



Hamburg Township Public Safety Department

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RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



TO: Hamburg Township Board
FROM: Chief Richard Duffany
DATE: September 15, 2022
RE: Agenda Item Topic: **Updated Public Safety SOPs**
General Ledger #: N/A
Number of Supporting Documents: 9
NEW/OLD BUSINESS: **XXX** New Business
_____ Old Business – Previous Agenda #:

Requested Action

- Motion to approve the following Hamburg Township Public Safety SOPs:
 - 100-16: *Fitness for Duty Examination*
 - 300-05: *Missing/Unidentified Persons/Runaways*
 - 300-12: *Child Abuse/Neglect Investigations*
 - 300-15: *Department Training*
 - 300-21: *Traffic Stops & Enforcement*
 - 300-26: *Firearms*
 - 300-35: *Sudden In-Custody Death Syndrome*
 - 300-76: *Use of Handcuffs & Restraining Devices*
 - 300-78: *Body-Worn & In-Car Camera Systems*

Background

All of the attached Public Safety SOPs are being submitted to the Township Board for review and approval as part of the State of Michigan police accreditation process.

Respectfully,

Chief Richard Duffany
Director of Public Safety

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Fitness for Duty Examination			No. 100-16
Distribution: All Personnel	☐ New ☒ Amended	Rescinds: HTPD 600-3	MLEAC Standard(s): N/A
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines concerning medical/psychological examinations of department employees to determine their fitness for duty.

II. DEFINITION

Medical Examination – A physiological or psychological examination performed by a qualified medical doctor, psychologist, or psychiatrist. The specific type of medical evaluation required shall be communicated to the employee at the time the examination is ordered.

III. PROCEDURES

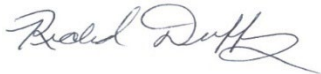
- A. In the event the Director of Public Safety determines that an employee may be unfit or unable to perform his/her duties as a result of a medical or psychological condition, injury, or illness, the Director may order that the employee undergo a medical or psychological evaluation as appropriate.
- B. The Director shall communicate the order for the medical examination to the employee in writing and shall articulate the reasons, facts and/or observations supporting their conclusion that a fitness for duty examination is warranted.
- C. If the Township-approved medical professional determines that the employee is medically fit to perform his/her duties, the employee shall be returned to work.
- D. If the medical professional determines that the employee is unfit or unable to perform his/her duties because of the medical/psychological condition, injury, or illness, the employee shall be placed on sick leave or other appropriate leave. In these instances, the Director shall consult with the Human Resources Director and Township Attorney to determine the next appropriate course of action.
- E. If ordered, employees shall make themselves available for a medical examination by the Township-approved medical professional at a location determined by the Township. The examination shall take place in appropriate surroundings. The Township shall be responsible for the cost of the examination.

- F. In the event an employee is ordered to submit to a medical examination, the employee shall sign the appropriate release forms and make the results of the examination available to the Director of Public Safety, Human Resources Director and Township Attorney.
- G. Failure to adhere to the above guidelines may result in a denial of a claim for paid sick time and the imposition of disciplinary action.
- H. An employee should not use his/her medical insurance cards for an examination ordered by the department. The employee should advise the medical facility that the Township will be responsible for payment.

IV. DIRECTOR OF PUBLIC SAFETY DUTIES

- A. The Director shall ensure that the employee is advised of the type of evaluation (medical/psychological) to be obtained and the basic reasons for such examination.
- B. The Director shall ensure that the employee is provided with the appropriate authorization forms and that such forms are properly completed.
- C. The Director shall ensure that the employee is notified of the date, time and location of the ordered examination.
- D. The Director shall ensure that the staff of the medical facility performing the examination have all appropriate signed medical release forms and are provided with the reason for the requested examination.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: Draft.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Missing/Unidentified Persons/Runaways			No. 300-05
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 300-5 (5/17/17)	MLEAC Standard(s): 4.5.4, 4.5.5, 4.5.6
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines for reporting, processing and investigating missing persons, runaways, and unidentified persons.

II. DEFINITIONS

A. **Missing Person:** A person whose whereabouts are unknown and their absence is unexplainable. Missing persons who are under the age of 21 should be entered in LEIN in the appropriate missing person category (below). If the missing person does not meet the criteria for the below categories, the missing person should be entered in LEIN as a Juvenile Runaway. Types of missing persons:

1. **Endangered Missing Person:** A person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
2. **Endangered Missing Involuntary (EMI):** A person of any age who is missing under circumstances indicating that the disappearance was not voluntary (i.e., abduction or kidnapping).
3. **Disabled Missing Senior or Vulnerable Adult:** A missing person who is one of the following:
 - a. At least 60 years of age and is believed to be incapable of returning to his or her residence without assistance and is reported missing by a person familiar with that individual.
 - b. A vulnerable adult, as that term is defined in MCL 750.145m, who is reported missing by a person familiar with that individual.
 - c. A person who is missing and suffering from senility or a physical or mental condition that subjects the person or others to personal and immediate danger.
 - d. A person of any age who is missing and is under proven physical or mental disability, or is senile, thereby subjecting him/herself or others to personal and immediate danger. This category includes mental

health escapees who are involuntarily committed and missing persons diagnosed with Alzheimer's disease or a related dementia (senility).

4. **Disaster Victim:** A person of any age who is missing as the result of a disaster. A disaster involves any natural or intentional man-made catastrophe or an extraordinary accident (i.e., tornados, train wrecks, mass-suicides, mass-murders, etc.) No specific number of victims is required to qualify for entry into the Disaster Victim catastrophe category.

NOTE: Per the Criminal Justice Information Systems (CJIS) Policy Council, the voluntary missing persons file is no longer maintained in LEIN. Voluntarily missing persons are not in violation of any law and are not subject to arrest or detention merely for being missing. Information about persons who do not fit any of the above categories will be given to the 911 Central Dispatch Center for an attempt to locate broadcast.

5. **Juvenile Runaway:** A child under eighteen (18) years of age who has voluntarily left the custody and/or home of his/her parent(s), guardian, or custodian and failed to return within a reasonable length of time. Reasonableness may be determined by the age of the child, medical condition or infirmity, or any unusual or extenuating circumstances articulated by the complainant. This is a person who is not emancipated (as defined by laws of his/her state of residence) and who does not meet any of the criteria set forth in this procedure under Disability, Endangered, Disaster, or Involuntary persons.
6. **Endangered Missing Child:** A person less than eighteen (18) years of age who has physical disabilities warranting a concern, or a child who is in danger as a result of their disappearance. The missing person's life, health, and safety **must** be at risk (endangered) as a result of the disappearance.

- B. **Michigan Amber Alert:** The Michigan AMBER Alert plan is a partnership between law enforcement and the media to help in the immediate dissemination of information to the public about an abducted child. AMBER Alerts are urgent bulletins issued utilizing the Emergency Alert System to interrupt radio and television broadcasting in the most serious child-abduction cases. The America's Missing: Broadcast Emergency Response (AMBER) Alert Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies, and the wireless industry. Amber Alert of Michigan is supported by the Michigan State Police, Michigan Department of Transportation, Michigan Sheriff's Association, Michigan Association of Chiefs of Police, and the Michigan Association of Broadcasters.

MCL 28.751, et seq. establishes the Michigan Amber Alert Program and places the responsibility for the Michigan AMBER Alert system with the Department of State Police.

- C. **Wireless Emergency Alert (WEA):** Emergency messages sent by authorized government agencies through mobile carriers.
- D. **Endangered Missing Advisory (EMA):** The EMA is used for cases involving missing persons that DO NOT meet the AMBER Alert criteria. The EMA can be utilized for endangered missing persons of all ages. The EMA is a notification sent via email to media in the affected geographic region(s) with information about an endangered missing person, in hopes the media will publicize the information in an effort to enlist the public's help in locating the missing person.
- E. **Mozelle Senior or Vulnerable Adult Medical Alert Act:** The Act established by Act 176 of 2012 provides for public broadcasting of information regarding missing seniors and vulnerable adults.
- F. **Everbridge:** A Mass Notification system that generates telephone calls and/or text messages to local residents and businesses upon request.

III. **REQUIREMENTS FOR MISSING PERSON(S)**

- A. It is the policy of the department to accept and document all missing person complaints regardless of the circumstances and without requiring a waiting period.
- B. If any of the following circumstances have occurred and the missing person is either a resident, has a destination of, or was last seen in Hamburg Township the officer receiving the missing person complaint shall notify supervisor and immediately commence an investigation in accordance with its policy.
 - 1. The person has a physical or mental disability.
 - 2. The person was in the company of another person under circumstances indicating that the person's physical safety **may** be in danger.
 - 3. The person disappeared under circumstances indicating the disappearance was not voluntary.
 - 4. The person is missing as the result of any natural or intentionally caused catastrophe, extraordinary event, or accident that causes the loss of human life.

NOTE: Persons under eighteen (18) years of age who fall into any of the above circumstances are to be treated as a missing person.

5. The person disappeared under circumstances indicating the disappearance involves an endangered missing child.
- B. The reporting person should be related to the missing person. However, when the relatives of the missing person are not immediately available, the report may be filed by a custodian, guardian, or close associate of the person.
 1. The reporting person shall be advised to contact Central Dispatch when the missing person is located or has returned.

IV. REQUIREMENTS FOR AMBER ALERT

An Amber Alert will be requested as soon as possible for all cases of child abduction.

- A. The approval and activation requirements for an AMBER Alert include:
 1. Law enforcement believes a child under 18 has been abducted and is in imminent danger of serious bodily injury or death.
 - a. Can be used for parental/custodial abductions ONLY if there are specific threats to harm the child.
 - b. Can be used for homicides where children are missing.
 2. There is sufficient information available to disseminate to the general public which could assist with the safe recovery of the child and/or the apprehension the
 3. Must have valid description and identification of the child.
 4. Must be entered into LEIN/NCIC with “EMI” message key.
 5. Requesting Agency must provide phone number, and be ready for 24 hour phone calling.
 6. An Amber Alert will initiate WEA alert.
 7. Must have a description of the missing child, suspect, suspect vehicle, location of the incident, or direction of travel (i.e., child’s age, race, sex, height, weight, hair color, clothing, etc.)
 8. Must have written parent/guardian consent to release the missing child’s name.
- A. Request an Amber Alert by notifying MSP Operations at 1-517-241-8000.

NOTE: If Amber Alert is not activated within the first 24 hours and new information is received that the child’s health and safety are at a sever risk, Amber Alert of Michigan can be activated at that time. An activation can be done without releasing the name of the missing person; utilizing only the description. Parent/Guardian

consent is not required for activation of Amber Alert. It is only required to release the child's name.

V. REQUIREMENTS FOR ENDANGERED MISSING ADVISORY ACTIVATION

The ENDANGERED MISSING ADVISORY (EMA) may be used for cases involving missing persons that DO NOT meet the AMBER Alert criteria. The EMA can be utilized for endangered missing persons of all ages. The EMA is a notification sent via email to media in the affected geographic region(s) with information about an endangered missing person, in hopes the media will publicize the information in an effort to enlist the public's help in locating the missing person.

- B. The missing person is missing under suspicious unexplained circumstances.
- C. The missing person is believed to be in danger because of age, health, mental or physical disability, environment, weather conditions, or in the company of a potentially dangerous person or some other factor that may expose the person to serious harm or injury.
- D. There is sufficient information available to disseminate to the general public, which could assist with the safe recovery of the missing person.
- E. Request an EMA by notifying MSP Operations at 1-517-241-8000.

VI. REQUIREMENTS FOR A MOZELLE OR VULNERABLE ADULT MEDICAL ALERT

- A. An Officer receiving notice of a missing senior or vulnerable adult shall prepare a report as soon as practicable. The report should include relevant information obtained from the notification concerning the missing senior or vulnerable adult, including the following:
 - 1. A physical description of the missing senior or vulnerable adult.
 - 2. The date, time, and place that the missing senior or vulnerable adult was last seen.
 - 3. The missing senior's or vulnerable adult's address.
 - 4. Information gathered by a preliminary investigation.
 - 5. A statement by the law enforcement officer in charge setting forth the officer's assessment of the case based upon the evidence and information received.

6. Forward the information regarding the missing senior or vulnerable adult to:
 - a. All law enforcement agencies that have jurisdiction in the location where the missing senior or vulnerable adult resides and all law enforcement agencies that have jurisdiction in the location where the missing senior or vulnerable adult was last seen.
 - b. All law enforcement agencies to which the person who made the notification concerning the missing senior or vulnerable adult requests the report be sent, if determined that the request is reasonable.
 - c. All law enforcement agencies that request a copy of the report.
 - d. One or more broadcasters or newspaper that broadcast in an area where the missing senior or vulnerable adult may be located and request that the broadcaster or newspaper do the following:
 - i. Notify the public that there is a missing senior or vulnerable adult medical alert.
 - ii. Broadcast or publish a description of the missing senior or vulnerable adult and any other relevant information that would assist in locating the missing senior or vulnerable adult.

VII. UNIFORM OFFICER RESPONSIBILITIES

- A. Complete the *Missing Persons File – NCIC Missing Person Report Form/Missing Persons File – Missing Persons Worksheet*.
- B. Immediately deliver the report to Central Dispatch via fax for entry into the LEIN System.
- C. Advise the reporting person to contact the department or Central Dispatch if the *Missing Person/Runaway/Endangered Missing Child* is located or returns home.
- D. If circumstances exist as outlined in III. A., 1-5, the officer shall:
 1. Notify Central Dispatch immediately to broadcast extenuating circumstances.
 2. Notify a supervisor to initiate further investigation and/or consider activation of an Amber Alert, Endangered Missing Advisory, Mozelle Senior or Vulnerable Adult Medical Alert or Everbridge emergency notification.

- i. Everbridge may be utilized for missing endangered subjects who are in imminent danger.
 - ii. A supervisor or OIC of the incident can request an Everbridge emergency notification.
 - iii. Requests for Everbridge emergency notification are made through Central Dispatch.
- 3. **ALL CHILDREN** (up to and including 17 yoa) shall be entered into LEIN, **every time**, even repeated runaways, within two hours of taking initial report.
 - 4. Missing Persons 18, 19, 20 years of age shall be entered into LEIN within two hours of taking initial report.

NOTE: To enter these age ranges you must use “EMO” for Enter Missing Other in the Message Key box at the top of the LEIN entry form. Additionally, under Suzanne’s Law if a parent older than 20 years of age is missing without any other circumstances, but has children with them, the children qualify for Suzanne’s law and will be entered into LEIN using “EMO” field.

VIII. PATROL SUPERVISOR RESPONSIBILITIES

- A. Respond to verify if Amber Alert, EMA, Mozelle Senior or Vulnerable Adult Medical Alert or Everbridge emergency notification requirements are met and the appropriate Alert is requested as soon as possible.
- B. Review the *Missing Persons File – NCIC Missing Person Report Form/ Missing Persons File – Missing Persons Worksheet*.
- C. Determine if further immediate investigation is needed. Circumstances listed in Section III. A., 1-5, shall form the basis for an immediate investigation.
- D. Ensure that sufficient personnel are available. If additional personnel are needed request mutual aid from outside law enforcement agencies and/or call in officer on overtime.
- E. Determine if additional specialized resources are needed to assist in a search if appropriate (Drone Team, Dive Team, K9 Team, etc.).
- F. If a search of an area is appropriate, establish a command post and ensure coordination of responding resources.
- G. Review and approve the incident report once it is complete.
- H. Ensure a copy of the report is immediately faxed to Central Dispatch for LEIN entry.

- I. If appropriate, ensure an Amber Alert is requested.
- J. If appropriate, ensure an EMA is requested.
- K. If appropriate, ensure a Mozelle Senior or Vulnerable Alert is initiated.
- L. If appropriate ensure the Everbridge emergency notification is requested.
- M. Notify Director of Public Safety when appropriate.

IX. INVESTIGATOR RESPONSIBILITIES

- A. Investigators will assist, coordinate and may take over primary investigative responsibility in missing person cases where foul play is suspected or the missing person is endangered.
- B. If a person reported missing has not been found within 30 days, the family or next of kin of the missing person will be requested to give written consent to contact and request from the dentist of the missing person the person's dental records. The information from the dental records of the missing person shall be entered into the national crime information center (NCIC) pursuant to section 8 of 1968 PA 319, MCL 28.258. Additionally, 45 CFR1 64.512(f) allows a HIPAA exception for dental records so dentists are allowed to provide them when we need them. If the person reported missing has been found, the dental information shall be cancelled.

X. DISPOSITION OF RUNAWAY/ENDANGERED MISSING CHILD

- A. Unless there is evidence of suspected child abuse or neglect, a Runaway/Endangered Missing Child shall be released to their parent, guardian, or custodian.
- B. If a parent, guardian, or custodian cannot be reached, all attempts will be made to contact other immediate adult family members.
- C. When a parent, guardian or custodian refuses to pick up the Runaway/Endangered Missing Child upon notification of apprehension, the Department of Human Services (DHS) shall be immediately contacted and an incident report of Child Neglect will be generated.
- D. If the juvenile is Runaway/Endangered Missing Child is from another city or state, the originating jurisdiction shall be contacted by telephone or LEIN to determine the status of the juvenile and any extradition details.

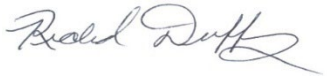
XI. UNIDENTIFIED PERSONS

- A. When a person is found whose identity is unknown and it cannot be readily determined (e.g., persons suffering memory loss), an investigation shall be conducted and the following information entered into NCIC by Central Dispatch:
 - 1. A physical and clothing description of the person.
 - 2. Any other information that would assist in the identification of the person as determined by the Michigan State Police (MSP) and the Criminal Justice Information Systems Policy Council (CJISPC).
- B. The on-duty/on-call supervisor shall take charge of the investigation.

XII. UNIDENTIFIED BODY OF DECEASED PERSON

- A. An investigation shall be immediately conducted upon discovery of an unidentified body of a deceased person. The following information, if available, will be entered into NCIC by Central Dispatch:
 - 1. The physical description of the unidentified body and the availability of footprints, body X-rays, and fingerprint classifications.
 - 2. The date the body was found and the cause and manner of death.
 - 3. Which body parts were found in situations involving dismemberment.
 - 4. Dental examination records obtained pursuant to MCL 333.2844a.
 - 5. Any other information that would assist in the identification of the body as determined by the MSP and CJISPC.
- B. The investigation shall be conducted in accordance with Public Safety SOP #300-09: *Death and Major Crime Scene Investigations*.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Child Abuse and Neglect Investigations			No. 300-12
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 300-12 (1/22/14)	MLEAC Standard(s): N/A
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines for investigating child abuse and neglect complaints.

II. POLICY

It is the policy of the Hamburg Township Public Safety Department to thoroughly investigate all reports of child abuse and neglect in accordance with the Michigan Child Protection Law (MCL 722.621 et seq.) and to adhere to the Livingston County Protocol for the Investigation of Child Abuse established pursuant to MCL 722.628(6).

III. DEFINITIONS

- A. **Child** – A person under the age of 18 years old.
- B. **Child Abuse** – Harm or threatened harm to a child’s health or welfare by a parent, a legal guardian, or any other person responsible for the child’s health or welfare, or by a teacher or teacher’s aide, that occurs through non-accidental physical or mental injury; sexual abuse; sexual exploitation; or maltreatment.
- C. **Child Neglect** – Harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare that occurs through either of the following:
 - 1. Negligent treatment; including the failure to provide adequate food, clothing, shelter, medical care, or
 - 2. Placing a child at an unreasonable risk to the child’s health or welfare by failure of the parent, legal guardian, or other person responsible for the child’s health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.
- D. **Livingston County Protocol for Investigation of Child Abuse** – Procedures established by the Livingston County Department of Human Services and the Livingston County Prosecutor’s Office for the investigation of physical and sexual abuse of children.

- E. **Sexual Abuse** – Engaging in sexual contact or sexual penetration with a child.
- F. **Sexual Exploitation** – Allowing, permitting, or encouraging a child in prostitution; or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in MCL 750.145c.
- G. **Sexual Penetration** – Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body. Emission of semen is not required.
- H. **Sexual Contact** – Intentional touching of the victim’s or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.
- I. **Degrees of Child Abuse (MCL 750.136b)**
 - 1. A person is guilty of child abuse in the **first degree** if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for life or any term of years.
 - 2. A person is guilty of child abuse in the **second degree** if any of the following apply:
 - a. The person’s omission causes serious physical harm or serious mental harm to a child or if the person’s reckless act causes serious physical harm to a child.
 - b. The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results.
 - c. The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.

Child abuse in the second degree is a felony punishable by imprisonment up to 10 years for the first offense and imprisonment for up to 20 years for a subsequent conviction.
 - 3. A person is guilty of child abuse in the **third degree** if either of the following apply:
 - a. The person knowingly or intentionally causes physical harm to a child.

- b. The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, and the act results in physical harm to a child.

Child abuse in the third degree is a felony punishable by imprisonment for up to 2 years for the first offense and imprisonment for up to 5 years for a subsequent conviction.

- 4. A person is guilty of child abuse in the **fourth degree** if either of the following apply:
 - a. The person's omission or reckless act causes physical harm to a child.
 - b. The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results

Child abuse in the fourth degree is a misdemeanor punishable by imprisonment for up to 1 year for the first offense and a felony punishable by imprisonment for up to 2 years for a subsequent conviction.

NOTE: This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force. MCL 750.136b(9).

IV. REPORTED NEGLECT OR ABUSE OF CHILDREN

- A. Allegations of suspected neglect or abuse of minor children shall be assigned to an officer for investigation and/or initiation of an incident report.
- B. In all cases in which children are the victim of assault, the officer should interview the reporting party (usually a non-offending parent/guardian) and document the child victim's statements to the reporting party. The reporting party should be advised that a CARE interview with a forensically trained interviewer will be scheduled with the victim and parent/guardian.
- C. Referrals from the Department of Human Services (DHS) of suspected neglect or abuse of minor children are faxed to the office by DHS personnel and shall be assigned to an officer for initiation of an incident report and investigation.
- D. Reporting Requirements. MCL 722.623(3).
 - 1. A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical

care, audiologist, psychologist, physical therapist, physical therapist assistant, occupational therapist, athletic trainer, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider shall make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect.

2. Within 72 hours after making the oral report, the reporting person shall file a written report as required by law. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.
3. The reporting person's written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person which may establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.
4. The reporting person's written report required in this section shall be mailed or otherwise transmitted to the county DHS in which the child suspected of being abused or neglected is found.
5. For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age shall be reasonable cause to suspect child abuse and neglect have occurred. Officers shall initiate a report of neglect or abuse.

V. OFFICER'S DUTIES

Officers shall conduct all investigations into reports of child abuse in accordance with the Livingston County Protocol for Investigation of Child Abuse which is hereby incorporated in its entirety into this policy. Each officer shall be issued a copy of the Livingston County Protocol and a copy shall be maintained in the "Documents" section of PowerDMS. The Director of Public Safety shall be responsible for keeping officers informed of any updates or amendments to the protocol.

- A. Non-emergency situation of abuse or neglect

1. The officer shall immediately notify DHS and coordinate the initial investigation with the DHS worker assigned to the case.
 2. The officer shall file a written report.
- B. Emergency situation of abuse or neglect
1. The child should be removed from the location by the officer and transported to the hospital for medical care and/or an examination by a physician to document injuries, physical condition and other evidence of abuse or neglect.
 2. The officer shall immediately contact the DHS and request that a DHS worker respond to the scene/hospital.
 3. The officer will work with the DHS worker to arrange competent temporary care, if necessary.
 4. The officer shall file a written report.
- C. When investigating abuse and neglect cases, the officer's report should include:
1. The source of the initial complaint.
 2. The physical condition of the child, including:
 - a. Descriptions of injuries or medical conditions.
 - b. Signs of old injuries, including pattern injuries that may be linked to specific objects used in an assault and evidence of healed bone fractures.
 3. A description of the alleged abuse or neglect.
 4. A description of the condition of the home including overall cleanliness, standing garbage, the availability of adequate food, plumbing and/or utility problems, and any health hazards or conditions that creates a risk to the occupants.
 5. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that relate to their ability to care for the child.
 6. All relevant statements made by the child or other individuals in the home.

NOTE: During an investigation of suspected child abuse or neglect, the child reported to have been abused or neglected shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse. MCL 722.628c.

7. Statements by the parent or guardian indicating an indifference or unwillingness to believe claims or evidence of abuse or neglect.
 8. Statements by school teachers, child care providers or others who have regular contact with the victim. Behavioral indicators suggestive of child abuse include:
 - a. Recurrent injuries or complaints of parental physical mistreatment.
 - b. Changes in behavior or level of achievement.
 - c. Strong antagonism toward authority.
 - d. Exaggerated reactions to being touched.
 - e. Withdrawal from peers or assaultive or confrontational behavior.
 - f. Delinquent acts or running away from home or truancy.
 - g. Refusal to dress for physical education or dressing inappropriately.
 9. Statements of injuries or conditions by medical professionals including dates of hospital visits and the names of treating physicians.
- D. Officers should obtain photographs of visible injuries and the crime scene.
1. Take at least two photographs of each injury.
 2. In all cases, the digital media containing the photographs shall be logged into evidence and attached in RMS. If the images are of a sensitive nature or contain nudity or sexually explicit images of a child, the images shall be saved on the I-drive by a detective authorized to access the drive. The reporting officer will be responsible for placing the digital media containing the photographs into evidence.
 3. All photographs taken by officers will be in compliance with Public Safety SOP #300-31 *Search & Seizure Procedures*. The victim is not required to remove articles of clothing exposing underclothing, breasts, buttocks, or genitalia in order to document injuries. Officers may consider obtaining consent to photograph injuries from the non-offending parent/guardian, having an officer of the same gender take the photographs with a witness present, and/or having medical personnel take the photographs.
 4. When documenting evidence of abuse or neglect, such as unsafe or unsanitary conditions at home, consider using a video recorder.

5. Take several photographs of the crime scene when possible; even if no evidence is obvious in the photographs.
 6. Collect all relevant physical evidence.
- E. Officer shall not interview children who are 17 years or younger who appear to be the victim of physical or sexual abuse. All interviews of these children shall be conducted by a person trained in child forensic interviewing and in accordance with the interviewing procedures established in the Livingston County Protocol.
- F. Removing Children from the Home
1. Officers may, without a court order, immediately take into custody any child who is found violating any law or ordinance, or whose surroundings are such as to endanger his/her health, morals, or welfare. MCL 712A.14.
 2. Absent a written court order, the authority and decision to remove a child from a parent/guardian rests with the police officer(s). This decision is often the result of collaborative efforts with the DHS and must be based on exigent circumstances which would put the child at continued and/or additional risk if he/she were to remain in their present domicile.
 3. Unless a child is violating the law, or absent exigent circumstances which lead an officer to conclude that a child's surroundings are such as to endanger the child's health, morals, or welfare, a child can be taken into custody only when a court order has been issued, in writing. In lieu of such a written order, a Family Court Judge may confirm, to an officer or supervisor, that such an order has been given by the Judge and will be prepared in written form the next business day.
 4. Written Court Order
 - a. Officers must be provided with an actual written court order before removing children from a home (except in those cases where a Family Court Judge confirms to an officer or supervisor that an order to remove has been given and will be prepared and signed in written form the next business day).
 - b. Officers shall review the written court order before enforcing it. Because individual court orders vary in language and in the amount of authority granted to officer, it is imperative that officers understand the order.
 - c. If the children are within a residence, the court order may include an authorization to enter specified premises to remove the child and a directive to place the child in protective custody pending a preliminary hearing. MCR 5.963(B)(1)-(2).

- 5. If a person is arrested for obstructing or interfering with officers when taking children into protective custody, the person should be advised that a court order exists prior to the arrest, and that information should be included in the officer's report.
- G. In abuse or neglect situations where one child is determined to be in danger, the officer must proceed on the premise that all the children in the home are in the same danger.
- H. Some abuse or neglect complaints are filed directly with DHS. In these situations, an officer will assist the DHS caseworker in checking the welfare of the children. If abuse or neglect is found, the officer must initiate an incident report and collaborate with the DHS in making the decision to remove the children from the environment.
- I. Follow-up investigations shall be conducted by the officer.
- J. In domestic abuse situations where minor children were witnesses to violence within the household, the reporting officer shall notify the DHS and assure that they receive a copy of the report, in compliance with statutory reporting requirements.

VI. OWI CHILD ENDANGERMENT

It is a misdemeanor to commit an Operating While Intoxicated (OWI or OWI causing death or serious impairment, or operation by a minor with any BAC) while another person under 16 years of age is in the vehicle. MCL 257.625(7). This type of case requires that the officer contact the DHS and process the case as an abuse/neglect case.

VII. INTERVIEWS AT SCHOOL

- A. For contact with a child at school, officers shall contact DHS/CPS and coordinate the contact with the DHS/CPS investigator.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Department Training			No. 300-15
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 600-15	MLEAC Standard(s): 1.9.1, 1.9.4, 1.9.5, 1.9.6, 1.9.7, 1.9.8, 1.9.9, 1.10.2a, 1.10.2d
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines for in-service training of police officers of the Hamburg Township Public Safety Department.

II. POLICY

It is the policy of the department to train each employee to the satisfactory performance level of required duties. Training results in employees who are better prepared to act decisively and correctly in a broad spectrum of situations, increases productivity and effectiveness, and fosters cooperation and unity of purpose.

III. PROCEDURES

A. Mandatory Training

1. All Sworn Officers

In addition to completing the Field Training Officer program as outlined in Public Safety SOP #300-65: *Field Training and Evaluation Program*, all sworn officers shall complete the following training:

- a. Handgun Qualification (Twice annually)
- b. Patrol Rifle Qualification (Twice Annually)
- c. TASER Certification (recertification annually)
- d. Emergency Vehicle Operation (recertification every three years)
- e. Pursuit Termination Techniques
- f. Speed Measurement Operator Certification
- g. Basic LEIN Operator Certification (recertification every two years)
- h. CPR Certification (recertification annually)
- i. Automated External Defibrillator (recertification annually)
- j. Hazardous Material Awareness (annually)
- k. Active Shooter (annually)
- l. Legal Update (annually)
- m. Defensive Tactics/Subject Control Tactics (annually)
- n. Marine Law/Boater's Safety Certificate
- o. De-escalation Techniques

2. Supervisors

All officers holding the supervisory rank of Sergeant and above shall complete the following training:

- a. First Line Supervision (at or near promotion to Sergeant)
- b. Advanced Supervision/Leadership
- c. School of Police Staff & Command

3. Standard Operating Procedures Review

- a. The following Standard Operating Procedures shall be reviewed with all officers by a department firearms instructor at each firearms qualification training session:
 - i. #300-25: *Use of Force*
 - ii. #300-26: *Firearms*
 - iii. #300-28: *Less- Lethal Weapons*
- b. In addition, the department shall conduct regular reviews of SOPs specifically focusing on Standard Operating Procedures covering high-liability subject matter as determined by the Director of Public Safety or designee.

B. Specialized Training

- 1. Specialized training is defined as that training received outside of the department that involves a specialized area of interest, an area not normally available at in-service sessions, involves subject matter of a highly technical nature or which certifies the attendees as subject matter instructors.
- 2. Specialized training will be provided to employees on an as needed basis.
- 3. The selection of personnel to attend these courses will be made on the basis of its benefit to the department and the employee as determined by the Director of Public Safety/designee.
- 4. Requests for specialized training shall be made to the department's designated training coordinator.
- 5. Specialized training will be mandatory for officers assigned the following positions/roles:
 - a. LAWNET
 - b. SWAT

- c. Crisis Negotiator Team
- d. UAS (drone) Team
- e. Dive Team
- f. Field Training Officer
- g. Detective
- h. Commercial Motor Vehicle Enforcement
- i. Accident Reconstructionist
- j. Firearms Instructor
- k. Use of Force Instructor
- l. TASER Instructor
- m. Defensive Tactics Instructor

- 6. In order to provide in-service training to officers, department instructors must attend and successfully pass an instructor's course in the subject matter to be taught and must maintain any requirements or supplemental training mandated to keep their instructor's certification current.

C. Accreditation Training

- 1. All accreditation managers and all other personnel assisting in the accreditation process shall complete New Accreditation Manager training provided by the Michigan Association of Chiefs of Police (MACP) within six months of assignment.
- 2. Accreditation managers shall also attend periodic accreditation training conferences provided by MACP.

D. Tactical Team Training

Hamburg Township is a member of the Livingston Regional SWAT team and the Livingston County Crisis Negotiator Team. All members assigned to these tactical teams shall attend all required training and adhere to all operating procedures as adopted by the teams.

E. Remedial Training

- 1. With sufficient cause, the Director of Public Safety may require that any employee of the department attend special training sessions to review basic skills and/or knowledge, or do satisfactory research in deficient area(s).
- 2. Remedial training requirements will be given time limits for completion. Lack of satisfactory completion will be dealt with in accordance with Public Safety SOP #100-03: *Disciplinary Procedures*.

F. Officer Responsibilities

1. Officers shall arrive at the station allowing for sufficient travel time to arrive at training classes in time for the scheduled start time of the class.
2. All officers scheduled to attend a training class, workshop, or seminar are expected to attend all sessions, fully participate and complete the course. They will also comply with any of the requirements or instructions necessary for completing such training class, workshop or seminar.
3. Officers shall not leave any training class early and shall stay in class until dismissed by the class instructor.
4. Officers are representatives of the department. As such, officers shall dress in a neat and professional manner appropriate to the training class being attended. Grooming and dress attire standards as outlined in Public Safety SOP #300-52: *Non-Uniform Dress Policy* and Public Safety SOP #300-53: *Officer Uniform and Appearance* shall be adhered to.
5. Officers who are unable to attend training because of scheduling conflicts with court appearances, other scheduled training, or any other prior commitment shall immediately notify the training coordinator upon learning of the scheduling conflict.
6. An officer shall notify a supervisor if they are unable to attend a scheduled training class due to illness or injury. The member shall be rescheduled to make up the missed training class if it is a mandatory training subject.
7. Employees receiving training, seminar, or workshop certificates shall submit a copy of the certificate to the Director of Public Safety within seven (7) days after receiving the certificate.

G. Training Coordinator Responsibilities

The Director of Public Safety shall serve as the department's training coordinator and shall be responsible for:

1. Ensuring that all officers receive all mandatory training as outlined in this policy.
2. Researching available training courses and offering specialized training to officers consistent with the needs of the department and interests of the officer.
3. Registering officers for assigned training courses.
4. Coordinating the attendance of departmental employees at training.

5. Scheduling officers for training and ensuring that the operational needs of the department, such as road coverage, are covered.
6. Budgeting training costs and maintaining annual training costs within the fiscal year training budget.
7. Maintaining records of all employee participation in training programs. Each employee shall have an individual training record which shall include the date(s) of training, location/provider of the training and the title of the training course.
8. Ensuring that all Michigan Commission on Law Enforcement Standards (MCOLES) approved training is reported to MCOLES for addition to the officer's record.
9. Ensuring that copies of training certificates are received from employees upon completion of training and forwarded to Human Resources for placement in each employee's personnel file.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Traffic Stops and Enforcement			No. 300-21
Distribution: POLICE	☒ New ☐ Amended	Rescinds: 200-08	MLEAC Standard(s): 3.6.1, 3.6.2, 3.6.3, 3.6.4
Effective Date: DRAFT			

I. PURPOSE

The purpose of this policy is to provide guidelines for the officers of the Hamburg Township Public Safety Department when conducting motor vehicle traffic stops and engaging in the enforcement of the Michigan Motor Vehicle Code and traffic-related Township Ordinances.

II. POLICY

- A. It is the policy of the department to proactively and diligently enforce motor vehicle laws/ordinances in order to ensure the safe and orderly flow of traffic, reduce traffic accidents and discourage criminal activity within Hamburg Township.
- B. It is the policy of the department to conduct all traffic stops in a professional manner treating all occupants of the stopped vehicle with dignity and respect.
- C. It is the policy of the department that all traffic stops are conducted in a manner which enhances officer safety and the safety of the occupants of the stopped vehicle while allowing for the efficient movement of traffic in the area.

III. DEFINITIONS

Authorized Emergency Vehicle. An authorized emergency vehicle of the Department equipped with both a siren and emergency lighting system, which meets the requirements of the Michigan Motor Vehicle Code (MCL 257.2) for the purpose of being exempted from certain traffic regulations during pursuits and emergencies.

Directed Traffic Patrol. Selective traffic enforcement or the assignment of officers to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are based on traffic volume, accident frequency, frequency of traffic violations, citizen complaints and emergency or service needs.

Enforcement Action. For purposes of this policy, means this issuance of a warning or citation or the arrest of a traffic violator during a traffic stop.

Juvenile. In accordance with Michigan law, any individual under the age of eighteen.

Traffic Stop. An enforcement activity wherein a sworn officer stops a motor vehicle, a pedestrian, or bicycle on the highway/roadway for a violation of the law or suspicious activity, or for investigative purposes.

IV. CONDUCTING TRAFFIC STOPS

- A. When conducting a traffic stop officers shall select a stop location which enhances officer safety and the safety of the occupants of the stopped vehicle while allowing for the efficient movement of traffic in the area.
 - 1. Select a location where it is possible to stop the vehicle promptly, efficiently, and safely.
 - 2. If possible, select an area that allows the vehicle to pull off the roadway and out of moving traffic.
 - 3. Be responsible for selecting a safe place to stop, which provides adequate visibility for approaching traffic.
 - 4. Once the decision to stop is made:
 - a. Check on-coming traffic and location to be sure the stop can be done safely; and
 - b. Avoid stopping a violator just over the crest of a hill, or in a curve where other motorists won't have adequate time to adjust their driving to your presence.
- B. Officers shall call out all traffic stops with Central Dispatch providing at minimum their location, license plate and description of the vehicle stopped.
- C. All traffic stops shall be video recorded in accordance with Public Safety SOP #300-78: Body-Worn & In-Car Camera Systems.
- D. Officers shall have their emergency lights activated for the duration of the traffic stop unless circumstances warrant that their use may compromise an investigation or otherwise cause an unnecessary distraction.
- E. When approaching stopped vehicles:
 - 1. When the violator comes to a stop, position the cruiser in accordance with training and circumstances.
 - 2. If the driver exits the vehicle, ask the driver to remain in the vehicle for their safety and the officer's.
 - 3. If directing the driver to exit from the vehicle for any reason, have him/her step to the curb shoulder area. Depending on circumstances, the individual may stand between the stopped vehicles, however, this shall be avoided if possible.
 - 4. If the stop is for traffic violation only (i.e., without knowledge that the vehicle or occupant(s) are wanted in connection to crime):

- a. Size up the situation prior to leaving the patrol unit.
 - b. Observe the occupants of the vehicle closely, watching for any sudden movement or activity.
 - c. At night, use the patrol vehicle spotlight to illuminate the interior of the violator's vehicle.
 - d. Approach on the left or right side of the violator's vehicle depending on circumstances.
 - e. Always approach carefully to reduce the chances of being taken by surprise.
 - f. Stop while approaching the rear of the violator's vehicle to ensure the trunk or hatch area is locked.
 - g. Check the rear seat and floor area of the vehicle.
 - h. Approach closely along the side of the violator's vehicle.
 - i. If carrying a flashlight, radio or any other item, carry it in your non-weapon hand.
- F. Officers shall greet the driver in a respectful and professional manner and request to see their driver's license, registration and proof of insurance. Officers shall inform the driver of the reason for the stop.
- G. Officers should return to their patrol vehicle and run a LEIN/NCIC check on the driver for warrants, driving status and other pertinent information.
- H. If issuing a citation, officers shall verbally provide the driver:
- 1. A short explanation of the infraction(s) the driver is being cited for,
 - 2. The name of the court.
 - 3. The deadline for answering the citation.
 - 4. Where the driver can find the procedure for answering the citation.
- I. If issuing a warning, officers shall log the warning in the department's RMS.
- J. Officers shall remain at the stop until such time as the stopped vehicle is safely on its way.
- K. Upon conclusion of the traffic stop officers shall notify Central Dispatch that they are back in service.

V. ENFORCEMENT OPTIONS

- A. Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not have ticket quotas and the number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

- B. In deciding on an enforcement action to take with a traffic violator officers should consider the following:
1. Severity of the infraction.
 2. Whether the infraction was intentional or inadvertent.
 3. Previous traffic citations on the driver's driving record.
 4. Previous warnings for traffic violations logged in the department's RMS system.
 5. Whether the officer is engaged in directed traffic patrol.
 6. Based upon the overall circumstances, including statements made by the driver, which enforcement action (warning, citation or arrest) will best achieve the goal of future voluntary compliance with traffic laws.
- C. Enforcement options available to officers are as follows:
1. *Warning* – Officers may issue verbal warnings for minor infractions or in instances where they believe that a warning will accomplish the goal of voluntary compliance. (Note: The department does not issue written warnings).
 2. *Uniform Traffic Citation (citation)* – Officers may issue a citation to a driver when based upon the considerations listed in Section B they believe that a citation is warranted to achieve the goal of voluntary compliance.
 3. *Custodial Arrest* – Officers may affect a custodial arrest of any person committing serious offenses, such as operating under the influence, fleeing and eluding, reckless driving or other offenses where taking the driver into custody is warranted in order to best serve the safety of the community.

VI. UNIFORM ENFORCEMENT OF VIOLATIONS

- A. Drivers determined to have been operating under the influence of alcohol or drugs shall be subject to custodial arrest unless extenuating circumstances exist that dictate other action. Any decision to not arrest a driver where probable cause exists that they are operating a vehicle under the influence of alcohol or drugs must be authorized by a supervisor. In these instances, the officer shall prepare and submit a detailed incident report regarding the incident.
- B. Drivers determined to have been operating an unregistered or uninsured vehicle are subject to custodial arrest and/or the issuance of a citation. Unless extenuating circumstances exist, a custodial arrest should not be made for these violations. It is the policy of the department to impound all unregistered vehicles and vehicles which have been operated without insurance.
- C. Drivers determined to have been operating a vehicle without a driver's license or with a suspended or revoked driver's license are subject to custodial arrest and/or the issuance of a citation depending on the circumstances. When an officer

decides to cite and release a driver in these instances, the officer shall not permit the driver to drive the vehicle away from the scene. Alternatives to impoundment the vehicle include parking the vehicle or turning the over to another licensed driver.

- D. Drivers who disregard posted or prima facia speed limits create hazardous conditions that may cause motor vehicle accidents, unsafe conditions for pedestrian traffic and disrupt the peace and harmony of residents. Complaints of speeding made by residents represent the overwhelming majority of traffic-related complaints received by the department. In addition to the considerations listed in section V (b), officers should consider the speed, road conditions, traffic volume, area (residential/school zones) and pedestrian traffic when determining appropriate enforcement action.
- E. Similar to speeding violations, officers shall take appropriate enforcement action on all other hazardous violations observed based on the seriousness of the violation, the considerations listed in section V (b) and road conditions existing at the time.
- F. Officers shall enforce off-road vehicle violations in accordance with existing state law and Township ordinances using the same considerations for determining the appropriate enforcement action as is used for drivers of other vehicles.
- G. Equipment on motor vehicles as required under the Michigan Motor Vehicle Code (MVC) is required to be maintained as provided in the MVC. Officers may on reasonable grounds shown stop a motor vehicle to inspect the vehicle for defects in equipment (MCL 257.683). If an equipment defect is found, officers may issue a warning or a “waivable” citation pursuant to MCL 257.907.
- H. Officers have authority to enforce laws regulating public carriers and commercial motor vehicles and may do so consistent with their training. In general, officers should request assistance from the department’s certified commercial motor vehicle enforcement officer when dealing with commercial motor vehicle violations. All commercial motor vehicle inspections shall be conducted by a certified Commercial Motor Vehicle Inspector. The inspector shall take appropriate enforcement actions as they deem appropriate.
- I. Officers shall monitor pedestrians and bicyclists (including motorized bicycles), especially in parks, near schools and on the Lakelands Trail, and take appropriate enforcement action to curtail actions which impede traffic and/or create hazardous conditions.
- J. Parking Violations
 - 1. Officers shall proactively monitor streets, roadways, parking lots open to the general public and Township parks for vehicles parked in violation of

state law or Township ordinances. Officers shall also respond to complaints of parking violations.

2. In all instances where an officer observes a parking violation, the officer shall either resolve the violation (i.e., have the owner move the vehicle and issue a warning) or issue a citation.
 3. Michigan law (MCL 257.252d) allows for the immediate removal (towing) of parked vehicles in specific circumstances. Officers shall familiarize themselves with this statute.
- K. The issuing of traffic citations at the scene of traffic crashes shall be done in accordance with Public Safety SOP #300-16: *Crash Investigations*.
- L. It shall be the responsibility of the Director of Public Safety and the Traffic Sergeant to keep all officers of the department updated on all newly enacted or revised state laws and Township ordinances affecting traffic enforcement.

VII. SPECIAL CLASSES OF OFFENDERS

A. *Out-of-State Residents*

When a nonresident of the State of Michigan is stopped for a traffic violation, officers shall:

1. Warn, cite or arrest the nonresident in the same manner as you would a resident.
2. If a nonresident driver is issued a civil infraction citation, the driver:
 - a. Can be released from the scene on his or her personal recognizance with the citation.
 - b. If a magistrate is available **and** the driver **demand**s an immediate appearance, the officer shall immediately take the nonresident driver before the magistrate to answer for the civil infraction (MCL 257.749).

B. *Juveniles*

1. Officers shall enforce civil traffic offenses committed by juveniles in the same manner as those committed by adults. Civil infractions for juveniles will be heard at the district court.
2. Officers shall handle misdemeanor traffic offenses committed by juveniles in accordance with Public Safety SOP #300-11: *Handling of Juveniles*.

C. *Government Officials*

1. Officers may not detain federal or state legislators for the issuance of a summons while they are in transit to or from Congress.

2. Officers shall in all cases, except for treason, felony, and breach of the peace, not arrest senators or representatives during their attendance at the session of their respective house, and in going to and returning from the same.
3. Officers may issue state legislators for a civil infraction as they are not immune from receiving a civil traffic citation.

D. *Foreign Diplomats or Consular Officials*

1. Foreign diplomats, members of their families, foreign ministers, ambassadors, servants, and staff enjoy a wide range of diplomatic immunity and privileges against criminal and civil prosecutions.
2. The burden rests with the diplomat to claim immunity through presentation of valid credentials. Diplomatic status may also be verified through the United States Department of State.
3. Detailed information on the categories or persons entitled to diplomatic immunity and privileges, types of valid diplomatic identification, US Department of State notification procedures and suggested ways in which to handle incidents involving persons claiming immunity can be found in the United States Department of State *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities* publication:
<https://www.state.gov/information-for-law-enforcement>
4. It is important to note that an initial traffic stop and the issuance of a civil infraction traffic citation related to the stop do not constitute an arrest or detention for purposes of immunity. In other words, traffic citations may be issued to persons claiming immunity.
5. Officers shall notify the US Department of State any time they issue a civil infraction to a person claiming immunity or investigate a person claiming immunity for and misdemeanor or felony offenses.

E. *United States Armed Forces Personnel*

1. While operating a military vehicle in the service of the United States armed forces, active duty military personnel, including the Michigan National Guard, are not required to possess a valid driver's license. (MCL 257.302).
2. Members of the Michigan National Guard may be cited for traffic violations not demanding detention while en-route to and from an armory drill, encampment, formation or are otherwise engaged in training activities.

F. *Referrals for Driver Evaluation*

1. When there is reason to believe that a driver is unable to operate a motor vehicle safely officers may request a driver reexamination. The Michigan Secretary of State, as provided by MCL 257.320, is authorized to perform this examination.
2. Officers shall complete and submit a “DA-88” form (formally known as an OC-88 form) to the Michigan Secretary of State. An electronic version can be completed at <https://www.michigan.gov/sos/resources/forms> under “Request for Driver Evaluation.”

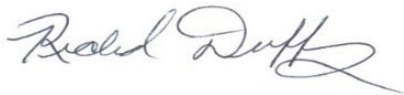
VIII. ENFORCEMENT CONTRACTS FOR PRIVATE ROADS

- A. Officers may enforce the motor vehicle code on private roads open to the general public, pursuant and consistent with MCL 257.601a, upon execution of a contract for enforcement between the Township and the person who owns or is in charge of the private road.
- B. The Director of Public Safety, or designee, shall be responsible for ensuring proper execution of any enforcement contracts and maintaining a current file of executed contracts for officer reference.

IX. OFFICERS ASSIGNED TO OTHER AGENCIES

Hamburg Township officers assigned to or assisting other law enforcement agencies shall follow to this policy.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Firearms			No. 300-26
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 300-26 (4/17/19)	MLEAC Standard(s): 1.10.1a, 1.10.2b, 1.10.2e, 1.10.2f, 1.10.2g
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines for the care and use of firearms by Hamburg Township police personnel, the carrying and possession of firearms on and off duty, and the department firearms and qualification program. Only the Director of Public Safety shall have the authority to determine department-authorized weapons and ammunition to be utilized by department officers.

II. DEPARTMENTAL USE ONLY

This procedure is for department use only and represents an administrative guide for officers' decision-making processes and not as a standard for civil or criminal litigation. It should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to civil suits or administrative claims. However, violations of this procedure may form the basis for department administrative sanctions.

III. DEFINITIONS

- A. Range Instructor – A sworn officer of the department who is certified as an instructor in handguns and patrol rifles.
- B. Range Master – A range instructor, holding a supervisory rank, who is designated by the Director of Public Safety to oversee all department firearms and firearms training.

IV. AUTHORIZED FIREARMS TO BE CARRIED ON DUTY

- A. Department-Issued Handguns
 - 1. A department authorized or issued handgun, with a round chambered, shall be carried when officers are on duty. All magazines, whether in the handgun or carried on the officer's person, shall be loaded with the maximum number of rounds capable of being carried in the magazine.
 - 2. All handguns will be carried in a department-issued or department-

approved holster and in a safe and secure manner. The firearm should be concealed from public view while the officer is in civilian clothes, unless a badge is displayed around the neck or on the belt, except while inside the police building.

3. A department-issued firearm shall not be altered or modified in any material way without the prior approval of the Director of Public Safety. A modification takes place when any addition or deletion of any part of the firearm is made to, or upon, the firearm that changes it from the manufacturer's stock specifications or from the specifications present at the time it was issued.
4. Modifications which would not be permitted to be made to department owned on-duty handguns will not be permitted to be made to privately owned designated off-duty weapons.
5. Questions concerning the reliability and condition of firearms should be immediately brought to the attention of the Range Master or any Range Instructor. The Range Master will assist with the replacement of the department-issued firearm, if necessary.
6. Officers shall properly clean department-issued firearms prior to returning to duty after they have discharged their firearm for any reason.
7. Except when at the range or other off-site training, officers shall use the weapon clearing trap located in the east garage bay at all times when loading/unloading department-issued firearms or second/back-up firearms.

B. Second/Back-up Firearms

1. Officers may carry a personally-owned firearm concealed on his/her person while on duty as a second/back-up firearm provided it has been approved, qualified with, registered and is one of the following:
 - a. It must be either semi-automatic or revolver.
 - b. Handguns are prohibited that can only be fired by single-action.
 - c. Minimum barrel length: 1 7/8 inches.
 - d. Caliber not less than .380.
 - e. Capacity not less than 5 rounds.
 - f. The acquisition or possession without a license of any non-departmental owned or approved fully automatic firearm, "short barreled" rifle/shotgun, or a firearm equipped with a silencer is unlawful and strictly prohibited.
2. Officers are required to register their back-up firearm with the department

Range Master prior to carrying it.

3. The Range Master will inspect the firearm before the recommendation for approval to carry on duty will be made to the Director of Public Safety.
4. The department approved second/back-up firearm will not be altered or modified in any material way without the prior approval of the Director of Public Safety.
5. Officers are responsible for the maintenance, repair, or replacement of their second/back-up firearm; including normal wear from department training sessions. It is also the responsibility of the officer to ensure the second/back-up firearm is properly loaded, functional, and carried in a safe and secure manner.
6. The second/back-up firearm will be carried in a department-approved holster.

C. Patrol Rifles:

1. Patrol rifles may be utilized as an additional tool available to authorized officers in situations where their handgun would otherwise be handicapped by distance and accuracy, or hindered by penetration power (body armor). Officers should use discretion when deciding to deploy a patrol rifle. Situations in which patrol rifles may be deployed include, but are not limited to:
 - a. An active shooting.
 - b. Rapid deployment situations.
 - c. Perimeter positions on a barricade.
 - d. Arrest of armed suspects.
 - e. Searching for armed suspects.
 - f. Sniper incidents.
2. Only department authorized and/or issued patrol rifles will be used or carried while on duty.
3. Only authorized and qualified officers have the authority to utilize patrol rifles.
4. All patrol rifles shall be loaded with department-issued and approved ammunition.
5. Each patrol vehicle used on regular patrol duty will be equipped with a department-issued patrol rifle.
 - a. Marked patrol vehicles will have the patrol rifles mounted in a

- locking rack which will remain locked unless the rifle is being used.
 - b. Officers will inspect the patrol rifles at the beginning of their tour of duty. Patrol rifles found to be defective in any way will be brought to the attention of a supervisor as soon as practical.
 - c. The magazine will be fully loaded with no round chambered.
 - d. The bolt will be forward on an empty chamber.
 - e. The safety shall be “on” while locked in the rack.
 - f. If equipped with a dust cover it will be closed while in the rack.
 - g. At least one (1) spare loaded is to be carried when the patrol rifle is carried in a patrol car.
6. To chamber a round for use, officers will cycle the action by pulling the charging handle fully rearward then releasing; allowing the bolt to cycle forward.
7. The chamber of the patrol rifles shall be cleared and the magazine fully loaded prior to replacing the weapon in the locking rack.
8. When a vehicle is taken out of service, all firearms will be removed from vehicle.
9. Patrol rifles shall be stored in the department armory at all times when not in use on patrol duty or other use authorized by the Director of Public Safety. When stored in the armory patrol rifles shall be locked in the wall-mounted gun rack in their designated slot. Patrol rifles shall be stored in the following conditions:
- a. No magazine inserted.
 - b. No round in the chamber.
 - c. Trigger depressed.
 - d. Weapon in “fire” position.
 - e. Bolt forward.
 - f. Dust cover closed.
10. Patrol rifles will be cleaned after firing and will only be carried in a clean condition. Department rifles will be inspected at least annually for safe operation and serviceable condition.
- a. The Range Master and Range Instructors are the only employees authorized to perform cleaning/maintenance on department rifles.
11. All personnel shall exercise extreme caution in the handling and firing of department rifles.
12. Except when at the range or other off-site training, officers shall use the

weapon clearing trap located in the east garage bay at all times when loading/unloading a patrol rifle or conducting a function check of a patrol rifle.

V. FIREARMS CARRIED OFF-DUTY

- A. Officers are not required to carry a firearm when off duty.
- B. Officers may carry any department-issued handgun off duty that they are authorized to carry on duty.
- C. Officers may carry a personally-owned handgun provided it has been approved, qualified with, and meets the following requirements:
 - 1. It must be either semi-automatic or revolver.
 - 2. Handguns are prohibited that can only be fired by single-action.
 - 3. Minimum barrel length: 1 7/8 inches.
 - 4. Caliber not less than .380.
 - 5. Capacity not less than 5 rounds.
- D. An off-duty firearm must be registered to be carried as a second/off-duty firearm.
- E. Officers should consider the following factors when deciding whether to carry an off-duty firearm:
 - 1. Circumstances or locations where carrying or possession would otherwise be unlawful.
 - 2. Situations where it might be difficult to maintain exclusive control of the firearm at all times; such as participation in athletic events or physical activities.
 - 3. If there is a chance the officer will be consuming alcoholic beverages or using prescribed medication which might impair his/her physical or mental ability.

NOTE: State law prohibits the carrying or use of a firearm while intoxicated (under the influence), MCL 750.237.

 - 4. The existence of any socially unacceptable situation.
- F. It shall be the responsibility of each officer to provide maximum security for all firearms in their custody, on and off duty.
- G. It is the responsibility of each officer to carry his/her off-duty weapon in a safe manner.

- H. Off-duty officers carrying firearms will comply with all rules, regulations, policies, procedures, orders and memos relating to the carrying and use of firearms, holsters and ammunition.

VI. AMMUNITION TO BE CARRIED ON AND OFF DUTY

Officers shall carry only department authorized and/or issued ammunition for use in their department issued or department approved, second/back-up or off-duty firearms. Ammunition will be issued, inventoried, and accounted for by the Range Master.

VII. OFF-DUTY INTERVENTION

An off-duty officer may take reasonable and appropriate police action when encountering apparent criminal activity or circumstances deserving police attention. Officers are reminded that their police powers of arrest do not generally exceed the boundaries of the Township of Hamburg. Officers should identify themselves as police officers prior to taking any police action whenever feasible or prior to intervening in any apparent criminal activity. Intervention may range from active or aggressive intervention (termination of crimes and arrest of suspects) to careful observation and notification or communication with on-duty officers. In deciding the level of off-duty intervention, officers should be mindful of the tactical disadvantages of off-duty status, such as:

- A. No radio communication,
- B. No ballistic vest,
- C. No chemical agents, handcuffs, or other intermediate weapons,
- D. Lack of an identifiable uniform,
- E. Inability to make tactical plans prior to intervention, and/or
- F. Whether the officer is armed with an authorized firearm.

VIII. FIREARMS SECURITY AND SAFETY

- A. Four Cardinal Rules of Firearms Safety include:
 - 1. All firearms are always loaded.
 - 2. Keep the muzzle pointed in a safe direction.
 - 3. Keep your finger off the trigger and outside the trigger guard until you are on target and ready to shoot.

4. Be sure of your target and backstop.

B. General Safety Rules

1. Only Range Instructors and officers involved in shooting a course of fire may be on the firing line during shooting. If others are present, they must remain behind the firing line during a course of fire. All personnel who are on the range while firearms training is actively taking place shall wear the following safety equipment:
 - a. Ballistic vest;
 - b. Protective earmuffs or plugs;
 - c. Safety glasses.
2. All instructions from the Range Instructor will be followed.
3. Anyone observing an unsafe condition will call a “cease fire” and bring the condition to the attention of a Range Instructor.
4. Shooters and participants who normally wear prescription glasses should wear them while firing in lieu of the safety glasses if the lenses are impact resistant. If safety equipment is not available, the training course(s) will not be fired.
5. The inspection of any new firearm or previously unregistered second/back-up/off-duty firearm will be conducted by a Range Instructor to determine the safety and identity of it prior to it being used in the training.
6. All firearms not holstered will be pointed down range at all times unless they are made safe and inspected by a Range Instructor.
7. No one will stand forward of the firing line at any time shooters are on the line.
8. No “horseplay” will be tolerated.

C. When unloading any firearm:

1. Place the safety in the “on” position, if available.
2. Point the muzzle in a safe direction.
3. Keep fingers outside the trigger guard.

4. Remove the magazine or open the cylinder.
 5. Cycle the action several times or empty the cylinder and lock it open.
 6. Visibly check the chamber and/or magazine well to ensure that the firearm is empty.
- D. Officers will not handle their firearms unnecessarily. However, if circumstances occur and the firearm must be removed from the holster or rifle/shotgun locking rack or case and cleared, officers should understand that pointing the muzzle in a safe direction includes directing the muzzle at something that will stop and absorb the projectile should an unintentional discharge occur. Bullets can pass through walls, floors, or ricochet; causing injury or death to someone not seen in the immediate area.
- E. Following the “Four Cardinal Rules of Firearms Safety” will prevent firearms accidents while firearms are under an officer’s control. Accidents occur when a loaded firearm is left accessible to others. Accidents also take place when the officer is unfamiliar with the firearm. Range Safety Rules (see IX, below), provide a procedure to follow for safety away from the range, as well as, at the range.
- F. Officers are responsible at all times for the security of their firearm(s). Firearms not being carried or in the immediate physical control of the officer shall be secured in a manner that makes them inaccessible to anyone but the officer.
- G. Except for the rifle mounted in the gun lock or case, firearms will not be left unattended in the passenger compartment of any department vehicle or any other vehicle unless the vehicle is locked and the weapon is secured out of plain view.
- H. When handling any firearm away from the range, the same precautions will be used as outlined in sections VIII and IX of this procedure.

IX. RANGE SAFETY RULES

- A. Clearing Firearms
1. Leave the firearm holstered and remove the magazine.
 2. Draw the firearm and point it downrange, when it is not in use, and cycle the slide several times to eject the chambered round.
 3. Visually inspect the chamber and magazine well to make sure the sidearm is empty.
 4. Release the slide to the forward position and replace firearm in the holster.

- B. While in the range building, officers may have reason to remove their firearm from their holster to record the serial number, clear the firearm, or to reload it. Each time the firearm is removed, the officers will take precautions to ensure that the firearm is safely handled.
- C. Range Instructor may, for the purpose of inspection, maintenance, or function testing, carry a cleared firearm out of a holster in the range; provided that the slide is locked back or the cylinder is open.
- D. Firearms newly purchased by officers or firearms without holsters will be transported to the range unloaded in a box or encased.
- E. Officers will follow the instructions of the Range Instructor as to when to load their firearms for training.
- F. Upon completing a training session at the firing line, officers will leave the line with the firearm holstered.
- G. Cleaning Firearms
 - 1. Immediately before cleaning firearms, firearms will be cleared.
 - 2. Immediately after cleaning and reassembly of the firearm, officers will function check the firearm and return their firearm to the holster before leaving the area.
- H. Loading Firearms
 - 1. Load magazines with the proper number of rounds.
 - 2. With firearm in the holster, insert a magazine and assure it is properly seated.
 - 3. Draw the firearm and point it downrange, when it is not in use, and cycle the slide to chamber a round.
 - 4. Place the loaded firearm in the holster.
 - 5. Remove the magazine, place the additional round in the magazine, and reinsert the magazine in the firearm.
- I. Handling of Patrol Rifles

Officers handling-patrol rifles at the range will immediately inspect the chamber and magazine to ensure the weapon is empty. Patrol rifles carried at the range

(other than on the firing line when prepared to fire) shall be carried as follows:

1. The safety shall be in the “on” position.
2. The action shall be open (bolt back) without a magazine in the magazine well.
3. The patrol rifle shall be slung utilizing the sling, when available, with the muzzle pointed downward.

J. Clearing of Patrol Rifles

Patrol rifles shall be cleared on the firing line in the following manner:

1. Point the muzzle in a safe direction down range.
2. The safety shall be in the “on” position.
3. Remove the magazine from the magazine well.
4. With the ejection port pointed downward, cycle the charging handle rearward and note if a round was ejected from the chamber.
5. Hold the bolt open and visually verify that the chamber is empty.
6. Lock the bolt open by utilizing the bolt catch.
7. Retain any ejected rounds of ammunition.

X. FIREARMS USE RESTRICTIONS

- A. All firearms, regardless of whether they are owned privately or by the department, shall be used in a lawful manner at all times.
- B. Warning shots shall not be fired by any member of the department.
- C. Firearms shall not be discharged for the purpose of dispersing crowds.
- D. Officers shall never draw or display their firearm except when necessary for official use. Firearms shall not be drawn or displayed for the purpose of identification.
- E. While in civilian clothes, officers should not carry or wear their handgun in such a manner as to conspicuously expose it to view without having a badge on display while being outside the police building.

- F. Firearms may be used to dispose of injured/sick wild animals.
- G. No officer shall be in possession of or use a firearm while intoxicated.

XI. FIREARMS TRAINING, QUALIFICATIONS, AND INSPECTION

A. Training

1. Officers shall participate in departmental firearms training programs and attain the minimum qualification scores required.
2. Officers must bring their on-duty firearm and their registered off-duty/second firearm each time they attend a departmental firearm training program.
3. Officers shall qualify annually with their on-duty handgun, off-duty/second firearm and patrol rifles.
4. Officers with documented medical restrictions (which include firearms training) will not participate in firearms training.
5. If officers are qualifying their off-duty/second firearm, they must supply the approved range ammunition if not supplied by the department.

B. Responsibilities of Personnel Involving Training Attendance

1. Supervisors shall:
 - a. Schedule all officers for firearms training as required.
 - b. Monitor the attendance of all officers who are scheduled for firearms training and immediately reschedule those who were unable to attend.
 - c. Ensure that all officers attend firearms training as scheduled unless the officer is specifically excused by the Director of Public Safety/designee.
2. Officers shall:
 - a. Attend firearms training as scheduled or required by their supervisor.
 - b. Immediately report to their supervisor any firearms training sessions they are unable to attend or will not be able to attend due to conflict of other duties.
3. Range Instructors shall:

- a. Assist supervisors in rescheduling officers who were unable to attend scheduled firearms training sessions.
- b. Schedule special firearms training sessions, if needed, to ensure attendance of all officers. Special sessions may be necessary due to officer vacations, other training, subpoenas, etc.
- c. Issue twelve rounds for each of the three magazines and one additional round to be chambered as needed to completely load the firearm for department issued/approved weapons.
- d. Ensure that an officer with an off-duty/second firearm brings the firearm(s) and authorized ammunition if not supplied by the department to each training session. If an officer does not comply, that weapon is not to be carried as an off-duty/second firearm until the next time the officer can qualify with it at a firearms training session.
- e. Ensure that the off-duty/second firearm is functional and if a firearm is found to be malfunctioning, immediately notify the officer that he/she cannot carry the firearm as an off-duty/second firearm until it is repaired and returned to the range for inspection.

C. Failure to Attend Firearms Training

- 1. All officers are required to attend all firearms training sessions to which they are assigned unless excused by the Director of Public Safety/designee.
- 2. Range Instructor shall notify a supervisor of officers that failed to make their scheduled firearms range assignment that do not have a known excused absence.
- 3. Unexcused absences may be handled with disciplinary actions.

D. Qualification

- 1. Officers shall qualify at least once during each calendar year in the department's qualification course. Officers shall qualify with their firearm(s), shoulder weapon(s) and their second/back-up/off-duty firearm. Officers shall achieve a minimum passing score in the qualification course.
- 2. All weapon qualifications and training shall only be conducted by a Range Instructor certified in the weapon system being qualified with.

E. Failure to Qualify

1. The Range Instructor conducting the firearms qualification shall notify the Deputy Director – Police whenever an officer fails to qualify.
2. The Range Instructor will attempt to determine the reason for non-qualification. The officer failing to qualify will be rescheduled for a second qualification training session and placed on administrative duty pursuant to Public Safety SOP #300-59: *Administrative Duty/Leave*.
3. If, after the second session, the officer fails to qualify, the officer will remain on administrative duty for a period not to exceed 10 days. During this time period, the officer shall receive extensive training at the firearms range in an attempt to have the officer qualify.
4. If, after ten days on administrative duty, the officer has not qualified, a detailed report shall be submitted by the Deputy Director to the Director of Public Safety for administrative action. Failure to qualify may result in disciplinary action up to and including termination.

F. Officer Responsibility Upon Returning from Limited Duty

1. Officers returning from limited duty which caused them to miss the annual qualification session for departmental firearms may be required to qualify prior to assuming full duty status.

G. Reserve Firearms Training

1. All reserve officers will qualify and be held to the same requirements as the sworn full-time officers.

XII. WRITTEN REPORTS REQUIRED

- A. Whenever a department issued or department approved and registered second/back-up/off-duty firearm is discharged by police personnel under any circumstances other than authorized animal terminations, training exercises at the range, lawful hunting, or lawful recreation, the officer shall report the circumstances to a supervisor immediately. If no other report would otherwise be written, a report shall be initiated detailing the incident.
- B. The supervisor shall immediately investigate the use to determine if it was accidental or intentional and the circumstances involved. A copy of the involved officer's report, along with a copy of the supervisor's report, shall be submitted forthwith to the Director of Public Safety/designee.

XIII. RESPONSIBILITIES OF RANGE MASTER

It shall be the responsibility of the designated Range Master to:

- A. Maintain a current inventory of all firearms in the possession of the department.
- B. Issue all firearms and ammunition to members of the department.
- C. Document the issuance of all firearms.
- D. Maintain an inventory of department ammunition.
- E. Make recommendations to the Director of Public Safety for the replacement of firearms and ammunition.
- F. Oversee the purchase of all authorized firearms, ammunition and range equipment.
- G. Oversee the department's firearms qualification training program including maintaining firearms training/qualification records for all officers.

XIV. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this department assigned to or assisting other law enforcement agencies shall follow the guidelines established in this procedure.

Issued by:



Richard Duffany
Director of Public Safety

Approved by the Hamburg Township Board of Trustees: DRAFT.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Sudden In-Custody Death Syndrome			No. 300-35
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 300-35 (9/1/07)	MLEAC Standard(s): N/A
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to provide guidelines for the identification of detainees at risk for sudden in-custody death syndrome and suggestions to minimize this risk.

II. POLICY

The department recognizes and respects the value and special integrity of human life. It is recognized that some detainees may be at risk for sudden in-custody death syndrome and may require intervention by department personnel.

III. DEFINITIONS

- A. **Sudden In-Custody Death Syndrome (SIDS)** – a condition associated with cocaine psychosis, positional asphyxia, restraint asphyxia, traumatic asphyxia, and/or excited delirium.
- B. **Cocaine Psychosis** – a loss of contact with reality that may occur due to chronic use of cocaine. Some studies have shown that transient paranoid psychosis with delusions and hallucinations can occur.
- C. **Positional Asphyxia** – an insufficient intake of oxygen as a result of body position that interferes with an individual's ability to breathe.
- D. **Restraint Asphyxia** – an insufficient intake of oxygen that occurs during the process of subduing and restraining an individual in a manner that causes ventilation compromise. As a consequence of the restraint application, respiration is compromised; causing insufficient oxygen in the blood to meet the body's needs or demand which results in a disturbed heart rhythm.
- E. **Traumatic Asphyxia** – an insufficient intake of oxygen caused by chest or upper abdomen compression that results in death.
- F. **Excited Delirium** (aka: agitated delirium) – a condition of extreme mental and motor excitement characterized by aggressive activity with confused and unconnected thoughts, hallucinations, paranoid delusions, and incoherent or meaningless speech. Individuals experiencing this condition display extraordinary

strength and endurance when struggling without fatigue, as well as, an extremely high body temperature. Those individuals have been described as persons with psychosis, chronic schizophrenia, mania, and high blood concentrations of cocaine, methamphetamine, or other stimulants.

- G. **Hog-Tying** – a restraint position that leaves the detainee laying in a prone position with hands handcuffed behind the back and feet connected/hooked to the handcuffs.

NOTE: This position is prohibited by SOP #300-76: *Use of Handcuffs and Restraining Devices*.

- H. **Mania** – a very strong and usually uncontrolled intention in an individual.

- I. **Prone Position** – laying an individual face down.

- J. **Prone Containment** – the brief physical holding of an individual in a prone position (usually on the floor) for the purpose of effectively gaining quick control of an aggressive and/or agitated individual.

- K. **Prone Restraint** – the extended restraint (either physical or mechanical) of an individual. This includes holding an individual past the time of immediate struggle.

NOTE: Restraining a detainee in the prone position restricts the ability to breathe. The detainee should be moved onto his/her side as soon as possible.

IV. **ASSESSMENT**

- A. The arresting officer(s) are responsible for the safe and humane treatment of detainees to include ensuring a detainee has sufficient intake of oxygen and is not left in a position that impairs adequate intake of oxygen.
- B. Risk factors/behaviors to be noted/monitored by the arresting and/or transporting officer until detainee is turned over to the intake officers at the Livingston County Jail:
1. A detainee who is medically diagnosed with psychosis, chronic schizophrenia, and/or mania. The medical diagnosis may not be known to the police officer.
 2. Displaying bizarre behaviors such as: extreme aggression toward objects (particularly glass), hyperactivity prior to police contact, violent resistance/struggling, inappropriate nudity, hallucinations, self-inflicted injuries, and/or hearing voices.

3. Unusual communications to include talking incoherently, screaming, and/or yelling.
 4. Physical symptoms such as excessive body temperature, profuse sweating, seizures, foaming at the mouth, dilated pupils, uncontrollable shaking, inability to breathe, and/or extraordinary strength.
- C. Detainees shall not be transported in a prone position.
- D. In rare cases, prone containment or restraint may be necessary to gain control of a detainee. In these situations, the detainee shall be closely monitored for signs and symptoms of any breathing difficulty. If any breathing difficulty is observed, Central Dispatch shall be immediately contacted and an ambulance shall be requested.

NOTE: The department recognizes that prone containment and restraint may be necessary actions of law enforcement and when employed, shall be utilized in accordance with Public Safety SOP #300-25, *Use of Force*.

V. SUPERVISOR RESPONSIBILITIES

- A. A supervisor, when available, will respond immediately to the location of a cocaine psychosis, excited delirium, mania, or prone restraint situation unless extenuating circumstances exist.
- B. Ensure the detainee has sufficient intake of oxygen.
- C. Ensure that any prone containment utilized is necessary and is stopped as soon as control of the detainee is obtained.

Issued by:



Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: Draft.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Use of Handcuffs and Restraining Devices			No. 300-76
Distribution: POLICE	☐ New ☒ Amended	Rescinds: 200-3	MLEAC Standard(s): N/A
Effective Date: DRAFT			

I. PURPOSE

The purpose of this procedure is to establish guidelines for the use of handcuffs and other restraint devices.

II. POLICY

It is the policy of the Hamburg Township Public Safety Department to utilize handcuffs and restraint devices in a safe and non-punitive manner in order to enhance officer safety and to help prevent a lawfully detained person from injuring themselves or others, damaging property, escaping or resisting lawful arrest.

III. DEFINITION

- A. Handcuffs –For purposes of this policy, handcuffs refer to the departmentally-issued or approved metal device that can be locked around a person’s wrists.
- B. Restraint Devices – Any device that is applied to a person, or that a person is secured to, that inhibits that person’s physical movements. Restraint devices include handcuffs, plastic flex-cuffs, leg irons, belly chains and the restraint fixtures in the holding cells.
- C. Status Offense – An act committed by a juvenile that is a violation of the law which if committed by an adult would not be a violation (i.e., curfew, truancy, possession of tobacco)

IV. USE OF HANDCUFFS

- A. General Procedures
 - 1. Only department-issued or approved handcuffs will be used by members of the department.
 - 2. When placing handcuffs on a person an officer shall tighten the handcuffs sufficiently enough to prevent the person from removing them but shall ensure that the handcuffs are not unnecessarily tight.

3. Upon the claim of a person that applied handcuffs are too tight or causing severe pain, officers shall check on the tightness as soon as reasonably possible and safe to do so.
4. When used, handcuffs shall be double locked.
5. The use of handcuffs shall never be used as a means to intentionally inflict pain upon a person (i.e., placing them on excessively tight or twisting the handcuffs once applied to the person's wrists).
6. There are many instances where a person may need to be handcuffed in a prone (face down) position (i.e., person engaged in a protest laying on their stomach, person physically resisting an officer, person attempting to run away from an officer). Once the person is handcuffed, however, officers shall immediately place the person in a non-prone position which does not restrict their breathing.
7. No person shall be placed in a restraint position that leaves the detainee laying in a prone position with hands handcuffed behind their back and their feet connected/hooked to the handcuffs (this is commonly referred to as "hog-tying").
8. **No person shall be transported in a prone (face down) position or in any other position that may restrict their breathing.**
9. Officers may carry more than one set of departmentally-issued or approved handcuffs while on duty.
10. Flex-cuffs may be used in situations where regular handcuffs are not available (such as multiple arrests) or when there is a physical disability/condition that prevents the use of regular handcuffs.

B. Arrest Situations

To ensure the safety of the person(s) arrested and to prevent escape of arrested subjects, all prisoners shall be handcuffed in accordance with the following conditions:

1. Adults
 - a. All persons placed under arrest by Hamburg Township police officers shall be handcuffed by the arresting or transporting officer unless injury, medical condition, deformity, or other extenuating circumstances exist.

- b. Prisoners being transported within Livingston County or to/from surrounding counties (Washtenaw County, Jackson County, Ingham County, Shiawassee County, Genesee County, Oakland County and Wayne County) shall be handcuffed with hands behind their back in a manner consistent with an officer's departmentally-provided training unless injury, medical condition, deformity, or other extenuating circumstances exist which shall be documented in the arrest incident report.
- c. Prisoners being transported to/from counties outside surrounding counties (as defined in this policy) shall be handcuffed with the prisoner's hands in the front with palms out unless an officer can provide articulable facts as to the necessity of handcuffing the prisoner with their hands behind their back (which shall be documented in the arrest incident report).

2. Juveniles

- a. Juveniles under arrest by Hamburg Township police officers may be handcuffed by the arresting or transporting officer unless injury, deformity or other extenuating circumstances exist.
- b. Officers shall consider the following factors when deciding whether to handcuff a juvenile:
 - i. Nature of offense (felony, misdemeanor, status offense)
 - ii. Whether violence or weapon was used in the offense
 - iii. Age of the juvenile (NOTE: As a general rule, juveniles under the age of 12 shall not be handcuffed unless they pose an imminent threat of serious bodily injury to themselves or others).
 - iv. Physical size/condition of the juvenile
 - v. Emotional condition of the juvenile
 - vi. Previous contacts with the juvenile (has the juvenile been confrontational/violent in past, have they made previous escape attempts, etc.)
- b. Juveniles may be handcuffed for status offenses. However, for these offenses juveniles will not be handcuffed or shackled to a fixed object.
- c. The same guidelines used in this policy for the transporting of adult prisoners shall be used for juveniles who are handcuffed and being transported.

B. Non-Arrest Situations

1. A person may be temporarily handcuffed during an investigative stop if there are reasonable grounds to believe the person detained may present a threat to the officer, a weapon is involved, or other reasons exist that the officer can articulate.
2. A person taken into protective custody may be handcuffed.

V. HOLDING CELLS

The use of handcuffs and restraining devices within the department's holding cells shall be done in accordance with Public Safety SOP #300-77: *Holding Cells*.

Issued by:

A handwritten signature in dark ink, appearing to read "Richard Duffany", with a stylized, flowing script.

Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: October 6, 2020.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: Body-Worn and In-Car Camera Systems			No. 300-78
Distribution: Police	☐ New ☒ Amended	Rescinds: 500-9 500-10	MLEAC Standard(s): 3.5.5
Effective Date: DRAFT			

I. PURPOSE

This policy shall establish guidelines for the operation, use, and management of Body-Worn Camera (BWC) and In-Car Video (ICC) audio/video recording equipment and files created by the system.

II. PHILOSOPHY

The Hamburg Township Public Safety Department recognizes the value of audio/video documentation of events for presentation in court as evidence, resolving complaints against police personnel, supplementing and supporting written police reports, enhancing accountability and transparency, and for training purposes.

III. POLICY

Police personnel utilizing units equipped with an ICC shall utilize the system in a manner consistent with the procedures established in this Order and consistent with training regarding the operation of such equipment.

In addition to ICC systems, officers shall utilize BWC's, and the resulting video/audio files in a manner that is in accordance with applicable laws and the procedures set forth in this policy.

BWC's can be used alone or synced to integrate with ICC equipped patrol units.

IV. BWC and ICC USE

- A. BWC and ICC systems shall only be used by department personnel trained in their proper use and care. The training shall include, but is not limited to;
 1. Usage;
 2. Limitations;
 3. Activation;
 4. Deactivation;

5. Review;
 6. Placement;
 7. Tagging Categories;
 8. Case Creation.
- B. BWC's are considered part of the uniform and shall be attached using authorized attachment device. Officers will assure nothing obstructs the bodycam lens, such as a coat, rain gear or high visibility vest.
- C. Detectives are required to wear a BWC when backing up uniform personnel. Detectives working in a position to assist uniform personnel should have a BWC attached to their external vest carrier. The BWC can be turned off to preserve battery life until needed. While performing other investigative duties, the BWC can be utilized at the discretion of detectives but should generally be used for planned operations, such as search warrants or arrest attempts.
- D. Officers assigned to multijurisdictional teams shall follow any BWC protocols established by the organization they are assigned to.

V. BWC and ICC OPERATIONAL PROCEDURES

- A. Officers should check out a BWC at the beginning of assigned duty. If unable to check out a BWC due to a priority run or equipment malfunction, officers shall still utilize a BWC. An officer will notify the Deputy Director if involved in an event recorded with a BWC or ICC that is unassigned or checked out in another officer's name so the correct name can be entered.
- B. At the beginning of assigned duty, officers shall be responsible for the proper placement and adjustment of the BWC and ICC, and to ensure the equipment is operational.
- C. Officers shall remove any malfunctioning BWC from service and notify their supervisor and the Deputy Director or designee.
- D. Any patrol unit with a malfunctioning ICC shall be removed from service, their supervisor and the Deputy Director or designee will be notified.
- E. Officers shall ensure the BWC is synced to their ICC, if using an ICC equipped patrol unit. Power to the equipment will remain on during the entire time the officer is required to utilize it.
- F. Officers shall connect the BWC to the Smart Control application on their assigned cellphone at the beginning of the shift or as soon as possible.

- G. Officers are responsible to monitor the battery indicator and replace or charge the battery well before it becomes fully drained.
1. Officers utilizing a BWC with an external battery should carry a spare battery. The spare battery will be turned in at the end of the officer's shift. Batteries may be charged in the patrol units BWC dock.
- H. Officers shall activate and use their BWC/ICC to record:
1. All dispatched calls for service. The BWC/ICC shall be activated after being dispatched to a call and prior to arriving at the incident location;
 2. All traffic stops;
 3. When approaching any person or vehicle for investigative purposes (suspicious circumstances, reasonable suspicion of a violation of the law, Terry stop, etc...);
 4. All vehicle and foot pursuits as soon as practical taking into account officer safety first;
 5. When engaging in a forced entry;
 6. When conducting a welfare check or checking the interior of any location, whether or not the owner is present;
 7. Any situation that the officer believes the use of the BWC would be appropriate or would provide valuable documentation if not already activated pursuant to this policy.
 8. The rear seat infrared video/audio camera should generally be in the on position but officers will assure it is activated whenever a citizen/suspect occupies the rear seat of the patrol unit. The rear seat infrared camera shall not be set to the off position. The primary HD front camera shall always be set to the on position.
 9. If the patrol unit is equipped with a secondary front panoramic camera, it shall remain in background mode. If the footage is needed, such as for an OWI or Fleeing incident, it will be included when categorizing the event.
 10. Record after the fact (RATF) allows the ability to go back and recover video over the past 48-hours. Officers/supervisors have the ability to recover video when the system was not in record mode and save it in standard or maximum resolution. Audio is not recoverable.

I. Officers shall generally not use BWCs to record:

1. Communications with other police personnel without the permission of the Director of Public Safety or designee;
2. Communications and encounters with non-police Township personnel unless in response to a call for service;
3. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
4. When on break or otherwise engaged in personal activities;
5. When engaged in conversations with individuals with whom the officer is in a privileged relationship, e.g., spouse, attorney, peers, chaplain, etc.
6. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional or during treatment. This does not prohibit the recording of medical events as a direct response for calls for service, e.g., overdoses, accidents, etc.
7. Communications made in a psychiatric facility;
8. When on routine patrol (BWC shall be worn on the uniform);
9. When participating in a community policing function (such as homeowner's association meeting or school event);
10. Routine walk-up requests (giving directions or other information);
11. When engaged in conversations with members of the public not related to a specific complaint or call for service.

J. BWCs shall not be used for the following:

1. To ridicule or harass anyone;
2. To secretly record other department personnel;
3. In a manner that violates state or federal law;
4. To record internal police conversations or hearings;
5. To record any training or other law enforcement meetings;

6. Personal Use.

7. When encountering confidential informants or meeting with undercover officers.

- K. Recording devices shall remain in active record mode when officers are required to record an event or contact and shall not be stopped until the officer has disengaged the contact. Recordings shall not intentionally be interrupted, obstructed, or discontinued prior to disengagement.

Exceptions to the active recording requirements;

1. While assigned to an incident and an officer is in or around the patrol unit for an extended period and not having contact with citizens, the active recording may be stopped. **If a citizen initiates contact or contact is reinitiated by the officer, the recording shall be reactivated.**
 2. When transporting a prisoner and the ICC, including the rear seat camera is activated, the body-worn camera active recording may be stopped.
- L. If an officer fails to activate the recording equipment as required, fails to record the entire contact, interrupts the recording or the equipment malfunctions, the officer shall document in an incident report why a recording was not made, was interrupted, or was terminated.
- M. The department recognizes that in order for officers to carry out proper and thorough investigations they must have the ability to have open and candid discussions with other officers, supervisors, and investigators at the scene. As such, officers may temporarily remove the BWC and secure it or mute the audio portion of their BWC while engaging in such conversations by pressing and holding the backlight button to briefly mute the audio. Audio resumes when the button is released.
- N. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC/ICC recordings without prior authorization of the Director of Public Safety or designee.
- O. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search or the circumstances clearly dictate that continued recording is necessary.
- P. In the event that equipment is damaged or lost, the officer will notify a supervisor as soon as practical.

Q. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

R. In order to ensure accuracy in reports, officers may review recordings prior to writing any incident report.

S. Recording Categories, Uploads, and Storage

1. At the completion of each recording, officers shall tag the recording with the appropriate category and related incident number if applicable.

- i. HTPD Recording (1-year hold).
- ii. Traffic STOP (1-year hold).
- iii. OWI, Flee or Resist (1-year hold).
- iv. Arrest (1-year hold).
- v. Other Save (1-year hold).
- vi. Use of Force (3-year hold).
- vii. Test Recording (5-day hold).

2. A case will be created (held until final disposition), in digital evidence for any of the following Incidents;

- i. Use of force.
- ii. Police involved accidents involving injury or significant damage.
- iii. When directed to by a supervisor.

3. ICC recordings will normally automatically upload to the server by use of the wireless access point in the back of the police station.

4. BWC events upload to the server when the BWC is either placed in the docking station or when it is docked in the police unit while in the back lot of the police station.

T. **Viewing Recordings**

1. Equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of Hamburg Township. Access to recordings shall be limited to those personnel specifically granted access by the department as part of their assigned duties.

2. Duplication and/or dissemination of recordings shall be in strict accordance with the dictates of this Order. Making a screen recording of any recording captured with use of a 3rd party or unauthorized

devices (e.g., cell phone, video camera, etc.) is strictly prohibited without authorization of the Director of Public Safety or designee.

3. Non-law enforcement individuals may be allowed to review a recording only under extenuating circumstances. Examples where a non-law enforcement individual may be allowed to view a recording include, but are not limited to:
 - i. Hot or fresh pursuit where assistance from a witness in reviewing a recording will aid law enforcement in identifying an individual or will otherwise aid in law enforcement activities.
 - ii. Reviewing an interaction with a citizen who claims they were treated in an objectionable manner by an officer. This example will almost always be used exclusively by a supervisor or command officer.
4. Supervisors may use recordings as a learning or coaching tool to assist in debriefing an incident with their platoon, a group of officers involved, or an individual officer.
 - i. Recordings will not be routinely reviewed to monitor officer performance, unless such review is part of a performance improvement plan or connected with the evaluation of probationary personnel.
 - ii. Field Training Officers may review video/audio recordings for training and instructional purposes. Such review shall be noted on the FTO/trainee's activity log and/or DOR's.
 - iii. Generally, minor policy and/or procedural violations noted during any reviews shall be corrected through counseling and training. This shall not restrict the utilization of such observations in the evaluation of probationary personnel, nor shall it prohibit the department from instituting corrective action appropriate for the violations noted.
5. Recordings may be used for training and for other law enforcement related purposes as approved by the Director of Public Safety.
6. Recordings may be used for other purposes as approved by the Director of Public Safety.

VI. SIGNIFICANT EVENT RECORDING

- A. If an officer is involved in a serious incident or accused of criminal misconduct

the supervisor or command officer in charge of the incident will take possession of the BWC as soon as it is safe and practical and ensure the recording is uploaded. The BWC will then be placed in evidence until the investigation is completed. Examples of serious incidents include, but are not limited to:

1. An Officer-involved shooting or another use of force resulting in serious injury or death (after the scene is secure).
2. A serious in-custody injury or in-custody death.
3. Police involved accident resulting in serious injury or death.

VII. SPECIAL CONSIDERATIONS

- A. The Department recognizes that officers engage in dynamic situations in which it may not be practical to activate video audio recording devices, i.e., spontaneous foot chases, unexpected altercations, etc. However, officers shall make every attempt to comply with this procedure without compromising their safety or the safety of others.

This is the primary reason officers are required to wear BWC while out on patrol and why BWC's are synced to the ICC, which allows for automatic and simultaneous activation, so officers can focus on the task at hand. Triggers which activate recording include activation of overhead lights, reaching a speed of 90mph, crash sensor activation and when either the BWC or ICC record button is manually pressed.

- B. Recordings from BWC's or ICC's can provide a unique perspective of some events occurring in the context of law enforcement activities, but they are not without limitations. When evaluating the **unique perspective and limitations of video audio recording devices**, one must consider:

1. Limitations to the recording equipment.
2. The BWC is mounted on the torso and does not follow the positioning of the operator's eyes. Therefore, the recording may not capture what the operator is looking at in any given moment.
3. Recordings cannot provide direct evidence of the officer's experience.
4. The cameras cannot visually record some danger cues or other non-visual information since they are experienced or detected through other human senses.
5. Recording speed differs significantly from human perception and reaction time.

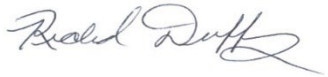
6. Recordings when played back on a computer screen or monitor may be visually distorted and the images captured may appear differently than would be perceived by the human eye.
 7. The cameras cannot record perceptual distortion and/or other normal reactions to stress.
 8. The cameras record only in two dimensions.
 9. The cameras do not have a 360-degree field of vision.
 10. The audio recordings can be affected by road noise, engine noise, and weather conditions; etc.
 11. With the exception of the police radio, the volume from other electronic devices within the police unit shall not be allowed to interfere with recordings.
- C. If an unintentional activation of the BWC occurs during a non-enforcement or non-investigative activity, including but not limited to; restrooms, locker rooms, or other areas where a reasonable expectation of privacy exists, the Deputy Director will be sent an email explaining the circumstances. The Deputy Director will consult with the Director of Public Safety to determine if the recorded footage should be restricted or deleted.

VIII. FILE RETENTION AND DISCLOSURE

- A. All BWC and ICC recordings shall be retained by the department for at least the minimum time periods required by [Public Act 85 of 2017](#) (LAW ENFORCEMENT BODY-WORN CAMERA PRIVACY ACT), as it may be amended.
- B. Without the express consent of the Director of Public Safety or designee, recordings shall only be released for the following reasons:
1. For criminal prosecution or pursuant to a court order.
 2. To the Hamburg Township attorney, upon written/email request.
 3. In response to a granted (FOIA) [FREEDOM OF INFORMATION ACT \(Act 442 of 1976\)](#).
 4. BWC recordings shall only be released or disclosed in full compliance with Public Act 85 of 2017.

5. To assist in the identification and/or apprehension of a criminal suspect.
6. If such release is deemed in the best interest of the department and/or community (such releases must be approved by the Director of public Safety or designee).

Issued by:

A handwritten signature in cursive script, appearing to read "Richard Duffany".

Richard Duffany
Director of Public Safety

Approved by Hamburg Township Board of Trustees: Draft.