



# Hamburg Township Public Safety Department

PO BOX 157 • HAMBURG, MICHIGAN 48139  
PHONE: (810) 231-9391 • FAX: (810) 231-9401  
EMAIL: [HATP@hamburg.mi.us](mailto:HATP@hamburg.mi.us)

RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



---

**TO:** Hamburg Township Board  
**FROM:** Chief Richard Duffany  
**DATE:** September 29, 2022  
**RE:** Agenda Item Topic: **Updated Public Safety SOPs**  
General Ledger #: N/A  
Number of Supporting Documents: 6  
NEW/OLD BUSINESS: **XXX** New Business  
\_\_\_\_\_ Old Business – Previous Agenda #:

---

## **Requested Action**

- Motion to approve the following Hamburg Township Public Safety SOPs:
  - 100-14: *Employee Injury and Illness*
  - 300-03: *Property and Evidence*
  - 300-07: *Information Technology and LEIN Security*
  - 300-11: *Handling of Juveniles*
  - 300-57: *Communicable Diseases*
  - 300-75: *Arrest Management.*

## **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

<b>HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT</b>			
<b>STANDARD OPERATING PROCEDURE</b>			
<b>Title: Employee Job-Related Injury and Illness</b>			<b>No. 100-14</b>
<b>Distribution:</b> <b>All Personnel</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended	<b>Rescinds:</b> <b>HTFD 100-18</b> <b>HTPD 600-2</b>	<b>MLEAC Standard(s):</b> <b>N/A</b>
<b>Effective Date: DRAFT</b>			

## **I. PURPOSE**

The purpose of this procedure is to establish guidelines for the reporting and investigation of job-related personal injuries and illnesses and for obtaining medical treatment.

## **II. DEFINITIONS**

- A. Job-Related Injury/Illness – An injury, illness, condition or exposure occurring to an employee that results from the performance of assigned duties with the Hamburg Township Public Safety Department.
- B. Exposure – Contact to the eye, mouth, other mucous membrane, or non-intact skin by the blood or body fluids of another person. Also includes being in close contact (generally less than 6 feet) in an enclosed environment with a person having a respiratory disease/illness where an officer may inhale droplets/particles containing the virus being expelled by the infected person.

## **III. DESIGNATED URGENT CARE FACILITY**

- A. The Township has selected the following as the designated urgent care facility for the treatment of job-related injuries/illnesses for its employees:

Springfield Urgent Care  
9547 Chilson Commons Circle  
Hamburg Township  
(248) 942-5888

- B. Springfield Urgent Care – Hamburg Township is open 7 days a week from 9:00am – 9:00pm.

## **IV. REPORTING AND INVESTIGATION**

- A. If an illness, injury or condition occurs to an employee while on duty the employee shall, if able, immediately report it to the first available supervisory officer.
- B. It shall be the responsibility of the on-scene supervisor to:

1. Render aid and/or summon emergency medical personnel.
  2. Transport or arrange for transportation of the employee to an appropriate medical facility, if necessary.
  3. Secure the scene in cases where the injury was caused by a serious occupational accident or criminal activity.
  4. Notify the Director of Public Safety of any incident where an employee is transported to a medical facility for a job-related injury/illness.
- C. Post-incident responsibilities of the supervisor include:
1. Investigating the circumstances of the injury/illness.
  2. Providing the employee with a Michigan Municipal League (MML) “Incident Report” form and ensuring that the employee completes the *Employee Section* of the MML Incident Report form and returns it to the supervisor.
  3. Completing the “Supervisor’s Accident Investigation” section of the MML Incident Report form and forwarding it to the Director of Public Safety.
  4. Submitting the results of the supervisory investigation into the incident to the appropriate Deputy Director and Fire Health & Safety Committee (where appropriate). The investigation should cover at a minimum:
    - a. The circumstances surrounding the injury/illness.
    - b. The cause of injury/illness.
    - c. Whether or not there were policy violations which contributed to the injury/illness.
    - d. Any recommendations that would help prevent or reduce the chances of this type of injury, illness, condition or exposure occurring in the future.

**V. ADMINISTRATIVE REVIEW**

- A. The Deputy Director for each respective division (Police/Fire) shall be responsible for conducting a meaningful review of all job-related injury incidents occurring to employees within their division.
- B. This review shall include reviewing the initial supervisory investigation, reviewing the recommendations of the Fire Health & Safety Committee (where appropriate) and making a recommendation to the Director of Public Safety for any needed corrective measures (i.e., additional department-wide training, equipment upgrades, amending policies/procedures, etc.).

## **VI. PROCEDURES FOR TREATMENT**

### **A. Emergency or After-Hours Treatment**

1. If an injury requires immediate medical treatment or medical treatment outside of business hours of the Township's designated urgent care facility (Springfield Urgent Care-Hamburg Township), the employee shall be taken to the nearest emergency medical facility depending on the nature of the injury.
  - a. For non-life-threatening injuries, employees should generally be transported to St. Joseph – Brighton or St. Joseph – Livingston (Howell).
  - b. For life-threatening injuries or exposures, employees should be transported to one of the following hospitals:
    - i. The University of Michigan – Ann Arbor.
    - ii. St. Joseph's – Ann Arbor.
    - iii. Ascension Providence – Novi.
2. A supervisor shall be notified immediately and should respond to the scene and/or medical facility where the employee was transported depending on the circumstances.
3. The supervisor shall carry out their responsibilities as outlined in Section IV, above.
4. The Director of Public Safety shall forward the MML Incident Report to the Human Resources Director as soon as practical.
5. All follow up care should be scheduled with Springfield Urgent Care unless otherwise specified by the Director of Public Safety or Human Resources Director.
6. Prior to scheduling a follow up appointment, an employee shall obtain a "Springfield Urgent Care Authorization" form from the Director of Public Safety or designee.

### **B. Non-Emergency Treatment**

If an injury occurs during Springfield Urgent Care open business hours and is not of an emergency nature but a visit to a medical facility is necessary, the following procedure shall be adhered to:

1. The employee shall immediately notify a supervisory officer.
2. An MML Incident report shall be completed by the employee and supervisor.
3. The employee shall obtain a "Springfield Urgent Care Authorization" form

from the supervisor. All supervisory officers have authority to authorize necessary medical treatment at Springfield Urgent Care.

4. The employee will then seek treatment at the Springfield Urgent Care located in Hamburg Township.

## **VII. REPORTING PREVIOUS OR DELAYED JOB-RELATED INJURY/ILLNESS**

- A. Employees experiencing medical problems related to a previous on-duty injury/illness shall immediately notify a supervisor to arrange for a medical examination appointment.
- B. Without a medical doctor's statement attributing an injury/illness to a prior on-duty injury/illness, an employee's inability to report for duty may result in lost time being charged as sick leave.
- C. Prior to seeking treatment for an injury/illness believed to have occurred on-duty that was not reported at the time it occurred, an employee shall notify a supervisor. The employee shall provide the supervisor with a written statement detailing the circumstances surrounding the injury/illness and explaining the reason for the delay in reporting the injury/illness.
- D. The supervisor will complete a MML Incident Report form and include the circumstances of the delay in reporting the injury/illness. The Incident Report shall be forwarded to the Director of Public Safety who shall immediately forward it to the Human Resources Director.
- E. An employee shall obtain a "Springfield Urgent Care Authorization" form from the Human Resources Director prior to seeking medical treatment for any medical problems related to a previous on-duty injury or injury believed to have occurred on-duty that was not reported at the time it occurred. Employees should not be treated by their personal physician or in an emergency room for non-life threatening injuries/illnesses in these circumstances.

## **VIII. MEDICAL INSURANCE CARDS FOR JOB-RELATED INJURY/ILLNESS**

- A. Employees shall not submit their medical insurance cards to a hospital or physician for a job-related injury/illness.
- B. Any subsequent related medical bills received for treatment obtained for a job-related injury/illness shall be forwarded to the Accounting Department.

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.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: <b>Property and Evidence</b>			<b>No. 300-03</b>
Distribution: <b>POLICE</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended	Rescinds: <b>300-3</b> (8/15/17)	MLEAC Standard(s): <b>4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5</b>
Effective Date: <b>DRAFT</b>			

## I. PURPOSE

The purpose of this procedure is to establish guidelines for handling evidence and all other property an officer seizes or takes possession of during the course of their duties, except motor vehicles.

## II. TAGGING OF EVIDENCE/PROPERTY IN TO EVIDENCE LOCKERS

- A. All evidence/property that an officer takes possession of (with the exception of junk bicycles, see Public Safety SOP #300-59: *Stolen and Found Bicycles*) or receives during the course of his/her duties shall be turned in and properly tagged no later than the end of the same shift in which the officer receives or takes possession of the evidence/property. This section may be waived by the officer's supervisor.
- B. All evidence/property (**except flammable materials**) shall be tagged with a Property Sheet and placed in the evidence lockers located in the east garage bay. The secured evidence lockers and property room are accessible only to the department's designated Property Room Officer(s). The property room is secured with an alarm system.

**NOTE:** Bicycles and other large objects shall be tagged and placed in the detached property garage. Notification shall be made to the Property Room Officers of such items.

1. All property that is packaged will have officer's **initials** and **date** on the seal, whether using heat seal or evidence tape. This is a requirement for court and lab use.
2. Officers shall ensure the property locker is securely shut and locked after placing evidence/property into the locker.
3. When placing evidence/property into a property locker, officers shall properly complete a property and voucher in RMS. The property sheet will be placed into the same locker where the

evidence/property is secured. A copy of the property sheet shall be placed with the incident report.

4. Officers may place evidence/property in one of the temporary property lockers for short-term storage. When placing evidence/property into a temporary property locker, officers shall properly complete a property voucher in RMS. As a general rule, evidence/property should not be kept in a temporary property locker beyond the end of an officer's tour of duty.

C. Money

1. All currency, (with exception of bond monies) received including suspected counterfeit currency, should be packaged in heat seal bags. If the currency item is to be protected for prints, the bills should be placed in the heat seal bags and will be labeled with total of currency (number and denominations of currency and coins) and locked in an evidence locker. Notification shall be made to the Evidence Technician who will perform the fuming/printing that the items have been placed in an evidence locker and are ready for processing.
2. For accuracy and accountability reasons, currency totals shall be verified by another officer prior to submission to the evidence locker and that officer's name shall be documented in the original incident report.
3. When retrieving currency from an evidence locker, Property Room Officers shall place the currency into the evidence room safe.
4. All currency of \$100.00 or more shall be transferred to the Township Treasurer's Office as soon as practical. The transfer and Treasurer's Office receipt shall be documented in RMS.

D. Narcotics/Dangerous Drugs

**NOTE:** When handling narcotics/dangerous drugs, officers should use rubber gloves as a protective barrier.

1. Officers shall tag in all narcotic and dangerous drugs at the Hamburg Township police station that come into their possession.
2. Handling/Processing Powder Narcotics  
  
Fentanyl and Fentanyl analogues, such as acetyl Fentanyl, pose a significant danger to department personnel who come into contact

with it. Due to its rapid rate of absorption into the human body, reports indicate that as little as 250 micrograms (0.25mg) of pure Fentanyl can be deadly. In comparison, that amount is about the size of a few grains of table salt.

Fentanyl may be absorbed through your skin (e.g., hands) or enter the body through inadvertent touching of the mouth, nose, or other mucous membranes. Fentanyl can be lethal at very low levels of exposure and officers are advised to consider the potential exposure to Fentanyl when handling or processing all suspected powdered narcotics and take appropriate safety precautions.

- a. When handling or processing any suspected powder narcotics or when handling/processing any items at the scene of a drug overdose officers shall:
    - I Reduce the potential and severity of skin exposures by covering bare skin to the greatest extent possible.
    - ii. Wear protective latex gloves.
    - iii. Wear department-issued N-95 disposable mask.
  - b. UNDER NO CIRCUMSTANCES SHALL FIELD TESTS BE CONDUCTED ON ANY SUBSTANCE SUSPECTED OF BEING FENTANYL. Unless absolutely necessary, field tests should be avoided on ALL powder narcotics and approval of the Director of Public Safety is required before any field test is conducted. Substances should be submitted directly to the lab for analysis.
  - c. If there is reason to believe there is a presence of Fentanyl, clearly indicate the information on the laboratory request. By alerting the laboratory of the suspected Fentanyl, laboratory personnel can take necessary safety precautions during the handling, processing, analysis, and storage of the sample.
3. The seizing officer shall be responsible for properly securing all evidence.
- a. *Fresh* marijuana plants shall be broken down and sealed in paper bags. (Plastic evidence bags will cause the plant material to decompose.) These paper bags are located in the finger print room of the detention area. If large plants are to be entered into evidence, the entire plant shall be sealed in a paper bag.

- b. *Dry*, processed plant materials shall be placed in a heat-sealed plastic evidence bag.
- c. All pills, powders and liquids suspected of containing any drugs shall be placed in a plastic bag and sealed. That sealed plastic bag shall then be placed into a second plastic bag which shall be sealed. All pills and powders shall be placed in plastic bags (if not received in a secure container) before being sealed in a plastic evidence bag. Do not place loose powders, tablets, capsules or crack cocaine directly into a plastic evidence bag. The Property Sheet voucher shall note the number of pills and/or rocks and the approximate weight of the powder or plant material. The smaller plastic bags are located in the finger print room in the detention area on spools in various sizes.
- d. The seizing officer shall completely fill out the evidence bag, property sheet voucher and lab request.
- e. The seizing officer is responsible for the proper separation and individual packaging of items in heat-sealed evidence bags.
  - i. Do not package narcotics with baggies/containers that are to be printed.
  - ii. Do not package narcotics with narcotic paraphernalia/equipment.
  - iii. Do not package more than one type of narcotic per evidence bag.
- f. If narcotics are to be analyzed by the MSP Crime Lab, each item to be tested shall be placed in a single evidence bag and a Laboratory Worksheet shall be filled out and placed with the item in the evidence locker, keeping a copy of the Laboratory Worksheet to attach to the incident report.

**NOTE:** All evidence bags **must** have packaging officer's **initials** and **date** on the seal or it will not be accepted by the lab for analysis.

E. Sexual Assault Kits

- 1. When an officer places a Sexual Assault Kit into evidence they shall notify the Property Room Officer(s) through department email. The Director of Public Safety and detectives shall be copied on this email notification.

2. Pursuant to MCL 752.934(4), a Property Room Officer shall transport the Sexual Assault Kit to the MSP Crime Lab within 14 days of receipt of the kit by our department. The Property Room Officer shall enter the Sexual Assault Kit in the State of Michigan “Track-Kit” reporting system.

F. Perishable Items

1. All perishable items/materials will be stored in the evidence refrigerator. All items will be properly labeled and sealed as evidence.
2. Transportation to the MSP Crime Lab will be done in a timely manner by a Property Room/Evidence Officer.

G. Explosives

1. There are two classifications of explosives:
  - a. High explosives must be detonated with a shock wave; usually from a blasting cap. Examples of these are dynamite, C-4 plastic and detonating cord, etc.
  - b. Low explosives burn prior to exploding or by chemical reaction. These explosives can be detonated with a fuse or by lighting them directly. Examples of these are improvised devices such as pipe bombs, bottle bombs or commercial fireworks, etc.
2. High and low explosives are extremely dangerous. For incidents involving high or low explosives, the MSP Bomb Squad shall be contacted to render these items safe, dispose of them, or store them. With the exception of commercial fireworks, these items can be placed in water to be destroyed. Receiving officers shall photograph then soak commercial fireworks in water for a minimum of one hour. Prior to taking the fireworks out of the water, the fuses shall be pulled from the fireworks. All commercial fireworks that are diffused in this manner can be discarded in the trash dumpster.
3. All ammunition shall be placed into an evidence locker. Evidence and stored in the detached property garage.
4. Objects that appear to be military ordnance (i.e., grenades, artillery shells, mines, etc.) should not be touched or moved as aging of the contents may make them extremely unstable. Clear the area and call for the assistance of the MSP Bomb Squad. Bomb Squad notification is made directly to the MSP Operations Center at 517-241-8000.

H. Storage of flammable materials

1. Flammable materials are gasoline, kerosene, and other material, liquid or solid, or any fumes or residue of such a material that will burn or explode, and any receptacle, metal, plastic, glass or otherwise, containing such a material. Motorized items utilizing flammable fuels (push lawn mowers, rototillers, chainsaws, etc.) should all be treated and stored as flammable materials.
2. Under no circumstances will flammable materials be stored at the Hamburg Township police station. The evidence/property shall be photographed and properly disposed of or stored by the evidence officer. If items need fingerprinting, they will be printed on the day that they are obtained and then properly stored or disposed of.
3. Gasoline operated machinery such as lawnmowers, chainsaws, weed cutters, and other machinery similar in size will be stored in the detached property garage. This also includes gas containers, propane tanks, etc.
4. All arson investigation evidence which is saturated with flammable materials will be stored at the DPW.
  - a. Photograph items such as Molotov Cocktails prior to disassembly.
  - b. Store saturated items in containers provided by the MSP Fire Unit or the Livingston County Sheriff Department Fire Unit.
  - c. Store liquids in approved containers provided by the MSP Fire Unit or the Livingston County Sheriff Department Fire Unit.
5. The completed Property Sheet will be attached to the property and a copy of such sheet shall be placed with the incident report.
6. Motorcycles, snowmobiles, mopeds, motor scooters, riding lawn mowers and large garden machinery will be stored at Corrigan Towing. These items shall be transported to Corrigan Towing storage yard following guidelines established in Public Safety SOP #300-17: *Motor Vehicle Towing*.

H. Storage of flammable materials

1. Flammable materials are gasoline, kerosene, or any other material, liquid or solid, or any fumes or residue of such a material that will burn or explode, and any receptacle, metal, plastic, glass or otherwise, containing such a material.
2. All flammable materials and any smaller items utilizing or containing flammable materials (such as such as lawnmowers, chainsaws, weed

cutters, and other machinery similar in size) shall be stored in the detached property garage. This also includes gas containers, propane tanks, etc. The following procedures shall be adhered to for these items:

- a. Officers shall ensure that all doors of the detached property garage are closed and locked.
- b. The investigating officer shall notify a Property Room Officer of the presence of the item in the property garage.
- c. The Property Room Officer shall have an evidence technician process the item for evidence, if necessary, or sufficiently photograph the item. This shall be completed as soon as practical.
- d. The Property Room Officer shall then arrange to have the item returned to the owner or properly disposed of as the case may dictate.

3. Large items containing flammable materials which need to be processed for evidence (such as vehicles, motorcycles, snowmobiles, mopeds, motor scooters, riding lawn mowers and large garden machinery) shall be stored in one of the two secured police station garage bays in order to ensure the chain of custody of any evidence located. The following procedures shall be adhered to in these situations:

- a. Officers shall ensure that all doors leading to the garage bay where the item is being stored are closed and locked.
- b. Signage shall be placed on all doors leading to the garage bay stating that there is evidence being stored in the bay.
- c. The investigating officer shall notify a Property Room Officer of the presence of the item in the garage bay and request that it be processed for evidence. The investigating officer shall also send a department-wide email notifying all department members of the presence of the item in the garage bay.
- d. The Property Room Officer shall ensure that an evidence technician is notified to process the item and shall make arrangements to have the item processed as soon as practical.
- e. After the item has been processed, the Property Room Officer shall have the item removed from the garage bay and stored at the Corrigan's Towing storage yard or the department's storage yard following the guidelines established in Public Safety SOP #300-17: *Motor Vehicle Towing*.

I. Special Circumstance – Bloodborne Pathogens

All evidence/property that is contaminated with blood or body fluids shall be handled according to guidelines established in Public Safety SOP #300-57: *Communicable Diseases*.

### III. RELEASE/DISPOSAL OF EVIDENCE/PROPERTY

- A. Property Room Officers shall not remove evidence/property from the evidence room unless one of the following exists:
  - 1. It is to be used in court, (this may be signed over to the originating officer).
  - 2. It is taken to the MSP Crime Lab.
  - 3. Exceptional circumstances exist and removal is authorized by the Director of Public Safety, or designee.
  - 4. For the release/disposal of any evidence from the evidence room. Proper forms shall be filled out for such removal.
  - 5. For latent fingerprint processing (i.e., fuming or dusting).
  - 6. For additional investigation.
  - 7. The current location of any evidence released, disposed of or moved from the property room shall be documented in the OSSI property module.
- B. After release from court all evidence/property removed from the evidence room shall be returned immediately to the evidence room by Evidence/Property Officer or to an evidence locker by an officer. Officer shall **not** keep evidence in their briefcase, bag, desk drawer, cabinet drawer, or personal locker.
- C. It is the responsibility of the Property Room Officer who transports evidence to the MSP Crime Lab to ensure that it is returned to the department evidence room immediately upon completion of analysis.
- D. Release/disposal of evidence/property prior to a court disposition or conclusion of an investigation includes:
  - 1. Property which is contraband shall not be released.
  - 2. If the ownership of property is disputed, the property should not be returned until the dispute is resolved.
  - 3. Any weapon used in the commission of a crime shall be retained until the prosecuting attorney is contacted. No weapon should be released in cases where warrants are pending.

4. Any other property which is evidence shall not be released if the Prosecutor's Office certifies that there is a need to retain that evidence in lieu of a photograph or other means of documenting its possession by the department.
  5. If approval to release the property is granted by the Prosecutor's Office, the Property Room Officer will indicate in their report the name of the prosecutor giving permission and the date and time permission was granted.
- E. Immediate return of evidence/property to owner/agent includes:
1. Items recovered during an initial investigation are to be returned immediately to the victim of the offense according to the following guidelines:
    - a. Evidence of ownership is to be provided to the investigating officer. The investigating officer is to be satisfied that the items belong to the person(s) making the claim.
    - b. Document in written report how the officer was able to determine ownership.
  2. No other property is to be released without the prior consent and approval of the Prosecutor's Office.
  3. When property is immediately returned to the victim/owner under the procedures outlined, the officer will require the victim/owner to sign for its release.
- F. Marking of items returned during an initial investigation shall be as follows:
1. The investigating officer will include the date, time, incident number, and item number on the evidence packaging. This will allow the officer to properly identify the item in a courtroom setting.
  2. The property will be packaged or tagged in a manner that will prevent the packaging or Property Sheet from becoming separated from the item.
  3. Large items that cannot be packaged should be identified by affixing a Property Sheet property tag or sticker to the item. This will allow the officer to properly identify the item in a courtroom setting.
- G. Release/disposal of evidence/property after a court disposition or conclusion of a case investigation shall be as follows:

1. Whenever possible, the Property Room Officer shall attempt to return or dispose of all property after a court disposition or conclusion of an investigation.
2. The investigating officer shall advise the Property Room Officer the authorization to release items.
3. The investigating officer or Property Room Officer shall return the evidence/property to the owner when the owner cannot pick it up only upon the approval of a supervisor. The employee shall fill out the Property Sheet with the owner's name, address, phone number and include why the item(s) had to be delivered.
4. There may be certain times when the owner of property to be returned cannot not pick it up at the station. In these circumstances a Property Room Officer may deliver the property to the owner. The Property room Officer shall document the return of the property in the OSSI property module including the reason why the item(s) had to be delivered.
5. Evidence/property that cannot be returned to the owner on the day it was checked out shall be checked back into the evidence room and the signed Property Sheet will be placed with the item in an evidence locker immediately upon return of the evidence/property.

#### **IV. FIREARMS**

- A. The definition of a firearm includes any weapon from which a dangerous object can be shot or propelled by the use of explosives, gas, or air. A firearm does not include smooth-bore rifles or handguns designated and manufactured exclusively for shooting BBs no larger than .177 caliber by means of a spring, gas, or air.

**NOTE:** MSP Firearm Central Records states that paint ball guns are not firearms as the paintball is not considered to be a dangerous projectile.

- B. Investigating Officer's Responsibilities shall be as follows:

1. A completed Property Sheet will be attached to all firearms for identification.
2. When placing a firearm into evidence, officers shall complete the OSSI property module and attach a property tag or sticker to the firearm.
3. Under no circumstances will anyone scribe anything on a firearm.
4. Firearms will be placed in appropriate evidence lockers.

**NOTE:** Officers **will not** tag in loaded firearms unless the firearm is physically unable to be unloaded or there is some overwhelming evidentiary need for the firearm to remain loaded. Officers requiring assistance with clearing a weapon shall request the assistance of a range officer.

5. Firearms shall be identified by brand name, caliber, number of shots, pistol/revolver, and serial number when available.
6. A registration and stolen check via the LEIN shall be made and LEIN paperwork shall be added to the incident report.
7. Cases involving guns with altered or defaced serial numbers are to be referred to a Property Room Officer. The Property Room Officer shall transport the gun to the MSP Crime Lab requesting the serial number be raised.

**B. Firearms Seized for Safekeeping**

There are certain occasions when an officer seizes firearms from a firearms owner whose actions have demonstrated that they may pose a threat to themselves or others. When a firearm is seized for safekeeping under these circumstances a Property Room Officer shall only return the firearm back to that owner:

1. When the owner produces documentation from a licensed psychologist or psychiatrist that states that the owner no longer poses a threat to themselves or others;  
or
2. Pursuant to a court order to return the firearm.

**V. PROPERTY ROOM AUDIT**

The Director of Public Safety shall have an outside law enforcement agency conduct an audit of the property room annually. This audit shall take place at the same time as the annual Township financial audit.

Issued by:



Richard Duffany  
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.

<b>HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT</b>			
<b>STANDARD OPERATING PROCEDURE</b>			
<b>Title: Information Technology and LEIN Security</b>			<b>No. 300-07</b>
Distribution: <b>POLICE</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended	Rescinds: 600-18	MLEAC Standard(s): <b>1.8.2</b>
Effective Date: <b>DRAFT</b>			

## I. PURPOSE

The purpose of this policy is to establish procedures for the use and dissemination of Criminal Justice information (CJI), including information obtained through the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC).

## II. POLICY

It is the policy of the Hamburg Township Public Safety Department to comply with the requirements of the Law Enforcement Information Network (LEIN) and National Crime Information Center (NCIC) regarding the use of these systems.

This procedure will not be less restrictive than the [FBI Criminal Justice Information Services \(CJIS\) Security Policy](#) or the [Michigan Addendum](#). Both the CIS Security Policy and The Michigan Addendum apply to every individual with access to, or who operates in support of, criminal justice services and information.

This directive will provide members of the Department with a procedure to be utilized for the use and dissemination of information obtained through LEIN and its interfaced systems.

The LEIN manual maintained by the Terminal Agency Coordinator (TAC) and the CJIS Security Policy and Michigan Addendum shall be the reference for items dealing with LEIN and NCIC. This procedure is **not** all-inclusive, the LEIN and NCIC manuals, CJIS Security Policy and Michigan Addendum shall be consulted for further elaboration of policies and regulations when accessing CJI. These manuals are available in the Department's squad room. The latest manuals and additional resources can be accessed on the [LEIN website](#) under Manuals, Policies, and Laws.

### III. PROCEDURES

#### A. LEIN AND INTERFACED SYSTEMS

1. LEIN is the Michigan computer system that allows criminal justice agencies to enter and access law enforcement data.
2. LEIN is a part of the Criminal Justice Information System (CJIS) and is controlled by the Michigan State Police.
3. LEIN is interfaced with various computer systems throughout the state and the nation to enable users to share invaluable information whenever needed. The following are the major computer systems interfaced with LEIN:
  - a. National Crime Information Center (NCIC) - The nationwide criminal justice data center that contains nationwide warrant, stolen property, etc., files.
  - b. Michigan Criminal History Record (CHR) System.
  - c. NCIC Interstate Identification Index (III) – national criminal history database.
  - d. National Law Enforcement Telecommunications System (NLETS) - Allows LEIN to communicate with out-of-state & Canadian agencies, and to access their vehicle and driver files.
  - e. Michigan Secretary of State (SOS) - Contains Michigan vehicle registrations, title information, driver and personal identification records.
  - f. Michigan Corrections Management Information System (CMIS) - contains files for all persons assigned a Michigan Client (Prison) Number.
4. References in this procedure regulating the use of the LEIN system shall include all associated and interfaced systems.

#### B. DEFINITIONS

1. **Convicted**: A final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt for a criminal law violation.

2. **Criminal History Record (CHR)**: LEIN and NCIC files that contain information on an individual's arrest, detention, indictment, criminal charges and dispositions; sometimes referred to as a "CCH".
3. **Criminal Justice CJIS User Agency (CJCUA)**: An agency authorized to access Criminal Justice Information (CJI) pursuant to [R 28.5201](#)(1)(a) and (c) of the Michigan CJIS Administrative Rules.
4. **Criminal justice information (CJI)**: The FBI CJIS Security Policy and the Michigan CJIS Administrative Rules.
5. **Direct Access**: Having the ability to query or update CJIS, whether by manual or automated methods, not requiring the assistance of, or intervention by, any other party or agency.
6. **Mobile Computer Terminal (MCT)**: A computer installed in a vehicle that can send and receive LEIN messages and access computer aided dispatch (CAD).
7. **Private Person**: An individual that does not qualify for access to the LEIN, or that may receive only limited Information as allowed by LEIN/NCIC rules.
8. **Terminal Agency**: Any agency that has a LEIN terminal including access through mobile data computers.
9. **Visitor**: Any individual who is not authorized unescorted access to a physically secure location and whose documented record of entry into the physically secure location could not adversely impact investigations (e.g., confidential informants, witnesses, victims, etc.).

**C. LEIN TERMINAL AGENCY COORDINATOR (TAC)**

1. NCIC requires each terminal agency to have a Terminal Agency Coordinator (TAC).
2. The Director of Public Safety shall designate a person versed and knowledgeable in the rules, regulations, applications and operation of LEIN/NCIC and the interfaced computer systems to serve as the Department's TAC.
3. The duties of the TAC shall include:

- a. Serve as primary liaison with the LEIN Field Services staff.
- b. Ensure system integrity in regards to security, access, and dissemination of LEIN & NCIC information.
- c. Provide training materials and update information to Department system users.
- d. Coordinate training and operator proficiency testing to ensure compliance with LEIN & NCIC standards.
- e. Maintain and update the LEIN & NCIC Operations and Code Manuals.
- f. Ensure that any changes in LEIN rules are promptly disseminated to all appropriate Department personnel.
- g. Ensure compliance with monthly LEIN & NCIC record validation.
- h. Coordinate any record analysis (audit) with the LEIN Field Services section.
- i. Maintain communication channels with courts, prosecutors and other criminal justice agencies regarding LEIN operations.
- j. Attend all applicable LEIN/NCIC training, i.e., LEIN Update, TAC schools, etc.

**D. LOCAL AGENCY SECURITY OFFICER (LASO)**

- 1. NCIC requires each terminal agency to have a Local Agency Security Officer (LASO).
- 2. The Director of Public Safety will designate a member of the Department who is familiar with communication operations, system operations, and system security to perform the function of the Local Agency Security Officer.
- 3. Duties of the LASO shall include:

- a. Working directly with the Michigan State Police Information Security Officer by being the Point of Contact (POC) within the agency to resolve matters as they relate to system security, security violations, training, etc.
  - b. The LASO shall ensure and oversee the management of encryption between the CJIS User Agency and its users.
  - c. Being responsible for ensuring compliance with LEIN & NCIC security policies, rules, and regulations.
  - d. Ensuring that all operators/users receive Security Awareness Training at least once every two years, and shall maintain a record of same.
  - e. Maintaining a network diagram of the Department's LEIN system.
  - f. Assure an annual internal security audit of the central records system is completed by January 31<sup>st</sup>.
4. The Michigan State Police must be notified of the agency's designated LASO or whenever the LASO duties are transferred to another individual.

**E. AGENCIES ALLOWED LEIN ACCESS**

1. The following criminal justice agencies are allowed LEIN access in the performance of their legitimate criminal justice duties:
  - a. Corrections Institutions
  - b. Courts (Criminal Divisions only)
  - c. Governmental Law Enforcement Agencies
  - d. Pre-trial Service Agencies
  - e. Probation and Parole Agencies
  - f. Prosecutors
  - g. Schools (if signed agreement on file) for specific authorized purposes.
  - h. Fire Department (if signed agreement on file) for specific authorized purposes.

2. Refer to the LEIN manual to verify allowable LEIN access if not listed above.
3. Requests for LEIN access or information from other agencies in the county (i.e.– Court, Social Services, Public Health, Animal Control, etc.) should be referred to the Livingston County Sheriff's Department for assistance.

**F. USE AND DISSEMINATION OF LEIN DATA**

1. Data received through LEIN (including the Mobile Computer Terminals) shall only be disseminated to persons and agencies that are statutorily authorized to have access to such data as described above.
2. Data received through the LEIN system shall be used for criminal justice purposes only.
3. Information received through the LEIN system shall not be used for personal reasons.
4. Information received through the LEIN system may not be transmitted by email.
5. Terminals (including MCT's) with access to LEIN shall not be made accessible to the public or other persons not authorized to operate, view, or possess LEIN information.
6. Private persons may receive verbal descriptions of certain information obtained through LEIN as outlined in this procedure.
7. Any member of the Department in possession of information obtained through LEIN shall be responsible for maintaining the confidentiality of that information.
8. No member of this Department shall disseminate any information obtained through the LEIN system to any individual, group of individuals, organization, governmental agency, or corporation, which is not legally authorized to have access to this information, as provided in LEIN & NCIC manuals. Included in those prohibited from receiving LEIN system data are:

- a. Private business.
- b. Private police or private detective.
- c. Private college or universities.
- d. Insurance company representatives.
- e. Military recruiters.
- f. Non-criminal justice government agencies.
- g. Private attorneys, including defense attorneys.
- h. Retired or former police officers.

9. **If in doubt, do not disseminate!**

**G. CRIMINAL HISTORY RECORD (CHR) INFORMATION**

- 1. Criminal History Records shall only be obtained for approved criminal justice purposes, in accordance with guidelines and restrictions in the LEIN manual.
- 2. **All CHR (CCH) queries must include a case number** in the “OCA” field (15:) of the query.
  - a. The name and D.O.B. of the person queried must appear in the report or on the RMS entry.
  - b. Additionally, the reason for the query must be entered in the *comments* field (41:) of the CHR query (note – just entering “investigation” is not sufficient explanation for this field).
- 3. **School access to LEIN (MCL 28.214)** - The following conditions apply to a school requesting access to LEIN:
  - a. Before access to LEIN may be given, the Director of Public Safety must have a user agreement signed by the school superintendent or principal of a public or private school. The original signed agreement shall be assigned a case number and placed into the Department records system. A copy of the signed agreement shall be maintained at the front desk area of the police station.
  - b. LEIN access to schools is limited as follows:

- i. Only the superintendent, principal or assistant principal of the school may request or receive **verbal** information from the Department. LEIN printouts shall not be furnished to the school.
  - ii. The request for LEIN information may be made only to identify the owner(s) of a suspicious vehicle or unknown driver of a vehicle **within 1,000 feet of school property**, in the interest of school safety.
  - iii. The school shall be responsible for maintaining proper evidence of LEIN requests.
- c. When submitting a LEIN query on a school request:
- i. Enter the name and school of the person making the request in the “For” field (56:) of the LEIN query.
  - ii. An officer shall be dispatched to the school as appropriate based on the circumstances.
  - iii. A case number and RMS entry shall be made of all LEIN requests from a school.

#### 4. **Other Jurisdiction Requests**

- a. Requests to run a CHR for a member of another jurisdiction or agency must be made in person and complete identification shown.
- b. A case number shall be obtained and an RMS entry made.
- c. The name and date of birth of the subject must appear in the RMS entry along with the reason for the inquiry.
- d. The requestor’s name and agency should be entered in the “For” field (56:) of the LEIN CHR request.

- e. This Department's case number should be entered in the "OCA" field (15:) of the CHR query.
- f. Enter the other agency's case number in the "comments" field (41:).

5. Private requests for LEIN Criminal History Records

LEIN Criminal History Records shall **not** be provided to a private person under any circumstances.

**H. RELEASE OF INFORMATION TO PRIVATE PERSONS**

- 1. Warrant Information – A private person, appearing in person and showing proper identification, may receive verbal information as to whether or not a warrant ordering their arrest has been issued by a court and entered into either LEIN or NCIC. Based on a positive warrant response, an immediate arrest may be appropriate.
- 2. Stolen Vehicle / Property Information – A private person, appearing in person and showing proper identification, **and** after satisfactorily explaining the purpose or need for such information, may receive verbal information as to whether or not a vehicle, a vehicle part, or other stolen property has been entered into either LEIN or NCIC. Information on the registered owner of a vehicle or listed owner of property shall not be released. Any such action shall be documented in an Incident Report.
- 3. Criminal History Information – Criminal history information shall not be disseminated to any private person.

**I. WARRANT CANCELLATION**

- 1. Only personnel trained in LEIN cancellation procedures are authorized to cancel a warrant from LEIN.
- 2. When arresting a subject on a HTPD warrant, the arresting officer shall promptly cause the warrant to be cancelled from LEIN.

**J. ABANDONED / IMPOUNDED VEHICLES – LEIN ENTRY**

Impounded vehicle information shall be entered into LEIN in accordance with Public Safety SOP #300-17, *Motor Vehicle Towing* and SOP #300-20: *Abandoned Vehicles*.

**K. VALIDATION OF RECORDS**

Michigan Administrative Rule and Policy require each agency to confirm that records entered into LEIN/NCIC are complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents, and with contact with any appropriate complainant, victim, prosecutor or court. LEIN Field Services must ensure, to the extent possible, that all records entered in the LEIN/NCIC are valid. On-Line Certification/Validation must be completed by the due date, no exceptions. Failure to certify/validate will result in records being cancelled from LEIN/NCIC, except Unidentified Person Records.

1. LEIN Validation Files

- a. To obtain the validation files, use the MICJIN Portal to access the CJIC Reporter application.
- b. Open CJIC Reporter and select the “LEIN” tab, then select “Validation Files”.
- c. To generate a validation file, use the drop down to select the applicable ORI. Enter the year and month that was provided in the Monthly LEIN Validation subscription e-mail. If no year or month are added, all available validation files for the ORI entered will be returned. After entering the search requirements, click “submit”
  - i. Document the name and title of the court representative and date contacted.
  - ii. Verify that all original paper orders are signed and dated.
- d. Query the record in LEIN/NCIC:
  - i. Verify the entry is still in the system.
  - ii. Cancel any invalid records.
  - iii. Compare the LEIN/NCIC entry to the original order to verify accuracy.

- iv. Compare the entry to all supplemental documentation for completeness (i.e. - incident reports, tickets, arrest records, court records, etc.).
- v. Make any applicable modifications or additions via a modify transaction.
- e. Complete validation certification transaction (VLN).
- f. **Validation in LEIN**
  - i. Go to Forms, then to TAC responsibilities.
  - ii. Validate records.
  - iii. Ensure ORI is correct.
  - iv. Enter transaction date (from sheet included in packet).
  - v. Transmit.
- g. **Validation in CJIC Reporter**
  - i. Click "Validate Records".
  - ii. Confirm by clicking "Validate".

**L. TERMINAL SECURITY**

- 1. Terminal operators name (55:) and the name and identity of his/her agency (56:), shall be accurately included on all LEIN/NCIC inquiries.
- 2. **Access** includes all individuals with unescorted access to unencrypted CJI. This includes all authorized users and those individuals responsible for configuring and maintaining computer systems and networks with access to or containing CJI.
- 3. All personnel authorized to **access** LEIN shall be thoroughly screened in accordance with the CJIS Security Policy and the Michigan Addendum, including:
  - a. Computerized Criminal History/Fingerprinting
  - b. Repeated every two (2) years.

4. All support personnel (i.e. – custodial, IT technicians, etc.) with unescorted access to the immediate vicinity of terminals or other equipment that access LEIN shall be thoroughly screened as described above.
5. All visitors (including vendors, contractors and repair technicians) to the Department that may be in the vicinity of computers with LEIN capabilities (including MCT's) shall be accompanied by appropriate staff personnel at all times.
  - a. Shall not be allowed to view screen information mitigating shoulder surfing.
  - b. Not be allowed to sponsor another visitor.
  - c. Not enter into a secure area with electronic devices unless approved by the LASO to include cameras and mobile devices. Photographs are not allowed without permission of the LASO.
  - d. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in a physically secured area without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified.
6. All requests by groups for tours of the Hamburg Township Police facility will be referred to a supervisor for scheduling and vetting.
7. Only authorized personnel will have access to physically secure non-public locations. All physical access points into the agency's secure area will be authorized before granting access. HTPD will implement access controls and monitoring of physically secure areas for protection all transmission and display mediums of CJL. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.
8. LEIN terminals and other equipment with access to LEIN shall be maintained in physically secure locations.
9. LEIN terminal screens will not be placed in view of the public.

10. Whenever possible the LEIN terminal screen shall be minimized when non-department personnel are in the dispatch center, including but not limited to:
  - a. Public tours
  - b. Vendors, contractors, and repair technicians.
11. Mobile devices (MCT) with access to LEIN:
  - a. Shall be screen-blanked or closed when the vehicle is left unattended in order to prevent viewing by unauthorized persons.
  - b. Shall be positioned to prevent viewing by vehicle passengers if possible.
12. LEIN printouts shall be disseminated to the appropriate requesting personnel.
  - a. LEIN printouts will be disposed in such a manner as to assure confidentiality.
  - b. LEIN printouts will be shredded using a cross-cut shredder.
13. Secondary dissemination is permitted to authorized agencies such as the Prosecutor and Courts. A log shall be maintained at the Department to document the name and date of any persons receiving LEIN printouts and the person releasing them.

**M. PASSWORDS & IDENTIFIERS**

1. Each employee shall have a unique identifier established by the agency for accessing any computer containing CJI, including computers used for connecting to the LEIN system. Inactive and/or former system users shall be deleted from access.
2. Security of passwords is a critical element of system security. All personnel shall comply with password regulations provided in this policy.
3. Specifically, the following shall apply:
  - a. Employee ID shall not be used as a password.

- b. Password for LEIN access must be unique from all other passwords for that user.
  - c. Employees shall not share or reveal a password to other persons.
  - d. The “Remember Password” option shall not be used on computers that include access to LEIN.
  - e. The use of another employee’s identifier or password is prohibited.
  - f. The agency may require that passwords be changed at regular intervals.
  - g. Notify a supervisor if you believe a password has been compromised.
4. The Township I.T Department shall complete an annual password audit

**N. MEDIA SANITIZATION & DESTRUCTION**

- 1. When no longer usable, diskettes, tape cartridges, ribbons, hard copies, print-outs, and other similar items used to process or store classified and/or sensitive data shall be properly disposed of in accordance with established policy.
- 2. Criminal history records may not be kept in case files and must be destroyed through the use of a cross-cut paper shredder.
- 3. Criminal history records attached to reports in RMS shall be deleted as soon as they are no longer needed.
- 4. LEIN bulletins and informational teletypes shall be shredded as soon as they are no longer current or relevant.
- 5. Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:
  - a. Shredded using a cross-cut shredder.
  - b. Incineration witnessed by Hamburg Township Police personnel.

- c. Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drivers, etc.) shall be disposed of by one of the following methods.
  - i. **Overwriting** (at least 3 times) – an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
  - ii. **Degaussing** – a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
  - iii. **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.
- 6. IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive or classified information shall not be released from Hamburg Township Public Safety Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

**O. Media Protection**

- 1. Authorized HTPD personnel shall protect and control electronic and physical CJI while at rest and in transit. HTPD personnel will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Local Agency Security Officer (LASO) and/or Terminal Agency Coordinator (TAC).
- 2. Media Storage and Access- Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory

devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

3. To protect CJI, HTPD personnel shall:
  - a. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
  - b. Restrict access to electronic and physical media to authorized individuals.
  - c. Ensure that only authorized users remove printed or digital media from the CJI.
  - d. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Media Sanitization Destruction section)
  - e. Not use personally owned information system to access, process, store, or transmit CJI.
  - f. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers.
  - g. Store all hardcopy CJI printouts maintained by the HTPD in a secure area accessible to only those employees whose job function requires them to handle such documents.
  - h. Safeguard all CJI by the HTPD against possible misuse by complying with the Physical Protection Policy and Disciplinary Policy.
  - i. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.

- j. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
  - k. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
- 4. Media Transport- Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory cards.
  - 5. Dissemination to another agency is authorized if the other agency is an Authorized Recipient of such information.
  - 6. HTPD Personnel shall protect and control electronic and physical media during transport outside of controlled areas. The pickup, receipt, transfer and delivery of such media shall only be done to authorized personnel.
  - 7. HTPD personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:
    - a. Use of privacy statements in electronic and paper documents.
    - b. Limiting the collection, disclosure, sharing and use of CJI.
    - c. Following the least privilege and role-based rules for allowing access. Limit access to CJI to only those people or roles that require access.

- d. Securing hand carried confidential electronic and paper documents by storing CJI in a locked briefcase or lockbox and only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
- e. Hard copy printouts or CJI documents will be packaged in such a way as to not have any CJI information viewable. If mailed or shipped, CJI documents can only be release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery.
- f. CJI will not be taken home or when traveling unless authorized by the LASO.

**P. OPERATOR CERTIFICATION**

- 1. An operator is any person that uses a computer terminal to access the LEIN system.
- 2. The Terminal Agency Coordinator (TAC) is responsible to test and certify all operators in accordance with LEIN policy requirements.
- 3. The TAC shall ensure that all sworn officers, within six (6) months of employment, are trained and certified on the use of LEIN in compliance with LEIN/NCIC policy and regulations.

**Q. USER ACCOUNT-ACCESS VALIDATION**

- 1. All accounts shall be reviewed annually by the TAC, or designee, to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The TAC, or designee, may also conduct periodic reviews.
- 2. The TAC, or designee, should disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30

days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave should have a manager approved request from the designated account administrator or assistant).

3. The TAC, or designee, must be notified if a user's information system usage or need-to-know changes (i.e., the employee is terminated, transferred, etc.). The TAC, or designee, will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency.
4. Primary responsibility for account management belongs to the TAC/LASO/System Administrator or designee. The TAC/LASO/System Administrator or designee shall:
  - a. Modify user accounts in response to events like name changes, accounting changes, permissions changes, office transfer, etc.
  - b. Periodically review existing accounts for validity, and
  - c. Cooperate fully with an authorized security team that is investigating a security incident or performing an audit review.
5. Violation of this policy may result in network removal, access revocation, corrective or disciplinary action, up to and including termination.

**R. ANTI-VIRUS GUIDELINES**

1. All department computers and servers shall operate with anti-virus software installed by the Township's IT department that is scheduled to run at regular intervals. The LASO will coordinate with Township's IT to ensure that the anti-virus software meets current standards of protection.
2. Users are cautioned to never open any files or links attached to an email from an unknown, suspicious, or untrustworthy sources. Such emails should be immediately deleted or brought to the attention of the Township's IT

staff. Files should not be downloaded from unfamiliar or suspicious sources. Always scan any media that is brought into the agency before introducing it to the network.

3. Users shall notify the Township's IT staff immediately upon becoming aware of a virus infection on any departmental computer. The computer should not be turned off without the direction of Township IT staff.
4. Virus-infected computers must be removed from the network until they are verified as virus-free.

**S. MOBILE COMPUTER TERMINAL (MCT)**

All users of Mobile Computer Terminals (MCT) shall comply with all LEIN System regulations as described in this procedure.

**T. INFORMATION TECHNOLOGY (IT) GUIDELINES**

1. Hamburg Township IT employees shall comply with the following:
  - a. Complete a background screening that includes fingerprint screening.
  - b. Execute a Management Agreement with the Department enumerating the terms, conditions, duties, and responsibilities of both parties regarding the installation, operation and maintenance of criminal justice information technology located at the Hamburg Township Public Safety Department.
    - i IT staff will be responsible for regular data backup and off-site storage.
  - c. Execute a CJIS Security Addendum.
2. The Hamburg Township Public Safety Department, the Livingston County IT Department and the Township's Technical Services Department shall execute a Management Agreement as described above.

## U. **INCIDENT RESPONSE**

In accordance with the FBI CJIS Security Policy, based off the National Institute of Standards and Technology (NIST) Special Publication 800-61 rev. 2, the Incident Response Life Cycle consists of a series of phases – distinct sets of activities that will assist in the handling of a security incident, from start to finish.

### 1. **Preparation**

Preparation includes those activities that enable the HTPD to respond to an incident. These include a variety of policies, procedures, tools, as well as governance and communications plans. The HTPD utilizes several mechanisms to prevent, and prepare to respond to an incident.

#### a. **Security Awareness Training:**

All personnel are required to take FBI CJIS Security Policy compliant Security Awareness Training. This training must be updated at a minimum of every two years. Additionally, Hamburg Township requires monthly on-line security awareness training. This training covers additional ongoing threats to systems such as malware, phishing, social engineering, ransomware, and other threats as they become known.

#### b. **Malware/Antivirus/Spyware Protections:**

All information system terminals, as well as key information flow points on the network are protected by continuous defense against malware/antivirus/spyware and other known malicious attacks. These defense mechanisms are kept up to date without the need for end user interventions, and end users are restricted from accessing, modifying, disabling, or making other changes to the defense mechanisms.

#### c. **Firewalls and Intrusion Prevention Devices (IPD):**

Multiple firewalls and IPD are in place within the network to provide the necessary depth of defense. Hamburg Township I.T. in coordination with the

LASO keeps all firewalls and IPD up to date with the latest security patches and other relevant upgrades, as well as maintain an active backup of the latest security configuration.

d. **Personnel Security Measures:**

All Hamburg Township personnel with access to CJI or those areas in which CJI is accessed, stored, modified, transmitted, or maintained have been cleared to the required Personnel Security standards set forth in FBI CJIS Security Policy section 5.12.1 and the Michigan Addendum.

e. **Physical Security Measures:**

All locations within the HTPD that house CJI or CJI-related information systems are secured to the required criteria set forth in FGBI CJIS Security Policy section 5.9. Access to these secured areas and information systems are a need-to-know/need-to-share basis and required agency authorized credentials for access and are under the direct control and management of the HTPD.

f. **Event Logs:**

Event logging is maintained at all applicable levels, capturing all the required events and content specified for CJI through FBI CJIS Security Policy sections 5.4.1.1 and 5.4.1.1.1, retained for the specified period, and reviewed weekly.

g. **Patching/Updating:**

Systems shall be patched and updated as new security patches and hot fixes are released. Any software or hardware product that reaches the end of the manufacturer's service and support life for patching will be deemed out-of-compliance and replaced.

2. **Detection**

Detection is the discovery of an event with security tools or through notification by an inside or outside party about suspected

incident. The detection of an incident requires the immediate activation of the Incident Response Team (IRT). The determination of a security incident can arise from one or several circumstances simultaneously. Means by which detection can occur include:

- a. Trained personnel reviewing collected event data for evidence of compromise.
- b. Software applications analyzing events, trends, and patterns of behavior.
- c. Intrusion Protections/Intrusion Detection devices alerting to unusual network or port traffic.
- d. The observation of suspicious or anomalous activity within the Hamburg Township Public Safety Department or on a township computer system.
- e. It is critical in this phase to detect:
  - i. Whether a security incident has occurred.
  - ii. To determine the method of attack.
  - iii. To determine the impact of the incident to the mission, systems, and personnel involved in the incident.
  - iv. To obtain or create intelligence products regarding attack modes and methods.

### 3. **Analysis**

An incident will be categorized as one of four severity levels. These severity levels are based on the impact to Hamburg Township and can be expressed in terms of financial impact, impact to services and/or performance of our mission functions, impact to the department's image, or impact to trust by the community.

Severity Level	Description
<b>0 (Low)</b>	Incident where the impact is minimal. Examples may be e-mail SPAM, isolated virus infections, etc.
<b>1 (Medium)</b>	Incident where the impact is significant. Examples may be a delayed or limited ability to provide services, meet the department's mission, delayed delivery of critical electronic mail or data transfers, etc.
<b>2 (High)</b>	Incident where the impact is severe. Examples may be a disruption to the services and/or performance of our mission functions. Hamburg Township's proprietary or confidential information has been compromised, a virus or worm has become wide spread and is affecting employees, and Public safety systems are unavailable. Executive management has been notified.
<b>3 (Extreme)</b>	Incident where the impact is catastrophic. Examples may be a shutdown of all Hamburg Township's network services. Hamburg Township's proprietary or confidential information has been compromised and published in/on a public venue or site. Public safety systems are unavailable. Executive management must make a public statement.

#### 4. **Incident Reporting**

In the event that an incident involves or is suspected of involving criminal justice information, the MSP Information Security Officer (ISO) will be contacted and provided a CJIS-016 "Information Security Officer (ISO) Security Incident Report". The CJIS-016 is available under the Manuals, Policies, & Laws link at [www.michigan.gov/lein](http://www.michigan.gov/lein).

#### 5. **Containment, Eradication and Recovery**

The Township's I.T. Staff working in conjunction the Local Agency Security Officer (LASO) are responsible for Containment, Eradication and Recovery and will document all containment activities during an incident.

a. **Containment**

Containment activities for security incidents involve decision-making and the application of strategies to help control attacks and damage, cease attack activities, or reduce the impact or damage caused by the incident. This requires intelligence gathered by the detection and analysis phases of the incident – for example, identification of affected hosts, identification of attacking hosts or attackers, identification of malware and its capabilities, and identification and monitoring of attacker communication channels. In most cases, it is important to introduce containment solutions all at once, as attackers may escalate their attack activity if deployment of the strategy is delayed.

b. **Eradication**

Eradication efforts for a security incident involve removal of latent threats from systems (such as malware on the system and user accounts that may have been created), identifying and mitigating potential vulnerabilities or misconfigurations that may have been exploited, and identification of other hosts that may have been affected within the organization.

c. **Recovery**

Recovery efforts for incidents will involve the restoration of affected systems to normal operation. This is dependent upon the type of incident experienced but may include actions such as restoring systems from backups, rebuilding systems from an agency approved baseline, replacing compromised files with clean versions, installing patches, changing passwords, and increasing network perimeter and host-based security.

6. **Post Incident Activity**

The Township's I.T. Staff and LASO are responsible for documenting and communicating post incident activity. Post-

incident activities will occur after the detection, analysis, containment, eradication, and recovery from a security incident. One of the most important phases of incident response, post-incident activities involve the reflection, compilation, and analysis of the activities that occurred leading to the security incident, and the actions taken by those involved in the security incident, including the incident response team.

Important items to be reviewed and considered for documentation are:

- a. Exactly what happened and at what times?
- b. How well did staff and management perform in dealing with the incident.
- c. What information was needed sooner?
- d. Were any steps or actions taken that might have inhibited the recovery?
- e. What should be done differently the next time a similar incident occurs.
- f. How could information sharing with other organizations have been improved.
- g. What corrective actions can prevent similar actions in the future.
- h. What precursors or indicators should be watched for in the future to detect similar incidents.
- i. What additional tools or resources are needed to detect, analyze, and mitigate future incidents.

## 7. **Escalation**

The escalation process will be initiated to involve other appropriate resources as the incident increases in scope and impact. Incidents should be handled at the lowest escalation level that can respond to the incident with as few resources as possible in order to reduce the total impact and maintain limits on cyber-incident knowledge. The table below defines the escalation levels with the associated team members' involvement:

<u>Security Level</u>	<u>Response Team Member Involvement</u>	<u>Description</u>
<b>0 (Low)</b>	<ul style="list-style-type: none"> <li>• IT Coordinator</li> <li>• LASO</li> </ul>	Normal operations.
<b>1 (Medium)</b>	<ul style="list-style-type: none"> <li>• IT Coordinator</li> <li>• LASO</li> <li>• IT Director</li> </ul>	<b><u>Hamburg Township</u></b> is aware of a potential or actual threat and is responding to that threat.
<b>2 (High)</b>	<ul style="list-style-type: none"> <li>• IT Coordinator</li> <li>• LASO</li> <li>• IT Director</li> <li>• County Administrator</li> </ul>	An obvious threat has impacted business operations. Determine course of action for containment and eradication. Message staff of required actions and operational impacts if necessary.
<b>3 (Extreme)</b>	<ul style="list-style-type: none"> <li>• IT Coordinator</li> <li>• LASO</li> <li>• IT Director</li> <li>• County Administrator</li> <li>• Finance Director</li> <li>• Legal Counsel</li> <li>• Public Information Officer (PIO)</li> </ul>	Threat is wide spread with significant impact. Determine course of action for containment, mitigation, and eradication. Message staff and officials. Prepare for legal action. Prepare for a public statement.

The Incident Response Team (appendix A), will consider several characteristics of the incident before escalating the response to a higher level. They are:

- a. How wide spread is the incident?
- b. What is the impact to business operations?
- c. How difficult is it to contain the incident?
- d. How fast is the incident propagating?
- e. What is the estimated financial impact to Hamburg Township?
- f. Will this negatively affect Hamburg Township's image?

V. **COMPLIANCE**

1. Any violation by a terminal user of any of the LEIN rules could result in removal of terminal access by LEIN Policy Council for the entire Department.
2. Unauthorized disclosure of any information obtained through LEIN for a non-law enforcement purpose is a crime ([MCL 28.214](#)).
  - a. (3) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.  
  
(5) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule.  
  
(6) A person who intentionally violates subsection (3) or (5) is guilty of a crime as follows:
    - (a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
    - (b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.
3. Misuse of the FBI National Crime Information Center (NCIC) is subject to additional federal criminal and/or civil penalties. [The Federal Privacy Act of 1974](#) states (3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. [5 USC 522a (i)]
4. Misuse of criminal history record information obtained through NCIC violates the Code of Federal Regulation, Title 28, Section 20.25: states any agency or individual violating subpart B [State and Local Criminal History Record Information] of these regulations shall be subject to

a civil penalty not to exceed \$11,000 for a violation occurring on or after September 29, 1999.

5. Misuse of Secretary of State (SOS) records violates State of Michigan Driver and vehicle privacy protections laws. [MCL 28.295a, 257.902, 257.903, 324.80130d, 324.80319a, 324.81120, 324.82160 and other provisions of law.]
6. Under Michigan law, a person who makes a false representation or a false certification to obtain personal information or who uses personal information for a purpose other than a permissible purpose identified in the law is guilty of a felony, which may be punishable by imprisonment for up to 5 years and/or a fine of up to \$5,000. Subsequent convictions may result in imprisonment for up to 15 years and/or a fine of up to \$15,000.
7. Misuse of motor vehicle records is subject to additional federal criminal and/or civil penalties. The Federal Driver's Privacy and Protection Act of 1994 states:
  - a. 18 USC 2723: (a) Criminal Fine – A person who knowingly violates this chapter shall be fined under this title. 1 (rev 02/2014) Notice of Criminal Penalties and Civil Action for the Misuse of LEIN.
  - b. 18 USC 2724: (a) Cause of Action – A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court. (b) Remedies. – The court may award – (1) actual damages, but not less than liquidated damages in the amount of \$2, 500; (2) punitive damages upon proof of willful or reckless disregard of the law;
8. **Any use of the LEIN System for non-law enforcement purposes, or in violation of LEIN rules, or other violation of this policy and procedure may subject the employee to disciplinary action up to and including termination.**

Issued by:

A handwritten signature in black ink, appearing to read "Richard Duffany". The signature is fluid and cursive, with the first name "Richard" and last name "Duffany" clearly distinguishable.

Richard Duffany  
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT

## Appendix A: Incident Response Team

Role	Leadership/Members	Contact Information
I.T. Director	Tony Randazzo	[REDACTED]
I.T. Coordinator	Michael Delancey	[REDACTED]
LASO	Dariusz Nisenbaum	[REDACTED]
County I.T.	Tom Zarosley	[REDACTED]
Homeland Security	Theresa Cremonte	[REDACTED]
County CIO	Kris Tobbe	[REDACTED]
County Administration	Nathan Burd	[REDACTED]
Prosecutor	David Reader	[REDACTED]

### Other Numbers/Contacts:

MSP Operations: [REDACTED]

FBI: [REDACTED]

MS-ISAC: [REDACTED]

MC3: [REDACTED]

<b>HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT</b>			
<b>STANDARD OPERATING PROCEDURE</b>			
<b>Title: Handling of Juveniles</b>			<b>No. 300-11</b>
<b>Distribution:</b> <b>POLICE</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended	<b>Rescinds:</b> <b>200-4</b> <b>300-11 (9/7/07)</b>	<b>MLEAC Standard(s):</b> <b>4.4.1</b>
<b>Effective Date: DRAFT</b>			

## **I. PURPOSE**

The purpose of this procedure is to establish guidelines for the handling of juveniles who are under investigation and/or being detained by Hamburg Township police officers.

## **II. DEFINITIONS**

- A. Civil-type Offender – a juvenile who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.
- B. Juvenile – A person under the age of 18 years old.
- C. Non-Offender Juvenile – A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juveniles.
- D. Status Offender – A status offender is a juvenile who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. The following are examples of status offenses:
  - 1. Truancy
  - 2. Violations of curfew
  - 3. Runaway
  - 4. Underage possession and/or consumption of tobacco products
  - 5. Underage alcohol offenses. These offenses are considered status offenses, even though state or local law may consider them delinquent offenses.
    - a. It is a criminal offense for any person 18 to 20 years old to consume or possess alcoholic beverages. Because the time period is limited (i.e., 3 years) and the age at which this is not a criminal offense is very broad (i.e., after the age of 21), these alcohol

offenses must be classified as status offenses if committed by a juvenile. However, criminal alcohol offenses that apply to all adults (e.g., disorderly public intoxication) may be classified as delinquent offenses.

### **III. LEGAL AUTHORITY – TAKING JUVENILES INTO POLICE CUSTODY**

- A. Conditions under which a police officer may take a juvenile into custody without a court order are:
  - 1. A violation of any law or ordinance.
  - 2. When circumstances exist that would make the arrest lawful if the juvenile were an adult.
  - 3. When the juvenile is a confirmed runaway or the officer reasonably believes the juvenile is evading the person or proper authority having legal custody.
  - 4. The conditions or surroundings under which the child is found are such as to endanger his/her health or welfare.
  - 5. The officer continues a lawful arrest made by a private citizen.
- B. Conditions required for immediate lodging in a detention or other facilities are:
  - 1. The juvenile's home or personal situation is such that if the child were not removed there exists the probability of harm through neglect, abuse, abandonment, or any situation which would otherwise endanger the child.
  - 2. The juvenile is accused of one or more offense(s) that are so serious that release would constitute a reasonable and articulable threat to the public safety.
  - 3. A Juvenile Apprehension Order or other court order exists.
- C. Immediate detention is not necessary when:
  - 1. The juvenile has been involved in a less serious offense for which release would not likely endanger public safety.
  - 2. A parent, guardian, or custodian is capable of controlling the juvenile and agrees to do so.
- D. If the juvenile is not detained:

1. A parent, guardian or custodian must be notified as soon as possible of the violation, time of arrest, and where they should take charge of the juvenile.
2. Officers shall prepare an incident report to seek charges or issue a Uniform Law Citation.

E. Uniform Law Citations

A Uniform Law Citation may be written when a juvenile is apprehended in violation of state law, status offenses, or Township ordinances that do not normally require lodging. When issuing a citation, officers must assign a complaint number.

F. Misdemeanors on School Property

1. MCL 764.15N provides warrantless arrest authority for offenses committed on school property. "The peace officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation; regardless of whether the violation was committed in the peace officer's presence."
2. MCL 333.7410 defines "school property" as a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

#### IV. **STATUS OFFENSES**

Status offenses are those offenses which would not be considered a crime if the juvenile were an adult. Juveniles accused of status offenses cannot be held in a locked holding area. Status offenses include: juvenile runaway, curfew violations, truancy, tobacco law violations, marijuana law violation and possessing or consuming alcohol.

#### V. **CURFEW VIOLATIONS**

A. Curfew.

1. Curfew for children under 12 years old, MCL 722.751:

"No minor under the age of 12 years shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10 o'clock p.m. and 6 o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child."

2. Curfew for minors under 16 years old, MCL 722.752:

“A minor under the age of 16 years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12 midnight and 6 a.m., immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his/her parent or guardian.”

B. Disposition of Curfew Violator

1. Officers may issue a citation or a verbal warning for curfew violations. An incident report shall be written on all curfew violations.
2. The juvenile may be brought to the police station and the parent, guardian, or custodian summoned to pick up the juvenile or the juvenile may be transported home to be released to a parent, guardian, or custodian.

**NOTE:** Juveniles may **not** be held behind a locked door for status offenses.

**VI. RUNAWAY JUVENILES**

-Refer to Public Safety SOP #300-05: *Missing/Unidentified Persons/Runaways*.

**VII. INTOXICATION AND ALCOHOL VIOLATIONS INVOLVING JUVENILES**

A. Incapacitated Juveniles

-Refer to Public Safety SOP #300-06: *Response to Incapacitated Persons*.

B. Intoxicated Juveniles

1. When an officer has contact with an intoxicated juvenile (non-driving situation), the officer may:
  - a. Issue a verbal warning and release to a parent, guardian, or custodian.
  - b. Issue a citation and release to a parent, guardian, or custodian.
2. It is imperative that the officer monitor the juvenile and be mindful of changes in levels of consciousness, signs of delirium, or any other factors, information or changes which may indicate a serious drug interaction, overdose, or any other condition which requires immediate medical attention.
3. If, in the officer's reasonable opinion, the juvenile needs medical attention and the parent/guardian are unwilling to seek that attention, the juvenile

should be placed in protective custody and transported to a hospital. The officer shall initiate an incident report of child neglect and the Department of Health and Human Services (DHHS) shall be contacted immediately.

C. Liquor law violations by persons under 21 years of age, MCL 436.1703.

1. This statute applies to minors who purchase or attempt to purchase, consume or attempt to consume, and possess or attempt to possess alcoholic liquor. A first offense violation of this statute is a state civil infraction. A second offense is a 30-day misdemeanor and a third offense is a 60-day-misdemeanor.
2. PBT – A peace officer who has reasonable cause to believe a minor [defined in this act as any person under 21 years of age] has consumed alcoholic liquor may request that the person to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis must not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. MCL 436.1703(6).
3. Notification of Parent or Guardian – When an officer determines that a person less than 18 years of age, who is not emancipated, allegedly consumed, possessed or purchased or attempted to consume, possess, or purchase alcoholic liquor, the officer **must notify a parent**, custodian, or guardian as to the nature of the violation.
  - a. This section is contingent on the officer being able to ascertain the name of the parent, guardian, or custodian. The statute requires that this notice shall be made within 48 hours of the time of the violation.
  - b. Notice can be made in person, by telephone, by first class mail, or any other reasonable method calculated to give prompt actual notice.
  - c. If the person is less than 18 years of age and is arrested, then the parent or guardian **must** be notified immediately.
4. Exceptions – This statute does delineate certain exceptions; including possession during working hours in the course of employment (i.e., waitress serving alcohol, busboy clearing tables, etc.), consumption during and as a necessary part of an educational course, consumption of sacramental wine in religious services, and persons participating in undercover operations.

5. A minor is not considered to be in violation of MCL 436.1703 if they have consumed alcohol and voluntarily present themselves to a health care facility for treatment/observation or if they initiate contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern (MCL 436.1703(9)).
6. Operating While Intoxicated- Under 21 Years of Age – Under MCL 257.625(6) a person cannot operate a vehicle with any bodily alcohol content.

## **VIII. TRUANCY**

- A. Michigan law requires that children between the ages of 6 years old and 16 years old regularly attend school during the school year with limited exceptions (such as home schooling). MCL 380.1561.
- B. Officers who come in contact with a juvenile who appears to be in violation of the compulsory attendance statute (i.e., truancy) shall investigate the matter further. Officers shall attempt to obtain and verify the following information:
  1. Identity of juvenile (name and date of birth/age).
  2. Address and school district where juvenile resides.
  3. Name of school juvenile attends (or whether juvenile is home schooled).
  4. Parent/guardian name and contact number.
- C. Enrollment Confirmation
  1. After obtaining the juvenile's information, the officer shall contact the attendance officer at the school where the juvenile reports that they are attending.
  2. The officer shall confirm that the juvenile is enrolled at the school, confirm that the school is in session on that day, and confirm that the juvenile is supposed to be in attendance. The officer shall also provide the school official with the case number of the incident report. (Note: an incident report is required on all truancy matters).
- D. Parental Notification
  1. The parent, guardian or custodian of the juvenile shall immediately be contacted after the enrollment confirmation process.

2. The officer shall question the parent, guardian or custodian of the juvenile to determine the circumstances surrounding the truancy. If appropriate, the officer may submit a warrant request to the Prosecutor's Office for violation of the compulsory school attendance statute (MCL 380.1561) by the parent, guardian or custodian. Violation of this statute is a misdemeanor.
3. After speaking with the parent, guardian or custodian of the juvenile, the officer may do any of the following with the juvenile:
  - a. Transport the juvenile to the appropriate school and turn them over to school personnel.
  - b. Transport the juvenile home and turn them over to a parent, guardian or custodian.
  - c. Arrange to have the parent, guardian or custodian pick up the juvenile at the police station.

## **IX. TOBACCO VIOLATIONS**

### **A. Youth Tobacco Act, MCL 722.642.**

1. A person less than 21 years of age shall not do any of the following (MCL 722.642(1)):
  - a. Purchase or attempt to purchase a tobacco product.
  - b. Possess or attempt to possess a tobacco product.
  - c. Use a tobacco product in a public place.
  - d. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

An individual who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation.

2. A person less than 21 years of age shall not do any of the following (MCL 722.642(3)):
  - a. Purchase or attempt to purchase a vapor product or alternative nicotine product.
  - b. Possess or attempt to possess a vapor product or alternative nicotine product.

- c. Use a vapor product or alternative nicotine product in a public place.
- d. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or alternative nicotine product.

An individual who violates this subsection is guilty of a state civil infraction for the first two offenses punishable by a fine of not more than \$50.00 for each violation and guilty of a misdemeanor for the third offense punishable by a fine of not more than \$50.00 for each violation.

**B. Furnishing Tobacco to Person under 21, MCL 722.641.**

- 1. A person shall not sell, give, or furnish a tobacco product, vapor product, or alternative nicotine product to a person under 21 years of age, including, but not limited to, through a vending machine. A person who violates this statute is guilty of a misdemeanor punishable by a fine as follows:
  - a. For a first offense, not more than \$100.00.
  - b. For a second offense, not more than \$500.00.
  - c. For a third or subsequent offense, not more than \$2,500.00.

**X. MARIJUANA VIOLATIONS**

No person under the age of 21 can possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marijuana (MCL 333.27954). Violations are a state civil infraction.

**XI. INCORRIGIBILITY**

Officers may be requested to assist a parent or guardian who is experiencing severe disciplinary problems with their child. At times, criminal activity (i.e., drug use, retail fraud, status offenses, violent acts, etc.) may be suspected but sufficient evidence to initiate a criminal complaint may be lacking. Additionally, the parent may not be able to control their child; having exhausted all other means and resources to effect positive change. In these cases, the officer should initiate a written incident report for Juvenile Incurrigibility.

**NOTE:** It is important that the officer remain sensitive to the needs and frustration of parents experiencing incorrigibility problems. The officer should assist the parent in locating other community resources such as counseling services, substance abuse treatment centers, and other youth and family services.

## **XII. INTERVIEW OF JUVENILES**

- A. Interviews of juvenile victims of physical and sexual abuse shall be conducted in accordance with the procedures established by the Livingston County Department of Human Services and the Livingston County Prosecutor's Office in the *Livingston County Protocol for Investigation of Child Abuse*.
- B. When conducting interviews of juvenile suspects, the officer shall obtain written permission from a parent or guardian to interview the juvenile or have a parent or guardian present during the interview.

## **XIII. DETENTION OF JUVENILES**

The following procedure shall be utilized when temporarily detaining persons under the age of eighteen (18) years in the department's holding cells.

**NOTE:** Juveniles held for a criminal charge(s), under an arrest warrant, or under a Family Court Order shall not be held longer than 6 hours in the holding cells. The time period commences at the time the juvenile is brought in.

- A. Juveniles will be brought to the holding cell area via the east garage bay or office area.
- B. Officers shall complete the Juvenile Detention Log located on the wall mount on the north side of the holding cell area.
- C. Contact with adult detainees shall be avoided at all times during the transportation and detention of a juvenile.
- D. Arresting/transporting officers will conduct a custodial search of the juvenile and remove all property from the juvenile; including pocket knives, necklaces, belts, shoes or shoelaces, matches, lighters and place the items in an evidence bag to be transported with the detainee or released to him/her when leaving the facility or taken for evidence.
- E. Juveniles held for status offenses will be held in an unlocked area and will not be handcuffed to any stationary object.
  - 1. Juvenile status offenders may be placed in an unlocked interview room or in the squad room with the officer for the length of time required to complete identification, processing, and release to a responsible adult or transferred to a juvenile facility or court.
- F. A juvenile being booked on a warrant ordering arraignment in 53<sup>rd</sup> District Court based on a waiver to adult court or a juvenile who has committed a serious

criminal offense will be handled as detailed above. In addition, the arresting officer shall arrange for the lodging of the juvenile as follows:

1. During normal business hours, contact Juvenile Court.
  2. After hours, contact Central Dispatch who will contact the on-call Juvenile Court representative.
  3. When arrangements to lodge a juvenile at a youth detention center have been made, the officer will transport the juvenile to the center.
- G. Officers are relieved of their responsibility for the juvenile when they have specifically charged the juvenile with a criminal or status offense, and
1. Contacted a parent, legal guardian, or other acceptable adult to pick up the juvenile, or
  2. Made arraignments for lodging and transporting to a youth detention center, or
  3. Made arrangements for eventual release within six (6) hours.
- H. A supervisor may request an officer remain with a juvenile if any of the following apply:
1. The juvenile is suicidal.
  2. The juvenile is uncooperative; requiring constant watch.
  3. Multiple juveniles are brought to the department.
- I. If a parent/guardian has not picked up the juvenile from the police station after three (3) hours, the officer will:
1. Re-contact the parent/guardian.
  2. Notify a supervisor of the time delay.
- NOTE:** If the arresting officer is unavailable, command will assign another officer to complete the placement of the juvenile.
- J. If the juvenile is still at the police station after five (5) hours, the officer will immediately transport the juvenile to their residence or other suitable location such as a relative willing to accept custody of the juvenile.

K. Non-secure Custody

1. A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in a secure detention or confinement status. **All** of the following criteria will constitute non-secure custody of a juvenile in an adult jail or lockup facility:
  - a. The area where the juvenile is held is an unlocked multipurpose area, such as a lobby, office, or interrogation room that is not designated, set aside or used primarily as a secure detention area or is not part of such an area, or, if a secure area, is used only for processing purposes;
  - b. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility.
  - c. The use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
  - d. In no event can the area be designed or intended to be used for residential purposes; and
  - e. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he/she is in non-secure custody.
2. In addition, a juvenile placed in the following situations would be considered in a non-secure status:
  - a. A juvenile handcuffed to a non-stationary object. If the five criteria listed above are adhered to, handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure.
  - b. A juvenile being processed through a secure booking area. Where a secure booking area is all that is available and continuous visual supervision is provided throughout the booking process and the juvenile remains in the booking area only long enough to be photographed and fingerprinted (consistent with state law), the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.
  - c. A juvenile placed in a secure police car for transportation. The Juvenile Justice and Delinquency Prevention (JJDP) Act applies to secure detention facilities and secure correctional facilities;

therefore, a juvenile placed in a police car for transportation would be in a non-secure status.

- d. A juvenile placed in a non-secure runaway shelter but prevented from leaving because of staff restricting access to exits. A facility may be non-secure (i.e., staff secure) if physical restriction of movement or activity is provided solely through facility staff.

#### **XIV. HANDCUFFING OF JUVENILE OFFENDERS**

-Refer to Public Safety SOP #300-76: *Use of Handcuffs and Restraining Devices*.

#### **XV. COMPLIANCE WITH DEINSTITUTIONALIZATION OF STATUS OFFENDERS**

##### **A. Prohibition on Secure Holding**

Adult jails and lockups cannot hold status offenders, non-offenders or civil-type juvenile offenders in a secure manner at any time. These juveniles may be detained in a non-secure area of an adult jail or lockup for processing while awaiting transportation to a non-secure shelter care facility or a juvenile detention center or while waiting release to a parent or guardian.

#### **XVI. COMPLIANCE WITH JAIL REMOVAL**

##### **A. The JJDP Act states that “no juvenile shall be detained or confined in any jail or lockup for adults...” There are three exceptions to this requirement:**

1. A 6-hour hold exception for alleged delinquent offenders.
2. An exception for alleged delinquent offenders in rural areas if certain criteria are met.
3. An exception for juveniles waived or transferred to a criminal court.

##### **B. Six-Hour Hold Exception**

OJJDP regulations allow for a 6-hour “grace period” that permits the secure detention in an adult jail or lockup of those juveniles accused of committing criminal-type offenses (i.e., offenses that would be a criminal offense if committed by an adult). Under this exception, the juvenile cannot have sight or sound contact with adult inmates during the time the juvenile is in a secure custody status in the adult jail or lockup. The 6 hours can be used in the following circumstances:

1. An accused delinquent could be detained for up to 6 hours for the purposes of processing or release or transfer to a juvenile facility. Any

holding of juveniles should be limited to the absolute minimum time necessary to complete these purposes, not to exceed 6 hours. An accused or adjudicated delinquent could be detained for up to 6 hours before a court appearance and up to an additional 6 hours after a court appearance, but any hold of an adjudicated delinquent that is not related to a court appearance is a violation of jail removal.

**NOTE:** The 6-hour time period cannot be combined to extend the time frame. For example, a juvenile cannot be detained for 4 hours before and 7 hours after the court appearance.

2. Once the juvenile has been placed in a secure custody status and the 6-hour period has begun, the facility cannot temporarily take the juvenile out of a secure custody status and begin the 6-hour time period again. For example, if a juvenile was placed in a secure custody status for 4 hours, then was taken to a non-secure interview room for 1 hour, then was returned to a secure custody for 2 hours, the total time to report for the jail removal provision is 7 hours and would be a violation of the 6-hour limit.
3. A status offender, non-offender or civil-type juvenile offender cannot be securely detained for any length of time in an adult jail or lockup.
4. Sight and sound separation from adult offenders must be maintained at all times pursuant to the separation requirement.

## **XVII. COMPLIANCE WITH SEPARATION**

Juveniles shall not have contact with adult inmates. Separation must be achieved in all secure areas of the facility. Accused or adjudicated delinquent offenders, status offenders, and non-offenders cannot have contact with adult inmates.

### **A. Definitions**

1. Contact – Contact is defined to include any physical or sustained sight or sound contact.
2. Sight Contact – Sight contact is defined as clear visual contact between adult inmates and juveniles within close proximity to each other.
3. Sound Contact – Sound contact is defined as direct oral communication between adult inmates and juvenile offenders.

- B. Sight and sound separation may be accomplished through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adults. Brief inadvertent or accidental contacts between juvenile offenders in

a secure custody status and adult inmates in secure nonresidential areas of the facility do not count as violations.

- C. Where a secure booking area is all that is available and the juvenile is under complete supervision just long enough for the booking process, the juvenile is not considered to be in a secure detention status and separation would not apply during this time. Once the booking process has been completed, the juvenile must be separated immediately from adult inmates.

Issued by:

A handwritten signature in black ink, appearing to read "Richard Duffany".

Richard Duffany  
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.

HAMBURG TOWNSHIP PUBLIC SAFETY DEPARTMENT			
STANDARD OPERATING PROCEDURE			
Title: <b>Communicable Diseases</b>			<b>No. 300-57</b>
Distribution: <b>POLICE</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended	Rescinds: <b>600-9</b>	MLEAC Standard(s): <b>N/A</b>
Effective Date: <b>DRAFT</b>			

## I. **PURPOSE**

The purpose of this procedure is to establish guidelines and work practices to prevent or reduce potential communicable disease exposure to employees during the handling of persons and property by which such diseases may be transmitted as a result of contact with blood, other bodily fluids, or through the air.

## II. **DEFINITIONS**

- A. **Communicable Diseases** – Those infectious diseases/illnesses transmitted from one person to another through breath, blood, body fluids, or by the use of contaminated items such as syringes.
- B. **Bloodborne Pathogens** – The microorganisms present in infected human blood that are associated with the diseases of Hepatitis B and C, Human Immunodeficiency Virus (HIV), Syphilis, Malaria, and others.
- C. **Exposure** – Contact to the eye, mouth, other mucous membrane, or non-intact skin by the blood or body fluids of another person. Also includes being in close contact (generally less than 6 feet) in an enclosed environment with a person having a respiratory disease/illness where an officer may inhale droplets/particles containing the virus being expelled by the infected person.

## III. **PROTECTIVE CLOTHING/EQUIPMENT**

- A. Availability
  - 1. The department shall issue and/or make readily available to all personnel the following for work-related use:
    - a. Latex exam gloves.
    - b. Surgical and N-95 masks.
    - c. Heavy duty protective coveralls with hood.

- d. Disinfectant wipes.
- e. Hand sanitizer (with at least 70% alcohol content).
- f. Fluid resistant mask with face shield.

**B. Use of Protective Clothing/Equipment**

- 1. All persons and property should be treated as though potentially contaminated with a bloodborne pathogen.
- 2. A mask will be used when in close contact with or transporting a prisoner who has/is suspected of having tuberculosis (TB), influenza or COVID.
- 3. Officers will question subjects who have coughs, fever or other symptoms to determine whether they may have TB, influenza, COVID or another disease.
- 4. If the subject affirms they are sick with TB, influenza, COVID or another serious respiratory disease, the officer shall put on a mask and report the situation to a supervisor.
- 5. Custodial arrests of subjects where there is a confirmation or a reasonable belief that the subject has TB, COVID or other serious respiratory disease should be avoided unless arrest is mandatory by law (i.e., Domestic Violence) or the subject is being arrested for a serious felony.

**NOTE:** With TB, COVID or any other serious respiratory disease, keep the vehicle ventilated while transporting the infected subject.

- 6. After the transport of a subject infected with a communicable disease the vehicle will be taken back to the police station parking lot and labeled with biohazard stickers for decontamination in accordance with Section VII., below.
- 7. Protective exam gloves and protective masks with eye shields shall be used whenever possible in all situations which involve the possibility of exposure to blood, body fluids and/or human tissue.
- 8. Protective exam gloves and protective masks with eye shields shall be worn by all personnel while handling property or processing evidence if the property is known to be or suspected to be contaminated with blood, body fluids and/or human tissue.
- 9. Personnel must wear eye protection when the potential exists to be splashed with body fluids or when processing crime scenes where there are body fluids. Eye protection that becomes exposed to or contaminated

by body fluids or tissue shall not be reused and shall be disposed of in an approved biohazard receptacle.

10. Disposable resuscitator masks are to be used while employees perform CPR. Once a resuscitator mask has been used or exposed to body fluids, it must be disposed of in an appropriate biohazard container. The resuscitator mask shall be replaced as soon as possible.
11. Protective coveralls and all other protective devices such as protective exam gloves and masks with eye shields shall be worn whenever necessary by any employee who processes a crime scene which contains body fluids or excretions.
12. Employees shall advise Central Dispatch and/or a supervisor if they are dispatched to, assigned, or inadvertently come upon an incident that requires additional barrier protection that they do not have available to them. The supervisor or dispatcher shall then either reassign the incident to a properly equipped unit or ensure that appropriate barrier protection is delivered for use at the incident site before action is taken by an employee; unless the employee must take immediate action to protect himself/herself or another person from physical harm.

C. Maintenance or Re-Supply of Protective Equipment/Clothing

1. It shall be the responsibility of each employee to ensure that they are equipped with all necessary protective equipment/clothing. Employees shall notify a supervisor if they are in need of any personal protection equipment/clothing.
2. Supervisors shall ensure that an employee is supplied or re-supplied with all necessary personal protection equipment/clothing. In the event that a supervisor cannot access or locate needed equipment/clothing they shall immediately notify the Deputy Director – Police.

D. Disposal of Protective Equipment

1. Protective equipment is disposable and shall be used only once.
2. Exposed or contaminated disposable equipment shall be disposed of in an appropriate biohazard receptacle, if immediately available. If no receptacle is immediately available, the equipment shall be placed in an appropriately sized biohazard bag and transported to a biohazard receptacle for disposal.
3. Biohazard receptacles are located at the Livingston County EMS building and in hospital emergency rooms.

#### **IV. EQUIPMENT AND CLOTHING CONTAMINATION**

- A. Departmental or personal equipment/clothing that has been contaminated by a bloodborne pathogen shall be removed by the employee and placed in a biohazard bag as soon as practical.
- B. Departmental or personal equipment/clothing (excluding firearms) still wet with blood or body fluids must be air dried before being placed in a biohazard bag. It shall be the responsibility of the employee to whom the item(s) belong to affix biohazard labels to such item(s).
- C. Properly bagged clothing and equipment that have been contaminated and is no longer wet shall be placed in the detached evidence garage. Biohazard labels will remain on the bag.
- D. The employee shall advise a supervisor and make arrangements for the cleaning of the contaminated item(s). Equipment and clothing will be replaced if necessary.
- E. If the contaminated item(s) need to be temporarily replaced with other clothing/equipment, the employee shall notify his/her supervisor who shall ensure that temporary replacement is made, as soon as practical.
- F. Under no circumstances should an employee attempt to clean any contaminated article of equipment or clothing on his/her own without permission/instruction of a supervisor.
- G. Firearms that are exposed to bloodborne pathogens shall be placed in a biohazard bag and transported to the department by the employee for cleaning and shall be secured in a designated receptacle. Written notice shall be attached to the biohazard bag indicating the nature of the exposure.
- H. All employees are strongly discouraged from wearing their duty uniforms or other clothing, including shoes, to and from the work-site. This is recommended to reduce the possibility of carrying infectious diseases on clothing and shoes.

#### **V. OTHER PROTECTION**

All employees who have the potential of coming into contact with bloodborne pathogens have been offered a series of Hepatitis B (HBV) inoculations at no personal expense. Employees are strongly urged to participate in this form of protection even if they originally opted not to. Employees with questions regarding this inoculation should contact the Livingston County Health Department.

## **VI. GENERAL PRECAUTIONARY MEASURES**

- A. Personnel should keep all cuts and open wounds covered with clean bandages during their tour of duty.
- B. Personnel should avoid smoking, eating, drinking, nail-biting, and all hand-to-mouth, hand-to-nose, and hand-to-eye actions while working in areas contaminated with blood or body fluids. Bloodborne contaminated items must be handled carefully.
- C. Personnel must handle all needles and syringes carefully to prevent puncture of their skin.
- D. Hamburg Township Fire and Livingston County EMS personnel carry sharps containers if needed for needles, syringes and all other sharps.
- E. Needles and syringes shall not be re-sheathed. The needle or syringe shall be placed in a sharps container to avoid accidental punctures to the skin and to protect other employees.
- F. Extreme care must be taken during any search process to avoid accidental punctures of the skin. Protective pat-down searches, inventory searches, or searches of any area, particularly areas that are not sight-accessible (e.g., under car seats or inside pockets or containers), shall be done carefully to avoid punctures by sharp objects or contact with potentially contaminated objects. Personnel may wish to double-glove to enhance their protection.
- G. All sharps that have been contaminated with bloodborne pathogens that will not fit in the provided containers shall be properly marked and placed in appropriate protective containers to give notice to others and prevent accidental exposure.
- H. Blood samples, clothing, or any item that has been exposed or contaminated with any bodily fluid or human tissue shall be labeled with a biohazard label. The MSP Crime Laboratory will not accept any evidence of this nature which has not been properly labeled.
- I. Care should be taken to avoid the cough or mucus/phlegm from another person directly into the employee's face. When appropriate, protective masks with eye shields should be worn. A protective mask may be placed on prisoners to help eliminate risk to employees.

## **VII. VEHICLE EXPOSURE**

- A. Police vehicles that become contaminated should not be driven unless it is safe to do so while utilizing appropriate barrier protection. If driven, vehicles should only be taken to be cleaned.

- B. Contaminated police vehicles which cannot be driven safely shall be towed to the police station parking lot.
- C. Vehicles taken to the police station for cleaning shall have biohazard labels placed over both door posts to alert other employees.
- D. Written notice shall be attached to vehicles towed to the station indicating the nature of the exposure (e.g., known or suspected HIV carrier urinated in the back seat of the patrol vehicle). This will alert personnel about the type and location of the exposure and will help safeguard personnel during the cleaning process.
- E. Written notice shall be attached to vehicles that are towed for evidence processing; indicating the nature of the exposure. The wrecker driver shall be notified of the exposure prior to the vehicle being towed. A biohazard sticker shall be placed on the contaminated vehicle. Care must be taken when attaching the written notice and biohazard sticker to the contaminated vehicle so as not to destroy possible evidence.
- F. Police vehicles that become contaminated or are exposed to respiratory diseases shall be cleaned by the officer utilizing the Ecolab Disinfectant Sprayer which is stored on a wall mount in the west garage bay. All officers shall receive training in the proper use of the Ecolab Disinfectant Sprayer.
- G. Police vehicles that become contaminated with blood or other bodily fluids shall be professionally cleaned by a department-approved cleaning company.

#### **VIII. MEDICAL TREATMENT FOR BLOODBORNE PATHOGEN EXPOSURE**

- A. Employees who become exposed or feel they may have been exposed to bloodborne pathogens, according to the above definitions, shall immediately report the possible exposure to a supervisor.
- B. Supervisor Responsibilities
  - 1. Recognize that time is of the essence, do not delay employee cleansing and treatment procedures because disease prevention success can be directly related to the time lapse between exposure and the onset of cleansing and treatment procedures.
  - 2. If not already done, have the employee immediately wash the affected area with soap and water and completely shower if saturated with body fluids.
  - 3. As soon as possible after cleansing, ensure that an employee who has been exposed is treated at a medical facility. If there is any doubt whether or not an exposure has occurred, it is best to have the employee seen by a

medical professional in accordance with Public Safety SOP #100-14: *Employee Injury and Illness*. Always give the benefit of the doubt to the employee in cases of an occupational exposure and follow-up treatment.

4. If the person who is the source of the suspected exposure refuses to comply with testing, a petition for testing of infectious disease must be filled out and signed by a judge.

## **IX. INVESTIGATION OF EXPOSURES**

- A. A supervisor shall investigate and document all employee exposure incidents (bloodborne or respiratory). The supervisor's report shall include the following:
  1. Identity of the source, if known; including address, phone numbers, etc.
  2. Identity of all exposed parties.
  3. Nature of the suspected exposure (e.g., Hepatitis, HIV, COVID, etc.), along with the reason why it is suspected.
  4. Means/method of exposure.
  5. Follow-up actions taken; including all persons contacted to confirm infection(s), tests requested, and a final disposition at the conclusion of the preliminary investigation.
  6. Supervisor's determination as to whether appropriate and reasonable barrier protection was utilized by the employee at the time of the exposure.
  7. Recommended corrective action if the employee did not utilize the appropriate barrier protection due to an unjustifiable reason.
- B. Completed reports shall be immediately forwarded to the Director of Public Safety.
- C. It shall be the responsibility of the Director of Public Safety/designee to review and follow up on all employee exposure reports and to coordinate employee medical treatment.

## **X. DETENTION CELL EXPOSURES**

Upon discovery of any body fluid or substance in the detention cells, the affected area shall be cleaned and disinfected with a 10% bleach/water solution. Those individuals cleaning the infected area shall wear appropriate barrier protection during the cleansing process.

## **XI. GENERAL INFORMATION FOR EMPLOYEES**

- A. Wash your hands with soap and water frequently during a tour of duty and/or use hand sanitizer.
- B. Always use barrier protection, when possible.
- C. Never administer CPR without a resuscitator mask.
- D. Never assume that any person, child, or object is disease free,
- E. Treat all searches, personal contacts, and property as though there is the potential to be contaminated with a communicable disease.
- F. Report all exposures and seek treatment immediately.
- G. Make sure you have barrier protection in your vehicle before beginning a tour of duty.
- H. Leave uniforms, other clothing, and shoes at work, so you don't take infections home.
- I. Get the Hepatitis series of shots.
- J. Identify the person who exposed you, the nature of the exposure, and write a detailed report.

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: <b>Arrest Management</b>			<b>No. 300-75</b>
Distribution: <b>POLICE</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended	Rescinds: <b>200-2</b>	MLEAC Standard(s): <b>3.1.3., 3.1.4, 5.1.1, 5.1.2</b>
Effective Date: <b>DRAFT</b>			

## I. PURPOSE

The purpose of the procedure is to establish guidelines for managing the arrest and custodial transport process.

## II. DEFINITIONS

- A. **Contact** – A face-to-face communication between an officer and a private person under circumstances where the person is free to leave.
- B. **Emergency Circumstances** – Those circumstances in addition to probable cause that demand immediate action. Emergency circumstances generally justify entry into a dwelling or building without a warrant in the following circumstances:
  - 1. When evidence would be destroyed.
  - 2. When there is the threat of injury to the officer or others.
  - 3. When a felon would escape.
  - 4. When there is a crime in progress.
  - 5. When exigent circumstances exist.
  - 6. Hot pursuit of a criminal.
    - a. This refers to situations in which an officer pursues a fleeing felon into a home or building, etc., and then observes in plain view items that are readily apparent as evidence or contraband.
    - b. It is important to note that court cases dealing with this exception are based on felonies, not misdemeanors.
    - c. Officers should never pursue a person wanted for a misdemeanor into their home and expect to base an exception to the warrant requirement on hot pursuit.

- C. **Exigent Circumstances** – Emergency circumstances that justify a warrantless entry.
- D. **Felony** – An offense for which the offender, on conviction, may be punished by death or by imprisonment in a state prison MCL 750.7.
- E. **Frisk** – A limited protective search for concealed weapons or dangerous instruments.
- F. **Misdemeanor** – A violation of a non-felony penal law punishable in the county jail for not more than 1 year.
- G. **Probable Cause** – Articulable facts or circumstances which could lead a reasonably prudent person to conclude that a suspect has committed, or is in the process of committing, a criminal act.
- H. **Reasonable Officer** – One who acts as other similarly trained and experienced officers could be expected to act under similar circumstances. The reasonableness of an officer’s actions will be reviewed based on the facts and circumstances known to him/her at the time of the action.
- I. **Reasonable Suspicion** – A police officer has reasonable suspicion to detain a citizen briefly for purposes of investigation when the officer, in light of experience and training, is aware of articulable facts or circumstances which could lead a reasonably prudent officer to believe that a crime has occurred, criminal activity is going to occur, or someone is otherwise in need of police assistance.
- J. **Reasonable Suspicion to Frisk** – A police officer has reasonable suspicion to frisk a citizen during an investigative detention when the officer, in light of experience and training, is aware of articulable facts or circumstances which could lead a reasonably prudent officer to believe that the citizen may be armed with a weapon.
- K. **Stop** – A temporary detention of a person for investigation. A stop occurs when officers use their authority to either compel a person to halt or to remain in a certain place or to perform some act (e.g., walking to a nearby location where the officer can use a radio, telephone, etc.). If a person reasonably believes that he/she is not free to leave the presence of the officer, a “stop” has occurred.

#### IV. **ARREST AUTHORITY**

- A. There are three components to an arrest:
  - 1. The taking, seizing or detaining of a person by any act which indicates an intention to take the person into custody, and

2. subjects the person arrested to the actual control of the person making the arrest, and
3. this is understood by the person arrested.

B. In order to have a valid arrest the following elements must be present:

1. Authority – The person making the arrest must have the authority to make the arrest and must be acting within the scope of that authority. Authority to arrest is vested in employees who are fully empowered and regularly employed by the department as police officers or any person who is given authority by a fully empowered police officer of Hamburg Township.  
*Per MCL 764.16 a private citizen may make an arrest when summoned by a peace officer.*
2. Intent – An officer must inform the person who is being arrested of the intent to arrest them and on what grounds.
3. Custody – Custody must be exercised; either by word, command, or methods of control that may include force.
4. Submission – The person being arrested must submit to the fact that they have been arrested, although this does not mean the person must submit voluntarily. Submission is present when the element of custody is gained.

## V. **REQUIREMENTS FOR ARREST**

In the following circumstances an officer may make an arrest within the Hamburg Township:

A. Under MCL 764.15 an officer may arrest without a warrant in any of the following situations:

1. Criminal Offenses
  - a. FELONY
    - i. A felony committed in the presence of an officer.
    - ii. When a felony has been committed and the officer has reasonable cause to believe that particular person has committed the felony.
    - iii. When an officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person committed it.

- iv. When an officer has received and confirmed positive information by written or electronic form, or other authoritative source, that another officer or court holds a warrant for the arrest of that particular person.

**NOTE:** The decision to arrest in this circumstance would be made in light of the best information available regarding the subject's ability to post bond and the willingness of the warrant holder to pick up and/or receive the prisoner.

- v. When an officer has received positive information, by broadcast from a recognized police or other government radio station or by other electronic means, that gives the officer reasonable cause to believe that a felony has been committed and reasonable cause to believe that particular person has committed a felony.
- vi. When an officer has reasonable cause to believe that a person is an escaped convict, a parole or probation violator, or has violated a condition of pardon granted by the Governor.
- vii. Under MCL 764.15e an officer may arrest without a warrant and take into custody a defendant whom the peace officer has reasonable cause to believe is violating or has violated a condition of release (where the original charge was a felony offense) imposed under MCL 765.6b, as it relates to the release of defendants subject to protective orders. The arresting officer will complete the *Complaint of Violation of Conditional Release Form* following the guidelines outlined on the form.
- viii. Under MCL 333.7501 of the Controlled Substance Act, a sheriff, deputy sheriff, or local or state police officer who has reasonable cause to believe that a violation of this article punishable by imprisonment for one year or more has taken place or is taking place, and reasonable cause to believe that an individual has committed or is committing the violation, may arrest that individual without a warrant for that violation whether or not the violation was committed in the law enforcement officer's presence.

b. MISDEMEANOR

- i. A misdemeanor violation committed in the presence of an officer.

- ii. The officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it.
- iii. The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that another peace officer or court holds a warrant for the person's arrest.
- iv. The officer has received positive information broadcast from a recognized police or other governmental radio station or other electronic form that affords the officer reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it.
- v. Under MCL 764.15e an officer may arrest without a warrant and take into custody a defendant who the peace officer has reasonable cause to believe is violating or has violated a condition of release (where the original charge was a misdemeanor offense) imposed under MCL 765.6b, as it relates to the release of defendants subject to protective orders. The arresting officer will complete the *Complaint of Violation of Conditional Release Form* following the guidelines outlined on the form.
- vi. An officer may make an arrest under MCL 764.15a, as outlined in Operational Procedure 300-22 *Domestic Assault*.
- vii. MCL 764.15b, grants an officer the authority, without a warrant, to arrest a person for violation of a personal protection order (PPO).
- viii. When an officer has reasonable cause to believe that a violation of the retail fraud section of MCL 750.356c or MCL 750.356d has taken place and there is probable cause to believe that the person committed the violation; whether in the presence of the officer or not.
- ix. The officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the officer's presence. School property is defined as a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

c. NON-CUSTODIAL MISDEAMNOR ARREST

- i. Officers shall issue an appearance citation for a misdemeanor violation with a penalty of up to one year in jail, except as provided below. (MCL 764.9c).
- ii. Officers **MUST NOT** issue an appearance citation for a person:
  - a) Arrested for a domestic violence violation of section 81 or 81a of the Michigan Penal Code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to a domestic violence violation of section 81 or 81a of the Michigan Penal Code, 1931 PA 328, MCL 750.81 and 750.81a, or an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501.
  - b) Subject to detainment for violating a personal protection order.
  - c) Subject to a mandatory period of confinement, condition of bond, or other condition of release until he or she has served that period of confinement or meets that requirement of bond or other condition of release.
  - d) Arrested for a serious misdemeanor.
  - e) Arrested for any other assaultive crime.
- iii. Officers have discretion to make a custodial arrest, take the subject to jail and lodge him/her if one of the following conditions exist:
  - a) The arrested person refuses to follow the police officer's reasonable instructions.
  - b) The arrested person will not offer satisfactory evidence of identification.
  - c) There is reasonable likelihood that the offense would continue or resume, or that another person or property would be endangered if the arrested person is released from custody.
  - d) The arrested person presents an immediate danger to himself or herself or requires immediate medical examination or medical care.
  - e) The arrested person requests to be taken immediately before a magistrate.
  - f) Any other reason that the police officer may deem

reasonable to arrest the person which must be articulated in the arrest report.

- iv. If a person is arrested, and lodged, the police report must specify the reason for not issuing an appearance citation, and the department must forward the report to the appropriate prosecuting authority without delay.

## 2. Special Traffic-Related Offenses

- a. When an officer has reasonable cause to believe that a person, at the time of a crash, was operating the vehicle upon a public highway or a place open to the general public, including an area designated for the parking of vehicles, while under the influence of intoxicating liquor or controlled substance.
- b. The person is found in the driver's seat of a vehicle parked or stopped on a highway or street if any part of the vehicle intrudes into the roadway and the officer has reasonable cause to believe the person was operating the vehicle while under the influence of intoxicating liquor or controlled substance.
- c. When an officer has reasonable cause to believe that a person, at the time of a crash, was the driver of a snowmobile (MCL 324.82136), ORV (MCL 324.81144), or boat (MCL 324.80180), while under the influence of intoxicating liquor or controlled substance.
- d. A person who drives any vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of motor vehicle, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving MVC 257.626.

### B. An arrest warrant must be obtained prior to arresting in the following circumstances:

- 1. On probable cause for a misdemeanor when a suspect flees from the exterior of a dwelling to the interior (no forcible entry).
- 2. To make forcible entry into the defendant's dwelling for the purpose of making a felony arrest; absent exigent circumstances. Officers must have reason to believe the defendant is inside the dwelling.

3. To make forcible entry into a third party's house for the purpose of making any arrest without exigent circumstances. (In this case, a Search Warrant is also required).

## **VI. ARREST AUTHORITY OUTSIDE JURISDICTIONAL BOUNDARIES**

- A. Certain statutory exceptions allow police officers the authority to arrest outside the jurisdictional boundaries of the political subdivision that grants them their police authority.
  1. MCL 764.2 states, "If any person against whom a warrant shall be issued for an alleged offense committed within any county, shall, either before or after the issuing of such warrant, escape from or be out of the county, the sheriff or other officer to whom such warrant may be directed, may pursue and apprehend the party charged, in any county of this state, and for that purpose may command aid and may exercise the same authority as in his own county."
  2. MCL 764.2a states further, "A peace officer of a county, city, village, or township of this state may exercise authority and powers outside his/her own county, city, village, or township when he/she is enforcing the laws of this state in conjunction with the Michigan State Police, or in conjunction with a peace officer of the county, city, village, or township in which he/she may be; the same as if he/she were in his/her own county, city, village or township."
  3. Fresh Pursuit: Shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. A police officer, while engaged in fresh pursuit, may arrest with the authority granted by the municipality that is their employer.
- B. Officers outside their jurisdictional boundaries, but not operating under any of the listed exceptions, may be acting in the capacity of a private citizen.

## **VII. ALTERNATIVES TO A CUSTODIAL ARREST**

- A. Situations can arise for which an officer may make a custodial arrest but circumstances at the time require discretion or alternative action. These situations include, but are not limited, to:
  1. Issues with the suspect's health or intoxication.
  2. When the Livingston County Jail is at or near capacity and can only accommodate offenders involved in serious or violent offenses.

3. When making the arrest would leave the Township with limited or no available officers during a busy period.
- B. Issuance of a Uniform Law Citation to the suspect and release at the scene and/or safe location may be an alternative to custodial arrest.
- C. Alternatives to custodial arrest require officers to complete a thorough field investigation to assure accurate identification of the suspect.
- D. Discretion in making arrests will be guided by the totality of the circumstances surrounding each situation and department policies. In most circumstances, officers should make a custodial arrest when incidents involve the following:
  1. Felony crimes.
  2. Misdemeanor violations for offenses related to alcohol/controlled substances and the operation of a motor vehicle, snowmobile, ORV or boat.
  3. In situations of Domestic Abuse or Personal Protective Orders where the offense meets statutory requirements.
- E. When an officer chooses to utilize an alternative to custodial arrest, the rationale should be articulated in an incident report.

## **VIII. CUSTODY AND TRANSPORT**

- A. General Custody Guidelines
  1. While being transported, individuals who are in-custody should be handcuffed or otherwise restrained in such a manner so as to prevent them from harming the officer(s), escaping, causing an accident, or harming themselves.
  2. Situations requiring special attention during transports include:
    - a. Sudden In-Custody Death Syndrome – Those most at risk include the obese, intoxicated subjects, emotionally disturbed persons, drug abusers (particularly cocaine), those with serious pre-existing medical conditions, and persons involved in a prolonged and/or violent encounter prior to being taken into custody. Whenever force is used to effect an arrest, and in particular if some or any of these risk factors are present, officers should closely monitor the prisoner during transport.

- b. Positional Asphyxia – This can occur if a subject is placed in, or assumes, a position that restricts breathing and normal diaphragm function; such as lying on the stomach in a prone position. To guard against the potential for positional asphyxia, officers should, whenever practical, place and maintain prisoners in a seated upright position during transport.
- 3. The use of handcuffs and other authorized restraint devices shall comply with Public Safety SOP #300-76: *Use of Handcuffs and Restraining Devices*.
- 4. All persons placed under arrest by department officers will be handcuffed by the arresting or transporting officer unless injury, medical condition, deformity, or other extenuating circumstances exist.
- 5. Individuals shall be searched upon arrest or upon being received from another officer and prior to being placed into the transport vehicle.

**NOTE:** If the arrest is for a misdemeanor that the accused may post Interim Bond, you must do your complete search in the field. Your search must immediately follow the arrest and is limited to the areas where the accused could have obtained a weapon.

- 6. In addition to being searched at the beginning of an officer's shift, the passenger compartment of the transport vehicle shall be searched prior to and after each transport.
- 7. Only patrol vehicles equipped with cages/screens and other modifications meant to prevent the exit of the vehicle without the aid of the transporting officer shall be used for custodial transport, unless extreme circumstances warrant otherwise.
- 8. Sliding screens/windows shall be properly secured prior to transport for officer safety.
- 9. Officers shall notify dispatch of their beginning and ending odometer reading when transporting individuals of the opposite gender and juveniles of any gender. This information, along with the time the transport began and ended, shall be logged by Central Dispatch for future reference.
- 10. During the transport, the transporting officer is responsible for the individual and treatment of the individual. It shall be the duty of the Director of Public Safety, or his Designate, to investigate any complaints made by a prisoner as to mistreatment on the part of a member of this department.

11. If an emergency arises that requires the officer to immediately respond to a more serious situation, the officer may release the individual. This must be done with due regard for the safety of the public and the individual.

B. General Transport Guidelines – One Officer

1. One officer transporting one subject:

- a. The subject will be seated in the rear of the vehicle on the passenger side with the safety belt fastened.

2. One officer transporting two subjects:

The use of one officer to transport two subjects should be avoided whenever possible. If necessary to do this type of transport, follow the below guidelines:

- a. Both subjects will be seated in the rear seat with the safety belts fastened.

3. One officer transporting more than two subjects:

In the interest of officer safety, one officer will not attempt to transport more than two individuals unless the vehicle is specifically equipped for the transport of multiple subjects.

C. General Transport Guidelines – Two Officers

1. Two officers transporting one subject:

- a. The subject will be seated in the rear seat behind the passenger officer with the safety belt fastened.

2. Two officers transporting two subjects:

The subjects should be seated in the rear seat; one behind the driver and the other behind the passenger officer. A safety belt should be fastened around each subject.

3. Two officers transporting more than two subjects:

- a. All three subjects should be seated in the secure area of a specially equipped vehicle.

- b. In situations requiring transport of multiple subjects in a vehicle that is not specially equipped, officers will consult with a supervisor regarding the number of transporting officers, the number of subjects being transported, and the method of transport.

D. Special Circumstances

1. Injured or ill subjects:

- a. If it is determined at the scene that a subject needing to be transported is injured/ill, EMS should be called to transport the subject to the hospital.
- b. If the injured/ill subject is in-custody, an officer should accompany the prisoner to the medical facility; either in the ambulance or immediately following it. Consideration should be given to the security of the prisoner and necessity of medical assistance.
- c. If, during transport of a prisoner, the officer discovers the subject is injured or the subject complains of injury/illness, the subject may be injured, or is suspected of ingesting drugs/harmful substances, the officer will transport the subject directly to a medical facility.
  - i. Search all prisoners taken to the hospital for weapons, contraband, and evidence.
  - ii. Advise a supervisor of the situation.
  - iii. Maintain prisoner security until the prisoner is lodged in the County Jail or the officer is relieved of the responsibility by a supervisor.
  - iv. Request that the hospital notify Central Dispatch prior to the discharge of an unguarded prisoner for the subsequent notification of a supervisor.
  - v. If the prisoner will be lodged at the County Jail after treatment, the officer taking the prisoner to jail will supply the intake officers with hospital discharge papers.
- d. If the injury is due to a use of force situation, the guidelines established in Public Safety SOP #300-25: *Use of Force* will be followed.

2. Transferring custody to another law enforcement agency

- a. Subjects arrested by a Hamburg Township officer on another agency's warrant may transfer the prisoner to that agency without booking the subject at the county jail first.

- i. Central Dispatch LEIN operator shall contact the agency holding the warrant to confirm a location convenient to both agencies for the transfer of the prisoner.
    - ii. If the transfer cannot be made within a reasonable time period (hour or less) the prisoner can be booked at the County Jail upon permission from the Livingston County Jail.
    - iii. If the officer believes that it would be in the best interest of all involved, the officer may request permission from their supervisor to transport their arrest directly to the other agency's Detention facility.
  - b. When transferring custody of a prisoner who is injured/ill, or upon whom force was used, the transferring officer shall verbally notify the receiving officer of the following and document notification of the same in a report of the incident.
    - i. The type and degree of force used.
    - ii. Injuries known to the transporting officer.
    - iii. If he/she has been treated by a physician.
    - iv. Threats of suicide or suicidal comments.
    - v. Any other circumstances that concern the officer.
3. Receiving custody from another jurisdiction
- a. Officers receiving custody of a prisoner from another agency on a Hamburg Township warrant shall ask the following questions prior to accepting custody of the prisoner:
    - i. Has the prisoner complained of injury/illness?
    - ii. If yes, has he/she been treated by a physician?
    - iii. Has the prisoner made any threats of suicide or suicidal comments?
    - iv. Any other circumstances that concern the officer?
  - b. If any of the above questions have been answered yes by the prisoner or the outside agency officer, a supervisor shall be contacted prior to acceptance of the prisoner. The supervisor will make a determination on whether the prisoner will be accepted from the outside agency.

**IX. FINGERPRINTING AND MUGSHOTS**

- A. When a custodial arrest is made, the fingerprinting and photographing of the suspect shall be done at the Livingston County Jail by Livingston County Sheriff Department personnel in accordance with their policies and procedures.

**X. REQUIRED REPORTS**

A department incident report is required for all arrests, both custodial and non-custodial arrests.

**XI. ALTERNATE CARE FOR ARRESTEE'S DEPENDENTS**

- A. If an arrestee has a child or a dependent with them, officers shall arrange to place the child/dependent with a person of the arrestee's choosing, provided that the person chosen is not under the influence of alcohol/drugs and is willing to accept responsibility for the child/dependent.
- B. In the event that a suitable adult cannot be located to take care of the child/dependent, officers shall notify a supervisor and contact Child Protective Services to arrange for the child/dependent's safe placement.
- C. It shall be the responsibility of the supervisor to ensure the welfare of the child/dependent until they are safely placed.

**XII. OFFICERS ASSIGNED TO OTHER AGENCIES**

Hamburg Township officers assigned to or assisting other law enforcement agencies will be guided by this policy.

Issued by:



Richard Duffany  
Director of Public Safety

Approved by Hamburg Township Board of Trustees: DRAFT.