis occurring on campus, particularly a violent intruder or active shooter situation.
- E. SRO's will familiarize themselves with the quickly evolving school-based law enforcement case law and juvenile justice statutes to remain in compliance.
- F. SRO's should consider non-traditional Law Enforcement responses to crimes involving juveniles that are the least restrictive needed and are in the best interest of the child. SRO's will collaboratively work with school administrators to take a holistic approach to addressing criminal or misbehavior on school campus.
- G. SRO's handle numerous types of criminal investigations and threats. Investigators with the Pennington County Sheriff's Office may be assigned to supplement or assist the SRO's.
- H. Communication with the assigned SRO should be sought prior to outside Law Enforcement entering the school under non-emergency circumstances, such as searching or interviewing students.
- I. SRO's operate under different case law and are given additional authority under certain circumstances than Law Enforcement not assigned to the school.
- J. Certain information from school records, including photos, can be shared with an outside Law Enforcement Officer with a legitimate need to know.
- K. SRO's will be equipped with body-worn cameras (BWC) that will be used in accordance with LE Policy 513-06 with the understanding the SRO may use discretion to determine appropriate times of BWC activation. SRO's will be expected to activate the BWC during times that a use-of-force may become necessary, when an encounter becomes unreasonably confrontational, or preserve statements made during investigations or critical incidents.

615-05: School Threat Assessment Response (S.T.A.R)

Chapter: Juvenile Operations

Order No: LE 19-04

Effective: 08-23-2019

Revised:

Approved by: Sheriff Kevin Thom

Reference: National Threat Assessment Center. (2018) Enhancing school safety using a threat assessment model: An operational guide for preventing targeted school violence. U.S. Secret Service, Department of Homeland Security.

S.D. v. Draskovich, 2017 S.D. 76

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will take all potentially credible threats involving death or serious bodily harm toward a school population or any person while at school or at a school sponsored event, seriously regardless of communication method used to deliver the threat. Investigations will be initiated as soon as the threat is reported. The investigation should first assess the credibility of the threat and secondarily determine if the communication is criminal in nature.

II. Definitions

- A. **FERPA:** Family Education Rights and Privacy Act
- B. **Low Risk (Transient Threat):** Transient threats are statements or circumstances that do not express a lasting intent to harm someone or the school.
- C. **Moderate Risk (Credible Threat):** Statements or circumstances that express a lasting desire and/ or intention to cause harm.
- D. **High Risk (Imminent Credible Threat):** Statements or circumstances that express a lasting desire and/ or intention to cause harm when accompanied by any level of planning (no matter how hasty) and/ or preparation to carry out threat.
- E. **SRO:** School Resource Officer/ Deputy
- F. **STAR Assessment:** The adapted method developed by the Secret Service and Department of Homeland Security to identify the level of risk to the school posed by a particular person or circumstance.
- G. **Threat:** Any form of communication that either specifically or vaguely references the use of death or serious bodily harm toward a school population or any person while at school.
- H. **True Threat:** A legal definition that delineates unlawful, unprotected speech with that of Constitutionally protected free speech. True threats are those statements where the speaker means to communicate a serious expression of an intent to

commit an act of unlawful violence to a particular individual or group of individuals. The speaker need not actually intend to carry out the threat.

III. General Information

- A. A STAR assessment is appropriate when there is a potential threat to inflict death or serious bodily harm directed toward the school, or an individual while they're at school, or a school sponsored event and is reported to school administration or law enforcement.
- B. Not all acts of targeted violence include expressed threats toward the speaker's intended target. A STAR Assessment is also appropriate if information is obtained or developed that indicates a concern of targeted violence toward the school. Specific threats are not a necessary condition to initiate an inquiry.
- C. SRO's should be part of a school building interdisciplinary team to develop a fuller picture of the circumstances from different perspectives. Based on the circumstances of the threat, the team may be as small as the SRO, Principal, School or Department Psychologist, Counselors, Teachers, Paraprofessionals, Coaches and other school personnel. The interdisciplinary team work together to complete the STAR assessment with information they have access to or personally know to help determine the credibility and risk level of the threat.
- D. Information from law enforcement and the school may be shared in accordance with FERPA, state law and the standing 7th Circuit Court Order allowing such sharing.

IV. Procedural Guidelines

A. Handling of Threats

- 1. Threats may be veiled, direct, indirect, conditional and may be in writing, posted on social media, verbalized, second hand information, or anonymously. Every threat should be assumed serious and immediately investigated.
- 2. If a report is made to Law Enforcement that's not an SRO, contact will be made as soon as possible to the SRO or Investigations Division Supervisor. School administration should be notified as soon as practical.
- 3. The investigation should seek to answer: 1) if the threat is credible (low/ moderate/ high risk). This may include the need to contact parents and stakeholders, home visits and/ or search warrants and 2) if the threat is a true threat.

B. STAR Assessment Levels

- 1. **Low Risk:** School interventions and consequences should be the primary response. A law enforcement informational report should be completed to

document the steps taken, except in the cases that are clearly benign. These cases are best documented in school records. Examples can include: 1) A kindergartener that gets angry and tells a classmate he's going to kill him for taking his ball. The student says he was just frustrated. 2) A student says he hates the state testing and jokingly says he wish he could just shoot himself. Student expresses it was just a joke and that's consistent when taken in context.

2. **Moderate Risk:** The team should consult with appropriate members to enact steps that mitigate the danger (based on the specific circumstances) and simultaneously take steps that encourage pro-social and positive behaviors that help solve the root causes. Examples can include: 1) A student breaks up with his girlfriend and says she should watch her back in the hallway or she might find a knife in it. He is unremorseful when confronted. 2) A rival gang member threatens to shoot up the opposing gang member and information shows they're fighting for turf.
3. **High Risk:** Law Enforcement and school administration intervention is immediately required. Immediate steps should be taken to safeguard life, prevent an imminent attack, notify stakeholders and detain the threatening subject(s). An example may include: 1) A student posts on social media to watch out being in the school gym on a specific date. He expresses how he hates the school and especially the gym teacher for writing him up last month. A search reveals a hit list and videos of him shooting a firearm at pictures of known students. Dad's firearms, which are normally stored in a safe are missing.

C. STAR Assessment

1. Evaluations should be made keeping the student's concerning behavior and communications in context of his age, social and emotional development.
2. There are thirteen considerations developed that have been proven to effectively determine if a threat is credible. These questions should not be asked to individuals directly, but rather questions should be tailored to gather as much information in these thirteen categories as possible.
3. The thirteen considerations are:
 - a) Student motives or goals
 - b) Concerning, unusual or threatening communications
 - c) Inappropriate interest in weapons, school shooters, mass attacks or other types of violence
 - d) Access to weapons (known or hidden)
 - e) Stressful events, such as setbacks, challenges or losses
 - f) Impact of emotional and development issues

- g) Evidence of desperation, hopelessness or suicidal thoughts and gestures
 - h) Whether the student views violence as an option to solve problem
 - i) Mental and physical capacity to carry out an attack
 - j) Evidence of planning for an attack
 - k) Consistency between the student's statements and actions
 - l) Protective (mitigating) factors such as positive or prosocial influences and events that would lessen chance of an attack.
4. After gathering as much information in these areas as time allows, the SRO and Principal, or designee will decide if additional Assessment Team Members are needed to make an informed decision on level of risk
 5. If the team determines there is a moderate or high risk, the SRO Supervisor will be notified as soon as practical. If possible, additional Assessment Team Members, such as the student's teachers, should be consulted to obtain as much information as possible.
 6. A mitigation, reintegration and behavioral plan should be developed by the team to address the specific risks while the student is at school, out of school (disciplinary action) and upon the student's return to school.
 7. Open communication and support should be sought with the parents or guardian of the student. If there's a mental health concern, a two-way communication (release of medical information) should be sought.
 8. Information to the media will be a coordinated effort between the affected school district and the law enforcement media relations personnel.
 9. The SRO should consistently monitor the situation until the threat has diminished and is no longer a concern at which time the report can be closed.

D. Criminal Investigation

1. If the threat is a true threat, criminal charges or an involuntary mental hold may be appropriate. If the threat doesn't rise to the level of a true threat, other criminal charges may be considered (i.e. Disturbance of school).
2. Just because an individual makes a threat, doesn't mean the individual poses a threat. A STAR Assessment should be made to determine the level of risk the individual actually poses.

616-01: Victims Specialist Program

Chapter: Criminal Investigations Administration

Order No: LE 19-02

Effective: 6-13-2018

Revised: 1-15-2020

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

A. The Pennington County Sheriff's Office (PCSO) and Rapid City Police Department (RCPD) established the joint victim's assistance program through application and award of a grant to Pennington County Sheriff's Office through the Victims of Crime Act (VOCA). The VOCA grant funding has been utilized to create two full time Victim Specialist positions and established a Victim Specialist Program (VSP).

B. The purpose and goal of the Victim Specialist Program (VSP) is to enhance the treatment of victims and survivors of crime and non-criminal traumatic situations through victim centered advocacy, by providing direct assistance, resources, and services necessary to speed their physical and emotional recovery, and to support and aid them as soon as possible after the crime occurs. By employing two full-time Victim Specialists shared between the Pennington County Sheriff's Office and Rapid City Police Department, this program greatly increases the resources available to victims/witnesses of crime and their families across the County by demonstrating on-going victim centered support. The program is designed to be the initial victim/witness support mechanism for the RCPD and PCSO until the resolution of the case or the victim is transitioned into long-term victim's assistance with the Pennington County State's Attorney's Office. Victim Specialists are also available to assist other law enforcement and victim assistance agencies when requested in the event of major incidents occurring.

II. Definitions

A. **Victim:** A victim is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. A victim also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, or a lawful representative of a victim who is deceased, incompetent, a minor, or physically or mentally incapacitated. A victim is not the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

B. **Victim Specialist:** Full-time PCSO employee with 24/7 on call status that works in conjunction with the Rapid City Police Department to provide victim centered support to victims of crime.

C. Intake: Individuals who have experienced a violent crime or traumatic incident, in a reported incident to law enforcement, and are listed Victims(s) in an open investigation within the Criminal Investigation Divisions of both the RCPD and PCSO are assigned to the Victim Specialist Program for direct victim-centered services.

Individuals may be assigned into the Victim Specialist Program each time a violent crime or traumatic incident occurs against them or their family in which they or close family member are listed as the Victim(s) in a reported incident to law enforcement.

Assignment of a victim's investigation case to the Victim Specialist Program initiates the deliverance of necessary victim services to the individual over the course of the open investigation.

III. General Information

- A. Process of Intake: Once a victim's investigation case is assigned to the Victim Specialist Program, the assigned Victim Specialist is tasked with opening a VS case attached to the investigation case report within the Zuercher Suites Data Management system. The Victim Specialist then adds the name cards (contact, demographic, history info.) of primary victims and secondary victims listed as part of the case. A Victim Specialist Program report is created within the case report for each of the listed victims to record dates, types of contact and direct services provided to the victim over the course of assignment.

Victim Specialists will attempt to make contact with the listed victim either in-person, phone, or letter. At the time of contact in person or by phone with the listed victim(s), the Victim Specialists explain their role in the investigation process to individuals and offer what types of direct service needs the victim may require that the Victim Specialist may be able to address. When met in person, victims are provided a Victim Specialist Program pamphlet that provides contact information, case number information, victim information, the non-discrimination statement and explanation of grievance procedures. If contact with the victim is not immediately achieved, a follow up letter is sent explaining the role of the Victim Specialist along with contact information and pertinent materials to the victim's case to also include the Victim Specialist Program pamphlet. The Victim Specialist Program pamphlet is provided in person or sent in the mail along with a follow up letter. No signatures are required by the Victim Specialist Program in order to receive services. In the event that a partnering agency requires a Release of Information form in order to communicate with that agency, the victim will be asked to sign that agency's form. If contact is not made with the victim at this point, a No-Contact letter is sent to the victim's last known address with a Victim Specialist Program pamphlet continuing to establish connection with the client.

- B. Priority shall be given to victims of sexual assault, domestic violence, and child abuse. Thus, a minimum of 10% of each FY's grant (30% total) will be allocated to each of these categories of crime victims. Additionally, 10% of the grant must be devoted to South Dakota's underserved categories are: adults molested as children; survivors of homicide victims; victims of intoxicated drivers; victims of robbery and elder abuse.

IV. Procedural Guidelines

A. VSP Objectives

1. To meet the mandates of the VSP as well as provide services to other persons in need as necessary and/or appropriate.
2. To increase the community's awareness of the impacts of victimization and its aftermath through the media or other sources, including the commitment of state and local government to provide services for victims of crime.
3. To encourage and support the victim's participation at all stages of the criminal justice process, consistent with South Dakota state law.
4. To participate in the coordination and networking of appropriate agencies, organizations, and groups providing services to victims in order to develop an integrated system of victim services.

B. Agency Responsibilities

1. PCSO & RCPD personnel shall provide appropriate assistance to victims/witnesses within our service area including those who have been threatened or express credible reason for fearing intimidation or further victimization. Victims/witnesses will be immediately notified if there is an indication to suggest that they may be in danger. Pennington County is the program's service area. The primary office is in Rapid City with satellite offices in Wall, New Underwood, Keystone and Hill City.
2. Contacts with victims or other persons-in-need can be accomplished by emergency on-call response, either in person or by telephone, electronic (email) or postal mail. Victims shall be referred to the VSP staff by the following means:
 - a) Requests from LE personnel or their supervisors
 - b) Requests from the victim or family
 - c) Requests from other agencies
 - d) Requests from hospitals or schools
3. The agency will accept and deliver emergency messages in the unincorporated areas of Pennington County and contracted cities. Usually these messages are death notifications or medical emergencies.
4. While providing assistance victims and witnesses, members and auxiliaries shall respect the victim's/witness' right to privacy and ensure the confidentiality of records and files of victims/witnesses and their role in case development subject only to law or regulations requiring the disclosure of information to appropriate other sources. Any member of the agencies that takes a report in which any violent crime is identified shall provide a VSP pamphlet or appropriate brochure for other agencies in order to provide information to the victim.
5. The minimum level of victim/witness assistance provided by the agency shall include the following:

- a) Crisis intervention involving victim/witness assistance provided by members of the VSP 24 hours a day, 7 days a week. Activation of VSP shall be coordinated through the PCSO or RCPD Criminal Investigation Commander.
- b) Referral information regarding available services as needed or necessary will be provided to victims of crime or other persons-in need upon initial contact or during follow-up by VSP team members. Appropriate services may include information regarding:

- i. Medical resources

Procedure for assisting a client with receiving medical care: Victim Specialists procedure for assisting a client with receiving a medical care takes place when the victim client has a medical condition related to the crime incident having occurred that is not -emergent but may require further medical care. The VS may assist the victim with making medical appointments and in providing transportations to the client for an appointment. In addition, VS may assist a client in applying for Crime Victims Compensation when applicable.

- ii. Emergency housing information

- iii. Mental health resources

- iv. Social Services

- v. Community support services for victims/witnesses in crisis

- vi. Victim compensation funds

- vii. Victim assistance resources to include court system resources and notifications

(SAVIN- Statewide Automated Victim Information Notification System)

- viii. Legal resources

- ix. Other financial, housing, and maintenance services

- 6. Analysis of services: The VSP shall conduct an annual analysis of victim/witness assistance needs and the services available to victims and their families. The agency may use information from local, county, or state agencies including the services of criminal justice agencies that conducts analysis of victim needs. Ultimately, the analysis will provide a list of victim/witness services that the agency can offer without duplicating the efforts of other agencies in the jurisdiction. At a minimum, these services shall include those that only first-responders can provide effectively and those that the agency is in a position to provide. The analysis of victim's needs may include the following elements: what is required by the grant:

- a) adults molested as children;
- b) survivors of homicide victims;
- c) victims of intoxicated drivers;
- d) victims of robbery;
- e) and elder abuse.

C. VOCA Specific Policy Statements

1. Non-Discrimination

The Pennington County Sheriff's Office Victim Specialist Program does not exclude, deny, benefits to, or otherwise discriminate against any person on the grounds of race, color, national origin, age, sex, religion, sexual orientation, or disability.

In cases of questions concerning this policy, or in the event of a desire to file a complaint alleging violations of the above, please contact:

Provider Name: Pennington County Sheriff's Office Human Resources Manager
Coordinator: Stephanie McCoy
Telephone number: (605) 394-6113

Provider Name: Department of Public Safety
Victims' Assistance Program
Address: 118 West Capitol Avenue, Pierre SD 57501-2291
Telephone number: (605) 773-6317
Website: www.dps.sd.gov/victims-services

Provider Name: Office of Justice Programs
Office of Civil Rights
Address: 810 Seventh St. NW Washington, DC 20531
Telephone number: (202) 307-0690

The nondiscrimination policy shall be provided, in writing, to all victim/clients at the start of services.

Also covered under PCSO Global Policy
GP 3-20: Professional Conduct and Responsibilities
Chapter: Employee Conduct and Professionalism

Procedural Guidelines

Pg. 99 Items Y. Citizen's Complaints: and Z. Request for Assistance:

2. Confidentiality

All information regarding crime victims and crime victims' family members is confidential, other than what is discoverable through prosecution-related activities (SDCL 23A-13) Such information may be shared only with representatives of the Pennington County Sheriff's Office and Rapid City Police Department, to include employees and volunteers, and then, only on a need-to-know basis.

A. Discussions regarding any confidential matter shall not occur with any person or outside the scope of the Pennington County Sheriff's Office and Rapid City Police Department, except as allowed by law or with a Release of Information signed by the crime victim. Confidential information in the possession of a Pennington County Sheriff's Office or Rapid City Police Department employee or volunteer shall be safeguarded and kept secured in the Zuercher Technologies, Zuercher Suite Records Management System. If confidentiality is breached, disciplinary action up to, and including termination, may be taken.

B. Victim records are stored indefinitely on the Zuercher Technologies, Zuercher Suite Record Management System as part of Law Enforcement records policy.

C. This policy shall be given to all employees at the time of hire.

Also covered under Pennington County Employee Handbook

2.0 – 2.2 Confidentiality pgs. 19-20

3. Grievance Procedures

These matters are grievable:

A. Discrimination against any federally protected classes, i.e. discrimination against any person on the basis of race, color, national origin, age, sex, religion, sexual orientation, or disability.

B. Breach of confidentiality: any unauthorized or unlawful release of information pertaining to a crime victim or his/her family is grievable.

In cases of questions concerning this grievance policy, or in the event of a desire to file a complaint alleging violations of the above, an **employee** shall contact:

Provider Name: Pennington County Sheriff's Office
Coordinator: Chain of Command: Captain Corey Brubakken, Chief Deputy Willie
Whelchel
Address: 300 Kansas City St., Suite 100, Rapid City, SD 57701
Telephone number: (605) 395- 6115

Provider Name: Pennington County Sheriff's Office Human Resources Manager
Coordinator: Stephanie McCoy
Address: 300 Kansas City Street, Rapid City, SD 57701
Telephone number: (605) 394-6113

Provider Name: Department of Public Safety
Victims' Assistance Program
Address: 118 West Capitol Avenue, Pierre SD 57501-2291
Telephone number: (605) 773-6317
Website: www.dps.sd.gov/victims-services

Provider Name: Office of Justice Programs
Office of Civil Rights
Address: 810 Seventh St. NW Washington, DC 20531
Telephone number: (202) 307-0690

In cases of questions concerning this grievance policy, or in the event of a desire to file a complaint alleging violations of the above, a **victim** shall contact:

C. If there is a complaint concerning either discrimination and /or breach of confidentiality concerning the Victim Specialist, the complaint shall be submitted to the Pennington County Sheriff's Office Victim Specialist Program in written form within ten (10) working days of the incident. The Victim Specialist shall respond to the complaint within ten (10) working days thereafter. The goal of this process shall be prompt and equitable resolution of complaints.

D. If there is a complaint concerning either discrimination and/or breach of confidentiality concerning the Victim Specialist the complaint shall be submitted to the Captain of the Criminal Investigation Division and/or the Chief Deputy of the Pennington County Sheriff's Office in written form within ten (10) working days of the incident. The Captain of CID or the Chief Deputy of the Pennington County Sheriff's Office shall respond to the complaint within ten (10) working days thereafter. The goal of this process shall be prompt and equitable resolution of complaints.

Provider Name: Pennington County Sheriff's Office
Coordinator: Chain of Command: Captain Corey Brubakken, Chief Deputy Willie
Whelchel
Address: 300 Kansas City St., Suite 100, Rapid City, SD 57701
Telephone number: (605) 395- 6115

E. Victims may also contact:

Provider Name: Department of Social Services
Victims' Services Program
Address: 700 Governors Drive, Pierre SD 57501-2291
Telephone number: (605) 773-5884
Email: VictimsServices@state.sd.us

Provider Name: Office of Justice Programs
Office of Civil Rights
Address: 810 Seventh St. NW Washington, DC 20531
Telephone number: (202) 307-0690

Provisions shall be made for those who require assistance in completing the process of filing a complaint.

Employees shall receive due process in all phases of this process.

F. This policy shall be given to all employees of the Pennington County Sheriff's Office Victim Specialist Program at the time of hire.

The grievance policy shall be provided, in writing, to all victim/clients at the start of services.

Also covered under Pennington County Sheriff's Office Law Enforcement Policy 345-01: Internal Affairs – Citizen's Complaint pgs. 106-111

4. Limited English Proficiency (LEP)

A. No client will be denied services based on LEP. The Pennington County Sheriff's Office will take every reasonable measure to ensure access to all services provided by the Pennington County Sheriff's Office Victim Specialist Program for LEP clients. An LEP client will be identified upon intake based on interactions with staff members. LEP includes not only verbal, but also written English proficiency. If a client speaks English but does not read English and written materials are not available in the language they read proficiently in, then all written materials will be read to the client. If the client does not speak English proficiently then the language of choice will be identified using "I speak" cards. Once the language is identified, the Pennington County Sheriff's Office will take the following steps to assist the client:

1. Contact a staff member who speaks the language
2. Contact a translator
3. Utilize a translator service (i.e. Rapid Translators- German)

B. The client will not be required to pay for any translator assistance in order to receive services.

C. Another client or a family member of the client will not be used as a translator for sensitive materials.

D. All staff will be trained in how to access the appropriate translator services in our area.

As our community grow and evolves the Pennington County Sheriff's Office will continue to reevaluate the services available to LEP clients and ways to expand or improve those services.

Also covered under: Pennington County Sheriff's Office Global Policy

GP 5-30: Effective Communication with People Who are Deaf

Chapter: Department/Division Operating Procedures

5. Retention of VOCA Records

A. Per our contract with the State of South Dakota, Department of Social Services, Office of the Secretary, the Pennington County Sheriff's Office and the Pennington County Sheriff's Office Victim Specialist Program shall maintain, supervise, and retain all records pertaining to the VOCA Grant for a period of six years following termination of the agreement, unless pending audit, then they must be held for a longer period.

B. Specifically, the Pennington County Sheriff's Office and the PCSO Victim Specialist Program shall retain all records necessary for the proper and efficient operation of the program, including records and documents regarding application, determination of eligibility (when applicable), the provision of services, administrative costs, statistical, fiscal, and other information records necessary for reporting and accountability required by the State. If such records are under pending audit, the Pennington County Sheriff's Office and the PCSO Victim Specialist Program agree to hold such records for a longer period upon notification from the State. The State, through any authorized representative, will have access to and the right to examine and copy all records, books, papers or documents related to services rendered under this Agreement. State Proprietary Information retained in the Pennington County Sheriff's Office and the PCSO Victim Specialist Program's secondary and backup systems will remain fully subject to the obligations of confidentiality stated herein until such information is erased or destroyed in accordance with the County's established record retention policies.

6. Personnel

Victim Specialist Personnel Policies are included under the Pennington County Employee, Pennington County Sheriff's Office Global Policy and Pennington County Sheriff's Office Law Enforcement Policy. These policies apply to full-time and part-time employees as well as volunteers (where applicable)

A. Pay period, workweek and payday definitions; holidays and paid time off

Sheriff's Office Global Policy 2-30: Employee Onboarding

Chapter: Staffing Management pgs. 40-43

B. Smoke free workplace

Pennington County Employee Handbook 2.7 Smoking pg. 23

C. Violence free workplace

Pennington County Employee Handbook 1.5 Workplace Violence Prevention pg. 15

D. Full time and part time employment definition

Pennington County Employee Handbook 3.1 Employment Categories pgs. 34-36

E. Employees evaluations/performance appraisal

GP 8-20: Personnel performance Reviews

Chapter: Global Administration pgs. 165-166

F. Employee benefits

Pennington County Employee Handbook 4.0 Employee Benefits pgs. 52-80

G. Mandatory Reporters

Staff and volunteers are mandatory reporters of abuse or neglect of a child, an elder and an adult with disabilities and will know and understand how and when to report instances to supervisors.

SDCL Chapter 26-8A is the controlling law in this matter and should be cited and referred to in the event that further explanation or interpretation is required.

26-8A-3. Persons required to report child abuse or neglected child--Intentional failure as misdemeanor. Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, emergency medical technician, paramedic, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or court services officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, employee or volunteer of a domestic abuse shelter, employee or volunteer of a child advocacy organization or child welfare service provider, chemical dependency counselor, coroner, or any safety-sensitive position as defined in § 3-6C-1, who has reasonable cause to suspect that a child under the age of eighteen has been abused or neglected as defined in § 26-8A-2 shall report that information in accordance with §§ 26-8A-6, 26-8A-7, and 26-8A-8.

Any person who intentionally fails to make the required report is guilty of a Class 1 misdemeanor. Any person who knows or has reason to suspect that a child has been abused or neglected as defined in § 26-8A-2 may report that information as provided in § 26-8A-8.

SDCL Chapter 22-46-10. Mandatory reporting of abuse or neglect by staff and by person in charge of residential facility or entity providing services to elderly or disabled adult--Violation as misdemeanor. Any staff member of a nursing facility, assisted living facility, adult day care center, or community support provider, or any residential care giver, individual providing homemaker services, victim advocate, or hospital personnel engaged in the admission, examination, care, or treatment of elderly or disabled adults who knows, or has reasonable cause to suspect, that an elderly or disabled adult has been or is being abused or neglected, shall, within twenty-four hours, notify the person in charge of the institution where the elderly or disabled adult resides or is present, or the person in charge of the entity providing the service to the elderly or disabled adult, of the suspected abuse or neglect. The person in charge shall report the information in accordance with the provisions of § 22-46-9. Any person who knowingly fails to make the required report is guilty of a Class 1 misdemeanor.

H. Conflicts of Interest

Pennington County Employee Handbook 2.3 Conflicts of Interest pgs. 20-21

I. Transportation Services

The Victim Specialist Program provides transportation to victim clients anytime they have need of being transported that is in relation to their case or associated needs stemming from having an open investigation criminal investigation case (i.e. – forensic interview, medical appointments, court dates, personal needs resources). Transportation is provided to anywhere in the service area or applicable locations related to the victim/clients needs. Both Victim Specialists have access to county owned vehicles that are available to take home for 24/7 on call response when needed. Victim Specialist personal vehicles are not to be used for transporting victim/clients. All passengers in vehicles must use seat-belts and appropriate child restraints will be used in accordance with South Dakota laws. Texting while staff/Victim Specialists are driving is strictly prohibited.

Pennington County Employee Handbook 2.12 Use of Equipment and Vehicles pgs. 29-30

7. Personnel Training

Victim Specialist Personnel Training Policies are included under the Pennington County Sheriff's Office Law Enforcement Policy Section 431-12: Civilian Training pgs. 140-141

A. New employees of the Pennington County Sheriff's Office Victim Specialist Program are required to read and review with a current employee of the Sheriff's Office the Victim Specialist Policy Manual. New employees will sign a statement following the reading and review of the Victim Specialist Policy Manual, acknowledging the program policies, forms and manuals they have received at orientation. This signed statement shall be retained in the new employees training record by the program.

B. The Victim Specialist Program will train Victim Specialists in how to address client victim's needs working within the program's procedures and guidelines. Victim Specialists will be provided orientation and training in all aspects of Law Enforcement and the Criminal Investigation Divisions for both PCSO and RCPD to include but not limited to:

1. VS will be trained in how to proceed accordingly to the types of criminal investigation cases once assigned to victim(s) in contacting, meeting and providing services to victim clients and their families.
2. Victims Specialists will be trained in Civil Rights by reviewing annually the Video provided by the Office of Justice Programs and Office for Civil Rights.

<https://www.ojp.gov/about/ocr/ocr-training-videos/video-ocr-training.htm>

Victim Specialist paid staff will view the video and document with PCSO training sheet the completion of viewing the video and providing documentation to SDVS (South Dakota Victim Services).

Staff should view the video following the receipt of this report and document completion and provide documentation to SDVS.

3. VS will be trained in creating VS case files in the Zeurcher Data base system to document and report services provided to victim clients. As well as documenting and reporting client victim statistics and provided services to SDDSS Victim Services Management as required.

4. VS will complete the CJIS (Criminal Justice Information Services) training and test. The CJIS Security Policy provides guidance for the creation, viewing, modification, transmission, dissemination, storage, and destruction of criminal justice information. This policy applies to every individual—contractor, private entity, noncriminal justice agency representative, or member of a criminal justice entity—with access to, or who operate in support of, criminal justice services and information. The CJIS test is a mandatory biennial recertification requirement. **All PCSO employees who have access to criminal justice information must complete this test, per the FBI's CJIS Security Policy.**

5. VS staff will be trained on Appendix A and B of the ADAP (Agency Domestic Abuse Program) User's Manual as required by SD-DSS Victim Services Management. Training will include reading through the entirety of the manual and reviewing the content with a previously trained staff member.

6. PCSO staff responsible for Victims' Services reporting, fiscal management, and grant writing must be required to read the VSMS (Victim Services Management System) User's Manual.

Training will include reading through the entirety of the manual, reviewing the content with a previously trained staff member and then demonstrating proficiency in completing online Victims' Services reporting.

7. VS will understand the role, mission and purpose for every division within the PCSO and RCPD and how each may be a part of providing services to victim clients. (PC Jail, CCADP, JSC, Evidence, Patrol, Warrants, ICAC, etc.)

8. VS will be trained in Defensive Tactics in the event that in working with victim clients and their families in person the need should arise to protect themselves in a physical encounter.

9. VS will understand the role, mission and purpose of partnering agencies as they relate to client victims needs and services. (WAVI, State's Attorney Office, Court Services, CAC, DSS, etc.)

10. VS will understand the role, purpose and process in helping victim clients apply and register to receive assistance from state provided programs. (Crime Victims Compensation, State Automated Victim Information and Notification System)

11. VS will become familiar with the role, mission and purpose of resource agencies and non-profit organizations throughout the area of Rapid City and the state of SD that provide assistance and services to victim clients.

8. Volunteers

Pennington County Sheriff's Office Victim Specialist program may utilize volunteers in order to enhance and expand the services and programs offered to victim clients and their families.

A. The use of volunteers broadens community resources for the program and increases public awareness and involvement in providing advocacy services to victim clients and their families.

B. Volunteers are subject to a complete screening and orientation and are under the supervision conducted by the Victim Specialist Program Volunteer Coordinator.

C. The Victim Specialist Program Volunteer Coordinator will meet regularly with volunteers to seek suggestions for improving the program. Volunteer and/or program concerns are also discussed.

D. Volunteers may contribute suggestions regarding the establishment of policy and procedures pertaining to the volunteer services program.

E. The performance of all volunteers will be evaluated on an ongoing basis by the VSP Volunteer Coordinator and VSP staff.

1. Any misconduct is reported to the Criminal Investigation Division Captain for review and action.

2. Staff will inform the Criminal Investigation Division Captain of any volunteer concerns or suggestions.

F. Potential volunteers must be a person of good character, 21 years of age, sufficiently mature to handle the responsibilities involved.

G. Volunteers may be terminated for just cause.

9. Volunteer Training

A. Volunteers of the Pennington County Sheriff's Office Victim Specialist Program are required to read and review with a current employee of the Sheriff's Office the Victim Specialist Policy Manual. Volunteers will sign a statement following the reading and review of the Victim Specialist Policy, acknowledging the program policies, forms and manuals they have received at orientation. This signed statement shall be retained in the volunteers training record by the program.

B. The Victim Specialist Program will train volunteers in the Victim Specialist Program in how to address client victim's needs working within the program's procedures and guidelines. Volunteers will be provided orientation and training in all aspects of Law Enforcement and the Criminal Investigation Divisions for both PCSO and RCPD to include but not limited to:

1. VSP Volunteers will understand the role, mission and purpose for every division within the PCSO and RCPD and how each may be a part of providing services to victim clients. (PC Jail, CCADP, JSC, Evidence, Patrol, Warrants, ICAC, etc.)

2. VSP Volunteers will understand the role, mission and purpose of partnering agencies as they relate to client victims needs and services. (WAVI, State's Attorney Office, Court Services, CAC, DSS, etc.)

3. VSP Volunteers will understand the role, purpose and process in helping victim clients apply and register to receive assistance from state provided programs. (Crime Victims Compensation, State Automated Victim Information and Notification System)

4. VSP Volunteers will become familiar with the role, mission and purpose of resource agencies and non-profit organizations throughout the area of Rapid City and the state of SD that provide assistance and services to victim clients.

5. VSP Volunteers attending training will sign their name on the PCSO training sheet detailing dates, length of training time, location, topic and trainer. VSP Volunteers attending specific training outside of PCSO trainings should report training dates, length of training time, location, topic and trainer to the VSP Volunteer Coordinator within a two-week time period following the completion of the training.

6. VSP Volunteer training records will be kept in the PCSO Training Division.

10. Fiscal Management Policy

Victim Specialist Program Fiscal Management Policies are included under the South Dakota Codified Law for Counties, the Pennington County Auditing Standards & Purchasing Policy under the auspices of the Pennington County Auditor's Office, Pennington County Treasurers Office and Pennington County Board of Commissioners.

A. The preparation of a formal written budget of expected revenues and expenses that is reviewed and approved by the governing body annually is provided for under statutes regarding County Government Offices. SDCL 7-21-5, SDCL 7-21-8, SDCL 7-21-9.

B. The Victim Specialist Program's fiscal year coincides with the Federal Fiscal Year October 1, YYYY to September 30, YYYY for VOCA Grant purposes and the Sheriff's Office Fiscal Year – January 1, YYYY to December 31, YYYY for all other fiscal considerations.

C. The Process for Payment of Bills, Purchasing Policy, Surplus Property Policy, Check Writing Policy are covered in the Pennington County Auditing Standards & Purchasing Policy.

D. Money Handling and the receiving and accounting for all Pennington County Funds is the responsibility of the Pennington County Treasurer's Office.

E. The use of credit cards by the Victim Specialist Program is covered under the Pennington County Board of Commissioners Credit Card Policy.

F. Bank Statement Reconciliation Process and Internal Control of financial statements for review and approval are prepared and performed by the Pennington County Auditor's Office who is responsible for monthly audits of all cash and cash items held by the County Treasurer and for auditing all accounts and maintaining all financial records in and for Pennington County. The Auditor's Office prepares audited annual financial reports indicating the receipts and expenditures, liabilities and equity, and assets of the County under the direction of the Pennington County Board of Commissioners. Audit requirements with revisions and updates occur under the direction of Pennington County Board of Commissioners.

G. Debit Card, On-line Bill Pay, Auto Bill Pay, Petty Cash Fund and Donation Policies are non-applicable policies and not used by the Pennington County Sheriff's Office.

11. Community Education

The Victim Specialist Program will seek to promote understanding, collaboration, and assistance to and with other victim service provider agencies and community organizations. Victim Specialists should intentionally be a part of multidisciplinary teams, special task-forces on specific crimes, inter-agency groups, event planning teams, and the planning of trainings that are sensitive to and responsive to the needs of victims. The Victim Specialist Program will participate in the annual National Crime Victim's Rights Week observance by joining with others in the planning and carrying out of special events during the month of April to be publicized throughout the Pennington County area. In addition, Victim Specialists will seek to provide educational opportunities regarding victim's issues by participation in community programs (i.e. YFS Stronger Family Program, Love INC – Life INC classes, etc.) and through in-service training opportunities amongst the PCSO and RCPD.

621-01: Crime Scene Responsibilities

Chapter: Collection and Preservation of Evidence

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Deputies responding to crime scenes will insure security of the scene is established and make sure evidence is preserved for collection.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

- A. **24-Hour Access to Crime/Accident Processing:** Evidence personnel are available 24-hours a day. During other-than-normal duty hours, evidence personnel can be reached through the Criminal Investigation Division (CID) supervisors.
- B. **Crime Scene Specialist Availability:** In cases where evidence personnel are requested at the scene, that part of the scene shall be secured so the evidence personnel can direct investigative procedures in that area.
 - 1. Requests for crime scene evidence personnel should be made early in the investigation once the scene has been secured or after appropriate avenues for entry, i.e., search warrant or consent to search has been obtained to assure proper processing and recovery of evidentiary items.
 - 2. Crime scene evidence section personnel may provide instructions for the additional protection of the scene as necessary and appropriate to the investigation.
- C. **Crime Scene Evidence Responsibility:** The responsibility of the first responding deputy is to perform the following duties as appropriate and necessary for each individual crime scene:
 - 1. Protect the scene from destruction, contamination, and alteration.
 - 2. Initially consider everything within the crime scene as evidence.

- a. Ensure that the perimeter of the crime scene is clearly and correctly identified and marked.
- b. Limit access to the crime scene to only those persons who have a legitimate purpose for being at the scene.
- c. Quickly identify evidence which may be lost due to the environment or by the lapse of time.
- d. Notation of the date and time of the initial arrival and the condition of the scene at that time.

3. Provide a written narrative describing the scene:

- a. Date and time of arrival.
- b. Location of the scene.
- c. Weather and lighting conditions.
- d. Identify persons at the scene upon arrival, to include:
 - 1) Victims
 - 2) Suspects
 - 3) Witnesses
- e. Begin a crime scene log once the scene is identified and secured.
 - 1) Prior to seizing any evidence, deputies are to record the exact location of evidence, photograph the item, log the time and date of seizure, and who took custody of the evidence. This information is to be included in the case report.
 - 2) All evidence shall be either turned over to an evidence custodian or secured in a property locker.

D. Initial Responding Deputy: The first responding deputy shall assume command and control of an investigation until or unless one of the following occurs.

- 1. A deputy of higher rank arrives to take control.
- 2. A supervisor re-assigns another deputy or investigator to assume command and control of the investigation.
- 3. When an investigator is called to the scene, the original responding deputy shall assist the investigator until reassigned. The assigned investigator shall assume responsibility for the coordination of the investigation.

4. The shift supervisor shall have overall responsibility of the crime scene unless the offense is reassigned, by proper authority, to the criminal investigations division (CID).
 5. In each case, the deputies and investigators involved in the investigation shall perform their duties in conjunction and cooperation with other law enforcement personnel involved with the case.
 6. Technical assistance is recommended for all major incidents.
 7. When there is a question as to whether assistance is needed, a supervisor shall make the determination of the need.
- E. **Crime Scene Reporting:** Deputies processing or assisting in the processing of a crime or accident scene will complete the appropriate case report or addendum.

621-02: Crime Scene Processing Procedures

Chapter: Collection and Preservation of Evidence

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Deputies will provide for the safekeeping of all property that comes into the possession of this office.

II. Definitions

- A. N/A

III. General Information

- A. All property, with the exception of vehicles, will be dealt with under this policy.
- B. With respect to evidentiary items, this office shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.

IV. Procedural Guidelines

- A. **Crime Scene Processing Procedures:** To be useful in subsequent criminal prosecutions, certain precautions and procedural steps must be followed to ensure the integrity of evidence.
 - 1. Whenever possible, latent fingerprint evidence will be obtained at the scene by the investigating deputy or processing specialist. If this is not feasible, as much of the evidence as possible should be brought to the Rapid City Police Department Evidence Building for processing as practical.
 - 2. Chain of Custody: Once evidence is seized, handling should be kept to a minimum unless otherwise directed. The deputy seizing the evidence shall maintain complete physical control over the evidence until such time as the evidence is properly logged, tagged and secured in the property locker.
 - 3. Protection of Evidence: Deputies are to take all precautions to prevent contamination, alteration or destruction of evidence.
- B. **Evidence Gathering:** A deputy, when working individually or in cooperation with others, shall be responsible to preserve and protect the scene of a crime and the evidence contained therein.

1. When locating evidence a deputy shall follow proper procedures in recording pertinent information as to the type of evidence located, where located, by whom, etc. This information will be included in such reports as may later follow the investigation.
2. A deputy may resort to such assistance as may be necessary to make a proper crime scene search. They shall confer with their supervisor, who will determine the proper utilization of resources needed for a search of a crime scene.
3. Evidence which may bear latent fingerprints or other evidentiary particles shall be properly handled in such a way so as to prevent destruction or contamination of evidence. Items which may contain evidence such as hairs, fibers, gunshot residue, paint chips, glass fragments or any other trace evidence, will be packaged separately.
4. Evidence collected or taken by a deputy shall be marked for future identification by each person involved with the custody of it until it is placed into evidence. When marking an item for identification, deputies shall attempt to refrain from scratching or marking any item in any way, shape or form that damages the item. If possible, the marking should be done in some slightly hidden spot and shouldn't be any more noticeable than necessary.
5. Such identifying marks shall be recorded in the case report or addendum of the deputy.
6. The chain of evidence is critical in the prosecution of a case. Care must be taken so as not to break the chain of those who take custody of evidence. Evidence must be accounted for at all times if it is to be introduced in court. It is important to keep the chain of evidence as short as possible and the handling of evidence at a minimum.

C. Evidence Marking and Preservation: The deputy seizing evidence shall mark the evidence as follows in order to make later identification:

1. Markings should contain the case number, date, and time of recovery, location of the recovery, the offense being investigated, the description of the item(s), contained in the package, and the employee making the seizure.
2. Evidence must be marked either by completing the pre-printed label and sealing the container with evidence tamper-proof tape, or by applying a completed, approved label to the surface and writing on the article with permanent ink.
3. Any evidence photographed shall include with the picture a label containing the date, time, case report number and employee's initials.

D. Evidence Information Recorded:

1. All evidence shall be tagged/labeled at the time it is seized and shall have recorded on the evidence tag, attached to the item, the following information:

- a. All evidence seized must be listed on the Property and Evidence Information Form or Inventory Sheet, listing description, make, model, and serial number if any.
 - b. The evidence information section on the evidence package or tag must be filled out and affixed to each piece of evidence listed.
 - c. The signature of the collecting deputy, and all persons having custody of the item as well as the date and time the custody was transferred.
 2. Items that cannot be marked by tagging should be placed into an appropriate container and the information section of the package filled out.
 3. Disposition of Evidence: When evidence is no longer needed in a criminal prosecution, the evidence custodian will properly dispose of it as set out by the established guidelines of the evidence section.
- E. **Crime Scene Processing Equipment:** The following items should be available in the patrol vehicles for the processing of crime scenes:
1. Latent fingerprint recovery kit, to include:
 - a. Brushes
 - b. Powder (white and black)
 - c. Lifting tape or hinged lifters
 2. Camera (assigned to each deputy sheriff)
 3. Materials for packaging of evidence to include:
 - a. Envelopes and/or paper bags
 - b. Evidence tags/labels
 - c. Evidence tape
 - d. Rubber gloves
- F. **Evidence Photography:** The scene of a major crime will be photographed and or videotaped. These photographs and or videos will show scene locale, all aspects of the scene, and items of evidence. Close-up photographs will be taken with and without a scale when necessary to indicate size. Videotapes will be taken at the discretion of the crime scene investigator(s).
- G. **Crime Scene Mapping:** Crime scene mapping should be made on major crime scenes. The mapping will be conducted by Rapid City Police Department Evidence Section.

621-03: Processing Recovered Stole Vehicles

Chapter: Collection and Preservation of Evidence

Order No: LE 12-04

Effective: 08-01-2000

Revised: 11-01-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will follow-up on all notifications of recovered stolen vehicles.

II. Definitions

- A. **NCIC:** National Crime Information Center
- B. **ESCC:** Emergency Services Communication Center

III. General Information

- A. If a suspect is apprehended from a stolen vehicle, the vehicle cannot be released without the authorization of the Pennington County State Attorney's Office (SDCL 23A-37)
- B. Stolen vehicles may be released to the owner at the recovery scene without being impounded if the vehicle has been processed or does not need to be processed or otherwise held as evidence.

IV. Procedural Guidelines

- A. **Processing Recovered Stolen Vehicles:** Deputies shall follow these guidelines whether the recovered stolen vehicle is towed by the deputy and removed to the evidence processing facility or is released to the owner at the scene.
 - 1. A deputy is dispatched and a vehicle recovery report is completed whenever a stolen vehicle is recovered within Pennington County.
 - 2. Whenever possible, stolen vehicles recovered in Pennington County should be processed. Vehicles reported stolen in Pennington County and subsequently recovered in other jurisdictions shall be processed in the following instances:
 - a. When the recovering agency will do the processing based upon suspect information or other investigation details.
 - b. When there is evidence that the vehicle was used in a serious crime committed in Pennington County. Pennington County Sheriff's Office investigators may respond to locations adjacent to Pennington County or

as directed after contacting the law enforcement agency with primary jurisdiction.

3. The ESCC shall be notified immediately by the deputy whenever a stolen vehicle is recovered so that the vehicle listing can be removed from NCIC, or in order that the agency having jurisdiction of the auto theft can be advised by teletype of the recovery.
4. ESCC personnel shall send a canceling teletype immediately upon notification that a vehicle stolen in Pennington County has been recovered. If the recovered vehicle was stolen from another jurisdiction, the ESCC personnel will advise that jurisdiction by teletype of the recovery.
5. The responding deputy will attach a copy of any teletype message regarding an auto theft or recovery to the original case report.
6. The date, time, and name of the ESCC employee notified shall be included in the vehicle impound/recovery report.
7. The deputy should, immediately after canceling the NCIC entry, notify the owner of the stolen vehicle of its recovery. If the owner of the vehicle cannot immediately respond and take control of their vehicle, they will be advised where the vehicle has been impounded and who to contact to secure its release.
8. If the owner cannot be contacted by telephone, the assigned deputy will attempt to contact the victim at their residence when possible. If no one can make contact at the residence, the deputy shall attempt to leave a message requesting the victim to contact them or the investigations branch. These actions shall be documented in the case report addendum.
9. If after 24 hours the owner fails to make contact with law enforcement, the assigned investigator will send a letter to the vehicle owner requesting the owner contact them. This action shall be documented in the investigative report.
10. Evidence processing of the recovered stolen vehicle shall be at the discretion of the investigator assigned to the case.
11. All evidence processing of stolen vehicles shall be conducted by the Criminal Investigations Evidence Technicians at a secured evidence recovery facility or by a trained supervisor or deputy at the scene of recovery as appropriate.

622-01: Property and Evidence Management

Chapter: Property & Evidence Control

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. Deputies shall ensure the safekeeping of all property and evidence that comes into the possession of this office.

II. Deputies

- A. **Items of Value:** Money, jewelry, precious metals, electronics, firearms.
- B. **Contraband:** An item that by its very nature is illegal to possess e.g. illegal narcotics.

III. General Information

- A. With respect to evidentiary items, this office shall maintain a proper chain of custody and secure such items in a manner that will ensure the evidence is available to be admitted at trial.
- B. All property, with the exception of vehicles, will be dealt with under this policy.
- C. All property and evidence is secured, managed, and disposed through the joint evidence facility which is managed under the operational control of the Rapid City Police Department.

IV. Procedural Guidelines

- A. General Provisions Applicable to all Evidentiary Items:
 - 1. Members of the Sheriff's Office shall only seize items under the following conditions:
 - a. Deputy has probable cause to believe that an item is contraband.
 - b. Deputy has probable cause, to believe at the moment of seizure, the item to be seized is stolen.
 - c. Deputy has probable cause, to believe at the moment of seizure, the item is evidence of a crime.

2. Deputies should make a handwritten inventory of the items at the scene. Two law enforcement officers should conduct this inventory of the property. Both officers shall sign the handwritten inventory.
3. When money or property, other than that seized pursuant to chapter's 23A-35 to 23A-37, inclusive, is taken from a defendant arrested pursuant to state law, the law enforcement officer taking it must:
 - a. Make duplicate receipts specifying the amount of money or kind of property taken, and present one of the receipts to the defendant.
 - b. The yellow copy of the Evidence Information Form is a sufficient receipt.
4. When placing jewelry into evidence, the deputy will describe the item for future identification and refer to stones by color rather than a diamond, ruby, etc. Metals should be described as yellow, white, etc., rather than platinum, gold, etc. It would be presumptuous for a deputy to state that a stone is a diamond or that metal is yellow gold without expert knowledge. In cases where professional expertise is required to make a proper accounting of the property, a supervisor will be notified so that the services of an expert may be obtained.
5. Once an item is seized, it shall be transported to the Rapid City Police Department Evidence Building.
6. Only containers approved by the evidence section will be used in the packaging of evidence. The exception to this is evidence that will not fit into a container, i.e. a chainsaw, in which case an approved evidence tag or sticker will be used.
7. The deputy who has seized the property shall fill out a RCPD & PCSO Evidence Form. The third copy (hard copy) should also be placed loose in the locker with the evidence. This will be retained by the evidence section as the official record of evidence inventory, chain of custody, release information, or other action.
8. In cases where the items relate to a criminal investigation, all forms necessary for criminal processing shall be compiled, i.e. evidence work request.
9. Each deputy collecting evidence; shall be responsible for ensuring that the item is marked with the appropriate request for analysis and comparison, noting to what the item is to be compared or for what the item should be analyzed.
10. Evidence shall be properly marked or tagged with the case number, the date of seizure, the arresting deputy's name and identification number as well as the suspect's name where applicable.
11. The item shall be immediately transferred to the evidence/property room and placed in a designated storage locker.
12. Body fluid stained or soaked articles shall always be packaged separately. In addition, a red or orange bio-hazard warning label will be placed on the package on the same side as the evidence sticker. The exception to this is wet, or blood-

stained clothing or fabric requiring hours of drying. This evidence should be hung on hangers in the designated temporary evidence lockers. An approved evidence container large enough to hold the evidence should be filled out with the required information, and placed inside the locker(s) being used. In this case, the evidence employee will package and seal the evidence at a later date.

- a. Evidence containing suspected blood or other body fluids should be handled with protective disposal gloves. If the stain is dry, it should be placed in a paper bag. An approved evidence tag, and evidence processing request and a bio-hazard label should be affixed to the outside of the package. If the evidence consists of a syringe and needle, they should be placed in the protective approved container. The container should then be placed in an approved package. Remember, the safety of law enforcement personnel is of the utmost importance. Liquid samples either should be collected as a liquid and stored in a bottle or, if located on clothing or similar materials, should be air-dried and packaged as described above.
 - b. Always wash hands thoroughly with soap and water after handling any item suspected of being contaminated with blood or other bodily fluids. Wash even if you have worn protective disposable gloves.
 - c. Evidence section will furnish protective disposal gloves to deputies, investigators, State's Attorney or others handling bloody clothing while in the premise of evidence.
 - d. All personnel will follow the rules and procedures posted in the evidence locker area for the handling of contaminated items.
13. In cases of discrepancies noted by the evidence technician of improperly placed evidence, the evidence will be left in a temporary locker and an email will be sent directly to the deputy. This email will identify the problem, identify the urgency, and ask that the deputy make arrangements to correct the problem. If the deputy does not respond within two business days, a second subsequent email will be sent to the deputy and the supervisor of the discrepancy. All rejection notices are kept on file and are available for supervisor review.

B. Chain of Custody Maintained:

1. Each time a transfer of custody of physical evidence takes place, the evidence sheet shall be signed as indicated, so as to maintain a record of the chain of custody. If the transfer is made to a person outside of the office, all outside agency information will be documented on the evidence sheet.
2. Any evidence checked out of the evidence section for laboratory examination will be signed for according to the Chain of Custody section of the Property and Evidence Control Sheet, including item number, date, time, and signature of person checking out the evidence and the ID number and purpose.

C. Request for External Laboratory Examinations:

1. The collection of evidence for external laboratory analysis shall be the responsibility of the deputy in charge of the crime scene or their designee, a crime scene investigator, or crime scene technician.
 2. When identifying the collected evidence from a crime scene or subsequent follow-up investigation, consideration shall be given to the types of materials and substances that may be used for comparison analysis by the crime laboratory. The list includes, but is not limited to: paint, soil, fibers, glass, wood, hair, and tool marks.
 3. When known standards are collected for analysis and comparison, it is critical to record the location from which these standards are obtained. This is especially critical when fracture analysis is desirable, such as paint, glass, and metal analysis.
 4. When known standards are to be collected, these standards shall be obtained from as near to the damaged area as possible. For example, known glass standards should be obtained from the frame which might hold pieces of broken glass.
 5. If a deputy in charge of a crime scene determines that it is beyond their capabilities to determine whether standards should be seized for comparison or is unsure if comparison is possible, the deputy should contact their supervisor, criminal investigation's supervisor, or evidence technician for advice or assistance.
 6. The deputy/investigator will be responsible for submitting evidence for analysis to the appropriate laboratory. To include; submission through the state "BEAST" (integrated evidence inventory tracking system). The evidence section will be responsible for mailing the evidence.
- D. **Evidentiary Drugs:** Deputies who seize drugs will complete all paperwork that accompanies these arrests or seizures. The suspected narcotics should be field tested, where applicable, properly packaged, and tagged. The tag should include the case report number, date and time of seizure, location of seizure, offense, description of contents, (i.e., 9 red and yellow capsules) and the name of the seizing deputy. The tagged drugs along with the property form shall then be placed into the evidence locker or other designated secure area. Copies of all associated paperwork should be included with the evidence.
1. Any drugs, as well as money, which have been seized, shall be logged in a "drug evidence log." The gross weight of the narcotics; the amount of cash, if any, and any vehicle seized must be recorded.
 2. The tagged and bagged narcotics and any cash seized should then be separated from any other evidence that has been taken into custody and placed in the designated secure area/lockers labeled "Drug Evidence Only."

3. When a case is completed through a trial or plea, the deputy handling the case shall notify the evidence unit of the disposition of the case.

E. Non-Evidentiary Narcotics:

1. Non-evidentiary drugs are drugs that are abandoned and turned over to the Sheriff's Office as articles found. In these cases, the drugs are not used as evidence in criminal cases.
2. Article found-drugs turned over to a deputy-with no suspect: The deputy who initially takes custody of the item must complete a report and a property form as well as tagging (deputy's name, date of recovery, and report number) and bagging the item. The item shall be weighed for a gross weight prior to placement in the secure area. The tagged item and its property form should then be placed in the designated secure area/locker.

F. Controlled Weapons Storage and Disposal:

1. All firearms brought into the evidence shall be unloaded and have the action open. Exception: When a firearm is loaded and unloading would destroy valuable physical evidence, the weapon may be placed into property under the following conditions:
 - a. All safety devices must be engaged.
 - b. A warning sticker indicated "Loaded Firearm" will be placed by the deputy on the outside door of the evidence locker when putting a loaded firearm into evidence.
2. Under state law, any controlled weapon or firearm shall be disposed of as follows:
 - a. If stolen, returned to the lawful owner upon a show of proof of ownership.
 - b. If illegal, destroyed pursuant to state law.
 - c. If neither stolen nor illegal, it shall be delivered to the arresting agency or; disposed of in accordance with Evidence policy.
3. In the case of disposition pursuant to the above, the arresting agency may use, trade-in, destroy, or sell as provided in SDCL: 23A-37-10, the controlled weapon or firearm.

G. Explosive Property:

1. Explosive or suspected explosives shall never be stored within the confines of any office vehicle or building.
2. Ordinary fireworks are not considered explosives.

3. Fireworks held as evidence in minor fireworks charges are to be destroyed, rather than being physically placed in the property room.
4. Explosives held as evidence are to be seized and stored or photographed by the direction of evidence personnel.

H. **Stolen Property:** In addition to the general provisions of this policy, the following particular provisions also must be complied with when dealing with stolen property or property for which there is probable cause to believe is stolen. It is the intent of this policy to be broad enough to cover all stolen property irrespective of the crime or type of property that will meet all the requirements of law.

1. When dealing with any type of stolen property, deputies responsible for that property shall comply with the provisions of SDCL: 23A-37.
2. The deputy shall secure the property believed to be stolen and create an inventory detailing the property taken into custody.
3. The deputy shall maintain a log on the Evidence Information Form of every item brought into the custody of the sheriff's office and verify that the property is assigned a case report number.
4. The deputy may deliver the stolen property to its rightful owner upon satisfactory proof of ownership after meeting the provisions of SDCL: 23A-37.
5. Anytime a firearm is returned to a person, a criminal history check must be done to determine if the person receiving the firearm has been disqualified by some conviction from possessing a firearm.
6. Prior to the return of a firearm, a check of available databases concerning domestic violence protective, restraining, or no-contact orders shall be conducted to determine if the person receiving the firearm is prohibited by law from possessing a firearm.

I. **Other Seized Property:** In the course of investigating crime, it is often necessary to seize what courts refer to as "Mere Evidence" to establish a connection between a suspect and a crime. This would include items such as wallets with identification, clothing, photographs, and any other item that belongs to a suspect, victim or witness to a crime. While some of these items may have no monetary value they may in fact be valuable to the rightful possessor of the property. In addition to the general provisions of this policy which must be followed for all items coming into the custody of this office, the following particular provisions shall also be followed:

1. Prior to returning any property to a claimant the following criteria shall be met:
 - a. The owner is not prohibited by law from possessing such property.
 - b. The property is not needed as evidence in any judicial proceeding.

- c. No items in the custody of this office shall be disposed of except in accordance with the provision of this policy.
2. Property seized for safe keeping shall be placed into evidence as soon as possible. Under no circumstances shall the deputy store the property in their personal locker, desk, etc. All evidence and appropriate reports should be completed prior to the deputy going off duty. In situations where it is necessary for evidence to be maintained by an investigator, it shall be done with the knowledge and approval of their supervisor.

J. Prisoner Property (if applicable):

1. Personal property taken from a prisoner must be maintained until it is released into personal custody.
2. Prisoner property is the responsibility of the deputy seizing the property until it is released to jail staff or is properly logged, tagged, and turned over to evidence.
3. The method of securing prisoner's property should depend on the following:
 - a. The value of the property.
 - b. The length of time a prisoner is to be held.
 - c. The difficulty and inconvenience that may be caused in releasing the property.

K. Abandoned Property/Articles Found or Turned Over to the Sheriff's Office:

Abandoned property and articles found which come into the custody of this office shall be initially handled in accordance with the general provisions of this policy. In addition to the general provisions, the following specific procedures shall be followed:

1. If the item contains any identifying feature of ownership, an attempt will be made to contact the owner. If an owner is found then the procedures above for the returning of "mere evidence" shall apply for the return of these items.
2. While the provisions of state law allow for the quick disposal of property, this office shall attempt to contact the claimant of any property before disposing of the property.
3. All property that remains in the custody of the property custodian without any lawful claimant thereto, or if the right to possession of the seized property cannot be determined after a reasonable period of time, the law enforcement agency collecting such property, through an order of the court, may:
 - a. Transfer ownership of the property to any governmental agency having a legitimate need for such property.
 - b. Sell the property and deliver the proceeds of the sale to the county treasury in accordance with SDCL 6-13-8.

4. All animals; stolen, strayed, lost, or confiscated, that come into the possession of the Sheriff's Office shall be sent to a designated place.
5. No property shall be delivered to the evidence section except as provided in this policy.

711-01: Community Policing and Community Relations

Chapter: Community Policing
Order No: LE 13-04
Effective: 08-01-2000
Revised: 04-12-2013
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will maintain a community policing program. The community policing program will work with citizens of Pennington County to resolve criminal concerns and increase public safety and awareness.

II. Definitions

- A. Community policing: A collaborative partnership between law enforcement and the individuals and organizations they serve to develop solutions to problems and increase trust in law enforcement.
- B. Crime Prevention: The attempt to reduce or deter a specific type of crime or crime in general within a specific geographic area.

III. General Information

- A. The Pennington County Sheriff's Office is committed to community policing and crime prevention throughout the organization. The initial training program model, Deputy Training Officer (DTO), for new recruits includes community-oriented policing and problem solving.

IV. Procedural Guidelines

- A. **Supervision:** The administrative lieutenant maintains oversight of the DTO program and direct supervision of the Community Resource Sergeant.
 - 1. Community Resource Sergeant: will be responsible for the planning, coordinating and documenting community policing and crime prevention programs within the Pennington County Sheriff's Office.
 - a. The Community Resource Sergeant will work with the Patrol supervision staff to constantly assess and evaluate community policing and crime prevention projects and needs.
 - b. The Community Resource Sergeant will assist the various Pennington County School Districts with the review and development of school crisis plans.

- c. The Community Resource Sergeant will be involved in the development of critical infrastructure analysis/vulnerability assessments for schools and other public/private entities throughout Pennington County.
- B. **Training:** New Deputies going through the Deputy Training Officer Program (DTO) will receive training with an emphasis on community-based policing to include participation in a Neighborhood Portfolio Exercise.
- C. **Deputy Assignments:** All sworn deputies should maintain an awareness of crime prevention or community policing needs in their day to day contacts with the public.
 - 1. Selected deputies from the Patrol Division will be assigned community policing duties in identified areas throughout Pennington County. Some of these assignments will be developed as a result of the Neighborhood Portfolio Exercises completed in training.
 - 2. East Pennington County Areas: Included but not limited to Rapid Valley, Country Rd., Black Gap, New Underwood and Wall.
 - 3. West Pennington County Areas: Included by not limited to the Johnson Siding area, Countryside housing developments, Rockerville, Keystone, Hill City, Rochford and the Eidelweiss Mountain/Pactola areas.
 - 4. Community policing/crime prevention activities include but are not limited to:
 - a. Work on building community partnerships to problem solve identified problems possibly through a Neighborhood Watch Program or graffiti eradication program.
 - b. Participation in city council meetings in assigned contract communities or attendance of organized subdivision/neighborhood meetings in areas identified.
 - c. Provide safety message presentations to civic organizations, businesses or other entities as requested.
 - d. Support National Night Out events.
 - e. Door hanger project for identified problem residential and vehicle burglary areas
 - f. Directed traffic patrol of problematic areas
 - g. Speed trailer display
 - h. Consistent participation in alcohol compliance checks
 - 5. Evaluation of community policing/crime prevention efforts should be performed through surveys or data research to validate the effectiveness of the efforts.

D. School Resource Officers: Deputies assigned to identified schools in Pennington County will utilize community-based policing philosophies and techniques in their day to day activities.

1. Schools covered by deputies in Pennington County include:

- a. Douglas School System
- b. Stevens High School
- c. Southwest/Corral Drive School's
 - 1) Meadowbrook Elementary
 - 2) Black Hawk Elementary
- d. East Middle School
 - 1) Rapid Valley Elementary

2. Community policing activities in Pennington County Schools include but are not limited to:

- a. Safety message presentations
- b. DARE program
- c. Freshman Impact Program
- d. Presence at planned school activities
- e. Directed traffic patrols which target Homecoming, Prom and Graduation activities.

752-01: Radio Communications

Chapter: Communication Operations

Order No: LE 12-05

Effective: 08-01-2000

Revised: 11-16-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. All employees utilizing Sheriff's Office radio equipment will operate them in a professional manner and in accordance with FCC rules. Deputies will utilize the communication plan to ensure an expeditious and safe response to calls for service.

II. Definitions

- A. **Inter-Agency Channels:** Channels which have been directed by the State of South Dakota for the purpose of communication between mobile to mobile, mobile to dispatch and dispatch to dispatch centers of different agencies.
- B. **Special Operation Channels:** Channels which have been directed by the State of South Dakota to be used during special circumstances.
- C. **ESCC:** Emergency Services Communication Center or Dispatch
- D. **Primary Channel:** This will normally be Pennington County Sheriff's Office channel 1. Also known as PCSO-1

III. General Information

- A. Inter-Agency Channels should be used anytime there is an incident between different agencies. These incidents may include, but are not limited to armed robberies, response to an injury accident, pursuits or other types of critical responses.
- B. Special Operation Channels should be used during pre-planned and prolonged incidents. Prior to using a Special Operation Channel, the on-duty supervisor must contact State Radio and request a Special Operations Channel. State Radio will then designate the channel to be used.
- C. Every deputy and certain non-sworn employees of the Sheriff's Office are issued a portable radio and associated accessories. Each employee is responsible for the reasonable use and care of their assigned radio.
- D. If it is determined at any time a radio is defective, the deputy shall communicate with dispatch by phone. It is the responsibility of the deputy to notify the radio repair shop to make arrangements for repair.

- E. Transmissions containing subject matter not specifically related to the performance of job duties and responsibilities, or which might compromise the integrity of the Sheriff's Office are prohibited.

IV. Procedural Guidelines

A. Use of Radio:

1. When talking on the radio, hold the microphone about 2-3 inches from your mouth, press the microphone button and WAIT for the beep prior to speaking.
2. Radio transmissions will be preceded by the deputy's call sign.
3. Speak slowly and distinctly.
4. Messages should be short and to the point.
5. When a deputy is called on the radio, they should answer with their location.
6. Car-to-car communications should not be carried out on the primary channel. For car-to-car communication deputies shall use channel 4.
7. Keep radio transmissions to a minimum.
8. Deputies should not hesitate to call for assistance when needed or desired.
9. Deputies shall notify dispatch immediately upon arriving at a call for service and at the time of completion.
10. At the scene of an emergency, deputies should stay in contact with dispatch either by:
 - a. Radio
 - b. Cell phone
 - c. Land-line

B. Tactical Channel Changes:

1. During a prolonged tactical situation it is preferable to separate the tactical operation from the normal radio traffic.
2. If possible, the tactical operation should be switched to a secondary radio channel such as an Inter-Agency or Special Operation Channel.

C. Inter-agency Channel:

1. The utilization of the Inter-Agency Channel will be at the direction of either the Shift Supervisor who has initial oversight of the incident or ESCC.

2. Once the decision has been made to switch to the Inter-Agency Channel, all units responding will go to that channel.
3. Deputies will broadcast and monitor radio traffic regarding the incident from this channel until directed to return to a normal channel.

753-01: Emergency Operations Center

Chapter: Communications Facilities and Equipment

Order No: LE 12-08

Effective: 08-01-2000

Revised: 12-19-2012

Approved by: Sheriff Kevin Thom

Reference:

Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office may establish an Emergency Operations Center (EOC) to respond to law enforcement or public safety incidents that exceed the resources ordinarily available on a regularly scheduled patrol shift. Once in place and operational, the EOC will assume the communication authority and responsibility to oversee the incident.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. EOC General Procedures:

1. The office will respond to an incident with appropriate available resources. During an incident it is often difficult to accurately assess what is an appropriate level of response. Each supervisor must closely monitor the incident.
2. When the supervisor determines to activate the EOC, they will immediately relay that request to the patrol captain, Chief Deputy or Sheriff. The authority to activate a formal EOC rests with the rank of Captain or above.

- B. **Situations that May Require an EOC:** Any threatening situation, when it becomes serious enough, either in potential or in actuality, can necessitate the activation of the EOC. Typical examples include, but are not limited to:

1. Heavy snowstorm
2. Hazardous material spill
3. Tornado
4. Flood

5. Complicated barricaded gunman/hostage situation
 6. Train or airplane accident
 7. Other mass casualty event
- C. **Notification Procedures:** The patrol captain or designee will notify the Emergency Services Communications Center (ESCC) that the EOC is to be activated. ESCC will notify the appropriate personnel.
- D. **EOC Location:**
1. The EOC may be located in the EOC in the courthouse complex or at another designated location.
- E. **EOC Personnel:**
1. In order to minimize confusion, it is essential that only authorized personnel be in the EOC. The incident commander in the EOC shall determine who shall be allowed access.
 2. EOC chain of command:
 - a. The Incident Commander will be in charge of the EOC.
- F. **Duties and Responsibilities of the EOC:**
1. Once the EOC has been activated and is in place, it assumes the authority and responsibility for that particular incident.
 2. Calls for service will be screened by ESCC personnel. All requests for service relating to the situation or requests for service that deplete needed resources will be relayed to the EOC.
 3. Additional resources, if required, will be requested through the EOC.
- G. **Media Relations:** The designated Public Information Officer will handle all inquiries from and released to, the media, according to the Office Policies and Procedures.
- H. **Terminating the EOC:** Termination of the EOC will be by decision of the incident commander.

811-01: Urine Analysis Seizure, Testing, Reporting and Investigating

Chapter: 24/7 Program
Order No: LE 12-09
Effective: 02-15-2008
Revised: 12-31-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will ensure appropriate follow-up is conducted for 24/7 violations to insure the proper disposition of required cases.

II. Definitions

- A. **UNET:** Unified Narcotics Enforcement Team
- B. **SAO:** State's Attorney's Office
- C. **AGO:** Attorney General's Office

III. General Information

- A. The 24/7 Program currently conducts random urine analysis tests on individuals assigned to the program for the following 3 reasons:
 - 1. Probation
 - 2. Bond Conditions
 - 3. Civil Order (usually through SD Department of Social Services)
- B. Currently, only the presumptive positive urine analysis tests from the probation violators are being sent to the state health lab and tested for consideration of new charges. The purpose of this procedure is to allow for all presumptive positive urine analysis tests to be sent to the state health lab for testing and subsequent charges based on the test results.
- C. This procedure is not intended to change any current response or reporting practices related to the 24/7 program. Current procedures related to response, reporting, and arrest on 24/7 violations will remain the same. This procedure is above and beyond the normal response and will require a separate case number and report to be generated.

IV. Procedural Guidelines

- A. **Call for Service:** 24/7 staff will administer the random urine analysis tests and follow their procedures when they receive a presumptive positive test result. Their procedures outline proper handling of the specimen and sealing for chain of custody issues. 24/7 staff will call dispatch and advise they have received a positive urine analysis test, along with other related 24/7 information (i.e. whether the subject is on bond, probation, or a civil order and whether or not they are still at the facility).
- B. **Response:** The deputy dispatched to the call for service will respond and take appropriate action based on the original 24/7 violation. Proper paperwork will be gathered and the original case report for the call for service will be used to document the 24/7 violation.
1. A second case report number will be obtained for the new charge related to the positive urine analysis test. The urine analysis sample will be seized by the deputy at that time and treated as evidence of a crime to ensure proper chain of custody. The name and identification information of the 24/7 staff that tested the sample, along with the name and information from the 24/7 staff the deputy received the sample from should be included in the report.
- C. **Sampling Disposition:** Once the deputy completes the necessary action on the original 24/7 violations call, the urine sample will be placed into a standard locker at the evidence facility. If the sample is in a plastic bag, please affix proper sticker label to the plastic bag. If the sample is in the health laboratory box, please do not utilize evidence tape on the outside of the box. The sample will already be sealed inside the box. The sample does not need to be placed in the refrigerator. Sample placement will be broken down into two categories based on the reason the individual is on the 24/7 program:
1. Bond Condition and Civil Order Condition samples will be treated in the following manner:
 - a. Fill out regular evidence sheet.
 - b. In "Crime/Incident" box list "24/7 Bond Condition" or "24/7 Civil Order Condition".
 - c. Leave Authorization for Disposition of Property section blank.
 - d. Place sample and appropriate copy of evidence sheet into evidence locker (not refrigerator).
 - e. Complete new case report and submit with evidence sheet.
 - f. Evidence staff will Fed Ex urine analysis sample to state health laboratory per their procedures.
 - g. If the results from the lab indicate the presence of marijuana or any controlled substance, the originating prosecuting office will be notified and provided the lab results by the UNET supervisor.

- h. If the results indicate the presence of a controlled substance, the UNET supervisor will be notified and tasked with investigating the possibility of a new felony charge.

2. Probation Condition samples will be treated in the following manner:

- a. Fill out regular evidence sheet.
- b. In "Crime/Incident" box list "24/7 Probation Condition".
- c. Under section Authorization for Disposition of Property circle "Release" and write "Court Services Officer". List item # to be released and sign "Authorized by:" and fill in agency name and date.
- d. Place sample and appropriate copy of evidence sheet into evidence locker (not the refrigerator)
- e. Complete new case report and submit with evidence sheet
- f. Court services officer will pick up sample from evidence facility within 2 business days and have it shipped to the state health laboratory for testing following their procedures.
- g. In the event that the results from the lab indicate a controlled substance is present in the urine, Court services will forward a mandatory felony report form to the UNET supervisor.
- h. In the event that the results are positive for marijuana, the probation officer will have the discretion of forwarding this information to law enforcement or dealing with the results as part of the probation violation.
- i. If, after consulting with the prosecuting attorney, it is decided to continue with prosecution, the SAO or AGO will contact the state health lab and request a confirmation on the sample. The confirmation is an additional test and is required for prosecution.
- j. If additional investigation or follow-up is required, the UNET supervisor will be contacted for assistance.

D. **Report Writing:** To properly track these new case reports for assignment, follow-up, and statistical data, new codes were developed based on the reason the individual was assigned to the 24/7 program and the type of presumptive positive test result. Please utilize the following codes and titles based on the information you gather from the 24/7 staff.

- 1. If the presumptive positive test results indicate the urine sample contains a controlled substance the following codes and titles should be utilized:
 - a. 80075 - 24/7 probation condition / possible possession of controlled substance

- b. 80076 - 24/7 bond condition / possible possession of a controlled substance
 - c. 80077 – 24/7 civil order condition / possible possession of a controlled substance
- 2. If the presumptive positive test results indicate the urine sample contains marijuana the following codes and titles should be utilized:
 - a. 80078 – 24/7 probation condition / possible ingesting
 - b. 80079 – 24/7 bond condition / possible ingesting
 - c. 80077 -24/7 civil order condition / possible ingesting

E. Case Assignment:

- 1. Case reports, along with evidence sheets, will be submitted through the current reporting turn-in procedure. All 24-7 urine analysis case reports will be assigned to personnel assigned to the Unified Narcotics Enforcement Team for follow-up.
- 2. The probation supervisor will insure state health laboratory results (positive or negative) from all 24/7 probation conditions urine analysis samples are forwarded to the supervisor of the UNET.
- 3. The assigned UNET investigator will analyze all available information and insure appropriate disposition of the case.

822-01: Storage of Bodies at Rapid City Regional Hospital Morgue and Funeral Homes

Chapter: Coroner
Order No: LE 12-08
Effective: 11-01-2009
Revised: 12-19-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. Deputies will make alternative arrangements for the storage of bodies when the maximum storage capacity at the Rapid City Regional Hospital morgue has been reached.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Body Storage Facilities:

1. If a deputy determines that storage of a body is needed, they should first contact Rapid City Regional Hospital to determine the availability of storage space in the morgue (719-1000).
2. If the hospital morgue does not have the storage space the deputy needs to call either Behrens Funeral Home at 343-0145, or Kirk Funeral Home at 343-4808, and make arrangements for the body to be stored.
3. If the body needs to be stored at any of the three facilities, notification should be made to the investigation supervisor. This information should be annotated in the case report.
4. When a funeral home is utilized for the storage of a body, the assigned investigator or investigation supervisor will call the appropriate funeral home on the next duty day and give the details on storage and or transportation requests. They should also provide the funeral home with the deceased name and case report number for billing purposes.

921-01: Courthouse Security System Checks

Chapter: Courthouse Security
Order No: LE 12-09
Effective: 12-29-2009
Revised: 12-31-2012
Approved by: Sheriff Kevin Thom
Reference:
Classification: Public

I. Policy

- A. It is the policy of the Pennington County Sheriff's Office to provide a safe and secure work environment for all county employees. As such, we believe in the importance of a security system that functions properly. To that end the Pennington County Sheriff's Office will perform both preventive maintenance and status checks of all security equipment within the Courthouse and Public Safety Building complex.

II. Definitions

- A. N/A

III. General Information

- A. The Pennington County Sheriff's Office will ensure the security system inside both the Courthouse and the Public Safety Building are tested on a monthly basis and that preventive maintenance is done on a regular basis so as to prevent alarm system failures.

IV. Procedural Guidelines

A. Pendant Alarm Status Check Procedure:

1. Pendant alarms will be checked on a monthly basis.
2. It is the responsibility of the Courthouse Security Sergeant to ensure the inspections are done on a monthly basis.
3. Status checks will be conducted the first week of each month.
4. During the status checks the following items will be verified:
 - a. Location of each pendant alarm.
 - b. Battery condition of each pendant alarm.
 - c. Activate the pendant to ensure it is operating properly.
5. The individual checking the pendant alarm system will annotate each of the following items on a check list:

- a. All batteries on the 1st floor of the Courthouse will be replaced during the January inspection.
 - b. All batteries on the 2nd floor of the Courthouse will be replaced during the April inspection.
 - c. All batteries on the 3rd floor of the Courthouse will be replaced during the September inspection.
 - d. Pendant alarms located in the Public Safety Building will be replaced during the September inspection.
6. Once the check list is completed it will be turned in to the Courthouse Security Sergeant.
 7. The checklist will be maintained for 24 months.
 8. The checklist will be held in the Courthouse Security Sergeant's office in a clearly marked and accessible location.

B. Security Camera Equipment:

1. Status checks will be conducted the first week of each month.
2. It is the responsibility of the Courthouse Security Sergeant to ensure the inspections are completed on a monthly basis.
3. During the status checks the following items will be checked:
 - a. Each camera is operational.
 - b. Each camera is properly focused.
 - c. Each camera is properly aimed.
4. The individual checking the camera system will annotate each of the following items on a check list:
 - a. Name of individual doing the test.
 - b. Date of the test.
 - c. Any special comments as to the condition or status of the individual camera.
5. The checklist will be maintained for 24 months.
6. The checklist will be held in the Courthouse Security Sergeant's office in a clearly marked and accessible location.

C. X-Ray Machine: Currently, the Pennington County Sheriff's Office has two x-ray machines. The primary one is used on a daily basis.

1. The backup x-ray machine will be checked on a monthly basis. To ensure the machine is in proper working order, the Courthouse Security Sergeant will activate the unit and run several different test objects through it. The results of the test will be logged and filed in the Courthouse Security Sergeant's office.
2. Each year the Courthouse Security Sergeant will contact the State Department of Health (605-773-3356). The Courthouse Security Sergeant will request an inspection be conducted of the x-ray machine to ensure we are in compliance of the Administrative Rules of South Dakota (ARSD) 44:03, Radiation Safety.
 - a. Upon receiving the certification, a copy will be filed and kept in the Courthouse Security Sergeant's Office.

931-01: Courthouse Security Found-Seized Property

Chapter: Courthouse Security
Order No: LE 12-09
Effective: 12-28-2009
Revised: 01-12-2024
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

I. Policy

- A. The Pennington County Sheriff's Office will ensure that all found or seized property at the Pennington County Courthouse is accounted for and properly documented for evidentiary and proper destruction purposes.

II. Definitions

- A. N/A

III. General Information

- A. N/A

IV. Procedural Guidelines

A. Found Property:

1. A container for property will be located in the cabinet at the security station at the Pennington County Courthouse.
2. As property is found or turned in, it shall be inventoried by the deputy receiving the property.
3. The inventory sheet will run continually through a two-month period and will be stored on the computer at the security station.
4. The container will be held until the end of the second month of the inventory.
5. At the end of the second month, all items in the container will be placed into a single evidence bag. The deputy or transport officer will follow normal evidence procedures when placing the items with this one exception:
 - a. Evidence bag will be marked as "abandoned property from courthouse security."
6. The deputy or transport officer will complete an information only report. The evidence bag will be placed in an evidence locker at the evidence building for the items to be destroyed.

B. Found Weapons other than Guns:

1. Items such as knives, O.C. spray, brass knuckles, box cutters etc. shall be collected and inventoried the same as found property.
2. These items shall be kept in the secured cabinet located at the security check point.
3. A deputy or transport officer will write an information report and place the items into evidence weekly, normally on Friday. Items will be placed following normal evidence procedures and listed as to be destroyed.

C. Found Firearms, Drugs, or Other Illegal Contraband: When firearms, drugs or other illegal contraband are found, a deputy is required to seize the items. The deputy will complete a formal report and place the items into evidence. If these types of items are turned over to a transport officer, they will contact the on-duty transport sergeant to coordinate a deputy response.

D. Found Money:

1. Found money will be secured in the cabinet at the security station.
2. Each time money is found, it shall be listed on the accounting form. The Courthouse security officer or deputy finding the money will annotate the following information:
 - a. Name of officer/deputy finding the money
 - b. Amount of money found
 - c. Location where money was found
 - d. Running total of money
 - e. Date and time
3. At the end of each week, a deputy or transport officer will take an information report. The money will be listed on the property section of the report and a copy of the accounting form will be attached. The money and a copy of the accounting form will be turned over to the Sheriff's Office accounting department.

941-01: Courthouse Security Screening

Chapter: Courthouse Security
Order No: LE 12-09
Effective: 01-18-2023
Revised: 02-15-2023
Approved by: Sheriff Brian Mueller
Reference:
Classification: Public

V. Policy

- A. The Pennington County Sheriff's Office will provide armed security for the Pennington County Courthouse. The Transport Division will prevent the introduction of weapons and other contraband to the Courthouse in order to maintain a safe and secure workplace.

VI. Definitions

- A. N/A

VII. General Information

- A. N/A

VIII. Procedural Guidelines

A. Security Screening

1. All non-exempt personnel entering into the Pennington County Courthouse are required to enter the Courthouse through the main entrance on the Kansas City Street side of the building. All non-exempt personnel are subject to security screening. This screening includes satisfactorily passing through a magnetometer and/or their person being screened by use of a handheld magnetometer. Hand carried property will be screened by use of an electronic imaging machine.
2. Exempt personnel who have been issued proximity cards should normally enter the Courthouse through the "Staff Only" entrances. If they choose to enter the courthouse through the main entrance, they are subject to security screening, the same as non-exempt personnel, at the discretion of the guards working the station.

B. Exempt Personnel

1. Items such as knives, O.C. spray, brass knuckles, box cutters etc. shall be collected and inventoried the same as found property.

2. These items will be inventoried on a separate Evidence Information Form from found property.
 3. These items shall be kept in the secured cabinet located at the security check point.
 4. A picture shall be taken of each item and then attached to a weekly report.
 5. A deputy will write a report and place the items into evidence weekly, normally on Friday.
- C. **Found Firearms, Drugs, or Other Illegal Contraband:** When firearms, drugs or other illegal contraband are found, the courthouse security officer will notify dispatch and request a deputy respond. The deputy will complete a formal report and place the items in to evidence.
- D. **Found Money:**
1. Persons exempt from security screening via the magnetometer, electronic imaging machine, or handheld magnetometer.
 - a. **Uniformed law enforcement officers.** (Law enforcement officers who are litigants in any civil or criminal case being heard or witnesses testifying outside of their official duties are not exempt.)
 - b. **Plain clothed law enforcement officers that display valid LEO credentials.** (Law enforcement officers who are litigants in any civil or criminal case being heard or witnesses testifying outside of their official duties are not exempt.)
 - c. **Court Services Officers.** (Court Services Officers who are litigants in any civil or criminal case being heard or witnesses testifying outside of their official duties are not exempt.)
 - d. **Judges or Magistrates.** (Judges and Magistrates will notify courthouse security if they plan on having a firearm or dangerous weapon in the courthouse.)
 - e. **PCSO Correctional Officers.** (Correctional officers who are litigants in any civil or criminal case being heard or witnesses testifying outside of their official duties are not exempt.)
 - f. **Emergency Personnel responding to a known emergency.** (i.e. E.M.S. and Fire)
 - g. **Rochester Armored Car personnel.** (Armed guards who are on the current roster of employees provided by the Rochester Armored Car Company and acting in an official capacity.)

- h. **Attorneys.** (Attorneys who present a valid South Dakota Bar Association Card with the current year's screening sticker issued by the PCSO and have signed a security agreement.)
- i. **Pennington County IT, Buildings and Grounds, and Radio Tech Personnel.** (Pennington County employees working for IT, B&G, and Radio Techs that are working in their official capacity and are required to bring certain tools and/or items, that would otherwise be considered a weapon, into the courthouse for work purposes.)
- j. **Security Agreement Personnel.** (Authorized personnel issued a proximity card from Pennington County that have signed a PCSO Security Agreement.)