



Policy & Procedures Manual

Windsor Heights Police Department

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CH 1

Introduction



Windsor Heights Police Department Policy and Procedure Manual

1.01 – Preface

Page(s):

1

Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

This manual establishes policies, rules, regulations and procedures governing the conduct of personnel employed by the Windsor Heights Police Department. This document supersedes all previous versions of policy and procedure. Every effort has been made to confine the rules and regulations herein to those phases of official behavior which effect Department operations and avoid unwarranted and unnecessary intrusion upon the private lives of all Department personnel.

In the eyes of the public, we, as police officers, are never off duty. In accepting positions as peace officers or civilian employees, we forfeit our anonymity as private citizens. Therefore, rules and regulations must be based upon Department welfare, and individual desires must often, of necessity, be subjugated to the best interest of the organization as a whole.

The provisions of this policy and procedure manual are to guide and direct the members of the Windsor Heights Police Department towards the attainment of the Department's objectives.

Additions and deletions to this manual shall be made under the authority of the Public Safety Director/Chief of Police as needed to meet changing conditions or requirements of law.

This manual, all of its terms and conditions, and all policies, rules, regulations, and procedures stated herein do not constitute any form of contract, expressed or implied, with respect to employment or continued employment with the Windsor Heights Police Department. In the event any of the terms and conditions of this manual are found to be in conflict with an existing collective bargaining agreement between the City of Windsor Heights, Iowa and a certified bargaining unit of the Windsor Heights Police Department, the terms of the collective bargaining agreement shall supersede the section in conflict.



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1.02 – Introduction

Page(s):

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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

The WINDSOR HEIGHTS POLICE DEPARTMENT is a public safety department and a municipal service organization comprised of men and women who are professional police officers, sworn to uphold the law and dedicated to preserving the safety and well-being of the community. Support personnel join the police officers in their efforts and concern for the citizens of Windsor Heights.

PRINCIPLES

The Department's policies and procedures that govern conduct are not designed to restrict rights or privileges, but to ensure the rights and safety of all employees and to provide working guidelines to maintain the Department's professionalism and pride.

In adhering to the provisions of this manual, in observing all laws and ordinances, and in general attitude and personal conduct, employees are expected to serve the community with integrity, ethics, enthusiasm, discretion, and loyalty. They shall also focus on the primary objectives of Protection, Service, Education, and Enforcement to the community. The citizens who are served by this agency will consider employees a member of this Department whether on duty or off duty. To meet their expectations, officers and civilian support personnel must present themselves to the public and to fellow Department members in a respectful and courteous manner.

ROLE OF THE POLICE OFFICER

A police officer is a professional law enforcement agent, sworn to an oath, who serves to fulfill the mission of the Windsor Heights Police Department while providing specific police services as assigned. Law enforcement is a profession that protects the safety of people and property within the community; educates, assists, and guides the public; and enforces the laws and ordinances of the community equitably for all citizens. This profession requires personal honor and devotion to service for the well-being of the community. A police officer's ultimate goal is prevention of crime and preservation of peace within the community through a concentrated effort to provide exceptional public service.



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1.02 – Introduction

Page(s):

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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

ORGANIZATIONAL CHARACTERISTICS

In order to achieve the Department's goals and objectives identified in the COMMUNITY POLICING STATEMENT and MISSION STATEMENT, each Division will annually identify goals for the year and relay those goals to personnel assigned to the Division. These goals will be generated by input from all members of the Division and pulled together into goal statements. The Public Safety Director/Chief of Police will review, modify when appropriate, and approve the goals of this agency.

Each employee shall be accountable to all other employees, and to Department supervisors, for his/her individual organizational actions and performances, to include upholding the Department's HONOR CODE.

In order to achieve the Divisional, and therefore departmental goals, each employee must continually strive to exhibit organizationally expected behavior. This includes participation and input into developing the goals, and the commitment to, and effort toward, fulfilling those goals. Goal setting and goal attainment by the Department rests upon the collective participation of all individual Department members. Achievement of the organizational goals and the health of the Department also depend upon a recognition and acceptance by management of the need for each employee's growth in developing themselves and their skills, while encouraging them to fully participate in the development and achievement of the goals and objectives of this agency.

Decision-making should be at the lowest appropriate level and individuals must be willing to accept personal responsibility and organizational accountability for their decisions. Shared organizational success is born on interpersonal trust, healthy competition, teamwork, and open communication at all levels of this Department.



Windsor Heights Police Department Policy and Procedure Manual

1.03 – Community Policing Statement

Page(s):

2

Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

The Windsor Heights Police Department believes there are four core values when providing safety to the community we serve. It is important to perform each of these independently, as well as present them in a unified format. The officers of this agency will work with commitment and focus to establish the following concepts, while building lasting partnerships within the community.

The first area identified for specific concentration in our community policing model is the quality of **protection** we provide. When the worst case scenario hits a community, the police must respond swiftly to counteract the threat and deploy resources promptly to affect a positive outcome on the circumstances at hand. At times, this may mean a frightening incident has occurred in our community. *The officers of the Windsor Heights Police Department will work to effectively restore peace and order with great efficiency.*

The second aspect vital to our community policing model is delivery of **service**. This is the most basic function provided to a community by a police department. When a citizen summons the police, do they respond? How quickly do they arrive? Are they responsive to his/her needs? Is the appropriate intended outcome reached in a timely fashion? Were referrals to other resources made when needed and were matters sufficiently documented? This area of policing is typically the most commonly observed and critiqued by citizens. *The officers of the Windsor Heights Police Department will strive to provide professional service with due diligence and care for our citizen customers.*

The third element of community policing we will embrace is our contribution to on-going **education**. Often times policing agencies get so focused on ventures in protection, service, or enforcement that they forget about their obligation to community interactions. The public needs to see police officers, at all levels of this organization, outside the normal lines of communication that come with typical law enforcement responsibilities. As police professionals, when things go wrong in our community, we have a responsibility to evaluate whether or not there is a need to educate our residents, businesses, and visitors. Crime prevention and community outreach will be a thriving part of our police organization. *The officers of the Windsor Heights Police Department will act as resources to all sectors of the community.* Our programs will extend into the school systems, give attention to the family unit and the business professional, and focus on being a resource to seniors. Additionally, we will act as a catalyst in bringing neighborhoods together and creating stewardship among residents. Outreach will also occur to civic organizations and open relationships will be built with diverse racial, ethnic, and secular groups.

The final core value of community policing that this agency subscribes to is **enforcement**. This is a concentrated undertaking to ensure the safety of the community and reduce perceptions of fear through the use of state laws, municipal codes, and standard operating procedures. Data driven information is utilized at this level to guide problem-oriented policing. Enforcement endeavors will also be focused towards community needs and expectations. *The officers of the Windsor Heights Police Department will sustain proactive law enforcement efforts throughout our community.*



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1.03 – Community Policing Statement

Page(s):

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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

We live in a world where change comes quickly and technologies advance rapidly. Law enforcement in the 21st century will have new and challenging demands never before experienced. As we move forward, it will be vital to the success of this organization to have strong partnerships in place with its residential and business community members. We pledge to provide a well-rounded approach to policing the community we serve.

No law enforcement agency will ever completely eliminate crime, but with a concentrated, holistic approach to *Protection, Service, Education, and Enforcement* we can work to displace it. These are our core values. Please partner with us in our efforts.



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1.04 – Windsor Heights Police Mission Statement

Page(s):

1

Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

It is the mission of the Windsor Heights Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the community to improve their quality of life. The women and men of this agency, in partnership with the community, are committed to providing quality, professional police services to our citizens and visitors through the preservation of peace, order, safety, and problem resolution. Our duty is to do so with honor and integrity while at all times conducting ourselves with the highest ethical standards.

With this mission and to those ends, ***we shall:***

- ✓ Preserve and uphold the values of the United States Constitution and dedicate ourselves to the preservation of liberty and justice for all.
- ✓ Perform all of our respective patrol, investigative, and support functions to the best of our ability, with the highest degree of fairness, professionalism, and integrity, while protecting the inherent rights of the people to live with freedom and safety.
- ✓ Strive for vigilance and proactively patrol the jurisdiction to seek out, interrupt, and prevent crime and disorder.
- ✓ Provide educational programs to the community in order to decrease fear of victimization, as well as provide citizens the ability to more effectively protect individuals and the community from crime.
- ✓ Strive to improve and maintain the quality of our working environment for all department employees by engaging in open and honest communication and demonstrating a genuine concern for each other.
- ✓ Hold true to our core values and use them as a basis for all departmental actions.



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1.05 – Windsor Heights Police Code of Honor

Page(s):

1

Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

I am an Officer of the Windsor Heights Police Department; a guardian of the community. To me is entrusted the honor and integrity of the department and public trust. I and I alone am responsible for my decisions, words and actions. On my honor I shall never betray my badge, my integrity, my character or the public trust. I will have the courage to hold myself and others accountable for our actions and will conduct myself in a manner that upholds the core values of this agency.



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1.06 – Law Enforcement Code of Ethics

Page(s):

1

Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men/women to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...Law Enforcement.



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1.07 – Definitions and Terminology

Page(s):

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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

Admission: A statement by an individual, which tends to prove his/her guilt but is not a confession.

Chain of Command: The unbroken line of authority extending from the Public Safety Director/Chief of Police through subordinates at each level of command up to the full City Council and Mayor.

Chief/Chief of Police: The Public Safety Director/Chief of Police and Executive head as appointed by the Mayor, with the authority of the City Council.

City: The City of Windsor Heights, Iowa.

Civilian Employee: A Department employee who is not a sworn peace officer, nor expected to perform a sworn officer's duties.

Command Staff/Commanding Officer: Division Commanders (Captains/Lieutenant) and the Public Safety Director.

Confession: A formal declaration of guilt.

Council: The Windsor Heights, Iowa, City Council.

Custody: The state of being detained or placed under arrest in connection with a law enforcement related incident. Temporary detentions, such as traffic stops and on-scene investigative questioning, may not rise to the level of custody as excepted by current law and legal precedence.

Days Off: Those days that a given employee is excused from duty as part of their regular schedule.

Department: The Windsor Heights, Iowa, Police Department.

Detail: Members of the Department, sometimes from more than one unit, grouped together to accomplish a specified mission.

Directive: Any verbal or written instruction given by a supervisor.

Discipline: Corrective action taken against an employee following a breach of conduct or violation of procedure.

Division: Any number of units the Department regularly groups together under one or more supervisors to accomplish a police purpose, such as Patrol, Support Services, and Records.

Employee: All persons of the Department, including peace officers, reserve officers, and civilian employees.

Follow-Up Investigation: Supplementary investigation following the preliminary investigation designed to record additional facts directed toward the clearance of the particular crime and recovery of property.



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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

Forcible Felony: Is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, and arson in the first degree, or burglary in the first degree. Those offenses listed in section 702.11 (2) are not a forcible felony, as defined by Iowa Code.

Fresh Pursuit: Pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

Function: The broadest activity or task performed by a Division. It includes the goals and objectives and those major aspects that distinguish one division from another.

Incompetence: Incapable or unable to satisfactorily perform an assigned duty.

Insubordination: Failure or refusal of any member to obey a lawful order given by a superior officer or supervisor; ridiculing a superior officer or his/her orders, whether in or out of his/her presence; disrespectful, mutinous, insolent or abusive language toward a supervising officer.

Intent: The state of mind at the time an action is taken, wherein the actor desires the logical consequences of the act.

Interrogation: The act of accusatory questioning, particularly as applied to obtaining information from someone who is reluctant to cooperate; and may apply to the questioning of a witness, victim, or others.

Jail: The County Correctional Center or temporary holding facility of a law enforcement entity.

Lawful Order: Any written or oral direction issued by a supervisor to any subordinate, or group of subordinates, in the course of Department business which is not in violation of any law, ordinance or any departmental rule or regulation.

Leave of Absence:

Unpaid: The period of time during which an employee is excused from active duty and receives no pay.

Paid: The period of time during which an employee is excused from active duty, but remains in paid status.

Length of Service: The period of time during which a member is continuously employed by the Department, including absences for service in the armed forces which is required by law to be recognized as active duty, sick leave and other duly authorized leaves of absence.

May/Should: Indicates a permissive or allowable solution which includes limited discretion.



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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

Member(s): All employees of the Police Department including officers, reserve officers, and civilian employees who are ultimately responsible to the Public Safety Director/Chief of Police.

Military Leave: The period of time during which an employee is excused from duty to serve in the armed forces of the United States as provided by law.

Neglect of Duty: Failure to give suitable attention to the performance of duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unauthorized absence from the beat during a tour of duty; failure to perform duties prescribed in this manual; failure to conform to the Department operating procedures.

Off Duty: The period of time when an employee is not being compensated by the City to perform tasks.

Officer(s): A sworn peace officer, or reserve peace officer, duly appointed to the Windsor Heights Police Department and who has taken the oath of office as prescribed by law. Peace Officer and Police Officer carry the same responsibility by title.

On-Call: On-Call status refers to an employee being scheduled/assigned to an on-call availability outside of the employees normal work hours. If an employee is assigned to on-call status, they are expected to readily respond to work assignments when notified.

On Duty: The state of a member during the period of a day when he/she is required to be actively engaged in the performance of duties. This includes both regularly scheduled work hours for the member and additional required work time, or call-in time.

Order: A mandatory policy, either oral or written, issued in the course of departmental duties by a supervisor to a subordinate or group of subordinates. Orders allow little deviation other than for stated exceptions. Deviating from or violating orders generally requires immediate and documented justification and explanation.

Out of Service: Not available for service whether by radio, computer, or other modes of communication.

Paid Time Off: A fringe benefit for full-time personnel, which may be used for paid time off surrounding vacation, illness, or other personal time requested by the employee.

Policy: Policy consists of principles and values which guide the performance of a Department activity. Policies are developed to guide the Department in achieving planned objectives. Policy is based on police ethics, department beliefs, department vision and mission statements, experience, and the mandate of law. Policies act as a guide in handling certain



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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

situations. Because policies are objective, rather than situation-oriented, policies are intentionally broad enough in scope and stated in general terms to cover most situations.

Preliminary Investigation: The initial investigation conducted by the Department upon the report of an incident or attempted crime, which includes statements from all persons concerned, details, elements of the crime, description of evidence and other property involved and the action taken by the investigating officer.

Probable Cause: A reasonable ground for belief in the existence of facts which would induce a reasonably intelligent person to believe that a person suspected of criminal activity had committed, was in the act of committing, or was about to commit such activity.

Probationary Period: The first twelve (12) months of continuous employment of any member of the Department during which the member's performance is evaluated and during which time the member may be discharged in line with statutory requirements.

Procedure: The official method of dealing with any given situation prescribed by the Public Safety Director/Chief of Police or procedural guide.

Public Safety Director: The Chief of Police and executive head as appointed by the Mayor, with the authority of the City Council.

Pursuit Driving: An active attempt by an officer in an authorized emergency vehicle, utilizing emergency warning lighting and audible signal, to apprehend one or more occupants of a moving motor vehicle, when the driver of the other vehicle knowingly attempts, fails to stop, or avoids apprehension by increasing speed and/or taking other evasive action.

Reasonable Force: The level of force, and no more, which a reasonable police officer in like circumstances would judge to be necessary to accomplish a specific task, effect an arrest, or protect the safety of a peace officer or the general public. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain and rapidly-evolving—about the amount of force that is necessary in a particular situation. The test of reasonableness, aligned with the United States Supreme Court case *Graham v. Connor*, requires careful attention to the facts and circumstances of each particular case, including [1] the severity of the crime at issue, [2] whether the suspect poses an immediate threat to the safety of the officers or others, and [3] whether he is actively resisting arrest or attempting to evade arrest by flight.

Records: Department records maintained in compliance with state law, as a public service, and as investigative and administrative aids. Specifically, "record" means a document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made, produced, executed or received pursuant to law in connection with the transaction of official business of government.



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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

Regulations: A set of rules, issued by the Public Safety Director/Chief of Police, prescribing and proscribing officer's behavior, both on and off duty that reflects unfavorable on him/her, the Department, or the City.

Reports: A written communication, unless otherwise specified, related to police matters.

Rules and Regulations: Directions issued by the Public Safety Director/Chief of Police governing the conduct of members appointed to or employed by the Department.

Seniority: Seniority is established and determined by the date of employment within the Department. Where conflict occurs because of identical service or dates of appointment, the Public Safety Director/Chief of Police shall designate the senior officer or employee.

Shall/Will: Indicates a mandatory or required situation where no discretion is allowed.

Shift: The regularly scheduled work hours for any given member of the Department.

Sick Leave: The period of time during which an officer is excused from active duty by reason of illness or injury.

SOPs: The Standard Operating Procedures of the Department.

Special Assignment: Work performed for the Department, the nature of which requires that the member be excused from the performance of regular duties or additional separate responsibilities are added.

Special Bulletin: Information containing specific, safety-related information, distributed to all officers, and is communicated under the authorization of the Public Safety Director/Chief of Police or a Commanding Officer.

Special Order: Information issued by the Public Safety Director/Chief of Police, or by a Commanding Officer, which sets temporary policy/procedure or makes an official announcement.

Supervisor: Members of the Department assigned to positions requiring the exercise of immediate supervision over the activities of other members.

Through Official Channels: A formal routing system which ensures that communication is reviewed by all supervisors in the direct chain-of-command leading from the employee who initiates the communication to the employee whom the communication is being sent.

Tour of Duty: The period of time or shift during which an individual member is on duty.

Unit: Any number of members of the Department regularly grouped together to accomplish a police purpose.



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Replaces:

Issue Date:

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

06/07/2018

Work Week and Day: A work week begins on Saturday and ends on Friday. For records purposes the day shall begin at 12 o'clock midnight (0000 hours) and shall conclude twenty-four (24) hours later at 2359 hours.



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CH 2

Administration



Windsor Heights Police Department Policy and Procedure Manual

2.01 – Authority of the Windsor Heights Police Department

Page(s):

6

Replaces:

Rule #2, 11/01/03

Issue Date:

March, 2012

Approved by:

Chief Chad McCluskey

Effective Date:

April, 2012

Revision Date:

06/15/2018

08/19/2017

02/01/2014

- I. **PURPOSE:** The purpose of this policy is to define the legally mandated authority vested in the Department's sworn personnel.
- II. **POLICY:** The legally mandated authority of the Windsor Heights Police Department is established through the Code of Iowa and the City of Windsor Heights Municipal Code. It is the policy of this Department to operate within the scope and limits of that authority.
- III. **PROCEDURE:**
 - a. **State Code of Iowa** 364.1 grants cities the right to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city and its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, except as expressly limited by the Constitution and if not inconsistent with the laws of the general assembly.
 - b. **City Ordinance** Chapter 30 establishes a Police Department for the city consisting of a Chief of Police, subordinate ranks, and such other police officers and staff which are necessary for the efficient operation of the department as authorized and provided for by the city council in budget appropriations.
 - c. **Authority of the Chief of Police**
 - i. It is the policy of the Windsor Heights Police Department, and the City, to centralize all police management authority in the Office of the Public Safety Director / Chief of Police who will then delegate operational authority to the appropriate positions.
 - ii. Pursuant to the authority granted to the Chief of Police by the above laws, written documents are established and maintained for the operation of the Windsor Heights Police Department. They are approved and issued by the Chief of Police and consist of the following:
 1. **The Windsor Heights Police Department Policy Manual** defines the vision, mission, philosophy, and organization of the Department. The policy manual contains policies and procedures, rules and regulations, law enforcement code, and disciplinary code of conduct for members of the Department. These documents normally contain policy/purpose statement(s) followed by procedures.



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2.01 – Authority of the Windsor Heights Police Department	Page(s):	6
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Replaces:	Rule #2, 11/01/03	Issue Date:	March, 2012
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Approved by:	Chief Chad McCluskey	Effective Date:	April, 2012
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Revision Date:	06/15/2018	08/19/2017	02/01/2014	
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2. **Other Official Announcements** may be issued by the Office of the Public Safety Director / Chief of Police or command designees. These pertain to administrative issues, special situations, and personnel changes. These will be routed to supervisors and employees as appropriate, and may be in an electronic format.

a. *Executive Orders* are written directives affecting the general administration of the Department such as fiscal budget, purchasing, supply, procedures and statements of procedure regarding protocols, SOPs, pay, labor relations, travel, etc. Executive Orders may only be issued by the Public Safety Director / Chief of Police.

b. *Special Orders* affect only a specific segment of the organization, are used for temporary changes in the rules and procedures, or to cover/clarify a specific circumstance. Special Orders may be issued only by the Public Safety Director / Chief of Police or a Division Commander to the entire Department.

c. *Inter/Intra Divisional Communications/Memos* may be sent for a variety of reasons, some requesting a time limit for a response and other simply notifying someone of a particular situation or issue. These memos may also be in the form of an electronic communication.

d. **Organization of Written Authority.** The documents of the Windsor Heights Police Department (policy manual, training manual, SOPs and directives, etc.) will be organized in a manner making them readily available and easily understood. The language will be brief and to the point intending to be clear and concise. The documents will follow an orderly sequence and be dated and numbered for easy identification if necessary. All personnel are expected to regularly review all policies/procedures/SOP's/directives to ensure compliance and understanding.

e. **Exercise of Command/Supervision**

i. Command/Supervision:

1. The Mayor will be the head of the Police Department and will generally superintend and direct the police under the daily guidance of the City Administrator.



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Approved by:	Chief Chad McCluskey	Effective Date:	April, 2012	
Revision Date:	06/15/2018	08/19/2017	02/01/2014	

2. The Public Safety Director / Chief of Police is appointed by the Mayor and will have the full power and authority to command the personnel and operations of the Department. The Public Safety Director / Chief of Police may delegate any portion of his/her authority to subordinate commanders.
3. "Command" is the authority and responsibility vested in a ranking officer by the Public Safety Director / Chief of Police for the twenty-four hour a day operation and direction of a Division, Shift, or Unit within the Department. Command functions include direct supervision of all people assigned to one's command. The chain of command in descending order is as follows:
 - a. Chief of Police
 - b. Captain
 - c. Lieutenant
 - d. Sergeant
 - e. Officer In Charge (OIC) / Shift Supervisor
 - f. Senior Police Officer
4. Shifts and units are subdivisions of the Police Department.
 - a. Divisions have one commander directing the operations of those personnel assigned to the division.
 - b. Shifts may be led by a Sergeant or an Officer In Charge (OIC).

ii. Acting Command:

1. In the absence of the Public Safety Director / Chief of Police, the next officer in the chain of command, or the Chief's designee, will assume command of the Department until the Chief returns.
2. In the absence of a Captain or Lieutenant, a Sergeant or an Officer In Charge will fill this role, followed by the next most capable officer within that shift, and assume command of the shift until the return of a Commanding Officer. If there are two or more officers in a supervisory role within the chain, the Captain or Lieutenant will specify which has acting command. If no specifications are made, the senior officer will assume acting command. Officers in acting command status will have all of the authority given to that position.



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iii. Exercise of Command:

1. A ranking officer will exercise the authority of his/her position and command at all times and under all conditions, and will use such authority in the best interests of the Department. He/she will not unnecessarily countermand any orders of officers below his/her rank or needlessly interfere with the specific duties of such officers.

f. Delegation of Command/Supervision

i. Command/Supervision and Authority:

1. Each commander will be responsible for the effective operation of his/her Division and will be granted the commensurate authority to do so.
2. Each employee is responsible for the use of, or failure to use, authority delegated to him/her.

ii. Responsibility for Authority:

1. Commanders/shift supervisors will be held accountable for the performance of the employees under their immediate supervision. The chain of command from the Chief down, and the line of authority from the peace officer up, will be preserved in all administrative actions in order to maintain principles of sound administration.

g. Communication of Authority

- i. Orders from a commander/supervisor to a subordinate will be in a clear, understandable language, civil in tone, and issued in pursuit of Department business.
- ii. Employees shall obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
- iii. An employee is not required to obey an order that is contrary to federal, state, or local law. Responsibility for refusal to obey an order rests with the employee who will be required to justify the refusal.



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iv. Any employee who receives an order that conflicts with any previous order or instruction will advise the person issuing the second order.

1. Responsibility for countermanding the original order rests with the employee issuing the second order.
2. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department.

h. Legally Mandated Authority of Peace Officers

- i. Departmental officers shall be considered peace and/or law enforcement officers as defined in Iowa Code 801.4(11). A peace officer is considered certified once s/he has passed all of the requirements for certification as set forth by the Iowa Law Enforcement Academy.
- ii. While on duty and inside the city limits, or while outside of the city limits by authority of prior legal agreements, officers have the full authority granted to peace officers by the Iowa Code and the City of Windsor Heights Municipal Code or its Agreements.
 1. Officers, after consideration of the situation at hand, are expected to take steps necessary and consistent with their assignment in order to protect life and property, and to enforce ordinances of the City of Windsor Heights, laws of the State of Iowa, and statutes of the of the United States of America.
 2. While on duty and outside the city limits, an officer's authority is limited to actions directly related to his/her official duty as a peace officer for the City of Windsor Heights, unless otherwise indicated through prior legal agreements.
 3. On-duty officers working outside of defined jurisdictional boundaries are granted power of arrest pursuant to Iowa Code 804.7. Any arrest made outside the city limits should take into account officer safety for backup, nature of the offense, and exigent circumstances. Where applicable, the arresting officer shall promptly notify the jurisdictional agency and WHPD supervisor as soon as possible of any arrest made in another jurisdiction.
- iii. An on-duty officer who takes or causes enforcement action, regardless of jurisdiction, shall detail the pertinent facts and circumstances in appropriate documentation as required by the jurisdictional agency and the Windsor Heights Police Department.



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April, 2012

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- a. **Concurrent Jurisdictions.** The Windsor Heights Police Department shall have complete authority and jurisdiction while within the city limits. The City of Windsor Heights does fall into the jurisdictional boundaries of the Polk County Sheriff's Office and Iowa State Patrol whose officers also have complete authority within the city limits of Windsor Heights. Mutual aid compacts and appropriate 28E agreements shall also be honored within the jurisdiction of the City of Windsor Heights as well as federal law enforcement credentials.



Windsor Heights Police Department Policy and Procedure Manual

2.02 – Goals and Objectives

Page(s):

1

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2017

Revision Date:

06/18/2018

- I. **PURPOSE:** To outline the mechanism by which the Department sets short and long-term goals and objectives and monitors the progress toward them.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to utilize a system of setting goals and objectives and monitoring their progress in order to achieve the Department's mission.
- III. **DEFINITIONS:**
 - a. **Goal** - A statement of general purpose or broad direction that is generally stated, timeless, and not concerned with a particular achievement within a specified period of time.
 - b. **Objective** - An accomplishment that can be measured within a given time frame and under specifiable conditions; the attainment of which advances the organization toward a corresponding goal.
- IV. **PROCEDURE:**
 - a. **Goal and Objective Setting.** Each year the Public Safety Director / Chief of Police, with input from division commanders, shall evaluate the progress of the previous year's goals and objectives and revise the next year's plan accordingly.
 - b. **Short Term Planning.** Goals and objectives will be set for each Division, as well as the Department as a whole, for the upcoming fiscal year.
 - c. **Long Term Planning.** A 5-year plan shall be formulated that includes goals, objectives, and capital improvements, and may include an analysis of anticipated personnel levels and workloads.
 - d. **Dissemination.** A complete copy of the stated goals and objectives will be provided to the City Administrator and all Department personnel.



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2.03 – Administrative Reporting System

Page(s):

4

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/18/2018

- I. **PURPOSE:** The Department's administrative reports are designed to provide information within the Department on an operational basis, as well as provide a mechanism to report Department activities outside the structure of the criminal incident report.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to provide proper documentation and reporting of administrative and operational activities by use of various administrative reports.
- III. **PROCEDURE:**

a. Daily Reports

i. Daily Observation Report (DOR)

1. Prepared by Field Training Officers.
2. Used as a daily observation report of a probationary employee's field training.
3. Maintained in probationary employee's training book. Filed in personnel folder after field training is completed.

ii. Use of Force Reports

1. Prepared by an officer involved in a use of force situation.
 - a. These forms will be completed in accordance with Chapter 5 of this policy.

b. Monthly Reports

i. Monthly Activity Reports

1. Prepared by the commander of each Division in the Department and forwarded to the Public Safety Director / Chief of Police for a cumulative monthly summary of the Department's activities.



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2. Used to track major activities/incidents, statistical information, in-service training administered, or community outreach activities for the previous month.
3. Collated into a single monthly report by the Public Safety Director / Chief of Police with statistical data compiled by an Administrative Support Clerk.
4. Distributed by the Public Safety Director / Chief of Police, to Commanders and subordinate police personnel, if appropriate, the City Administrator, Mayor and city council officials.

ii. Quarterly Reports

1. Buy Fund Audit Report

- a. Prepared by the Support Services Division Commander.
- b. Used to maintain the integrity of investigative “buy funds” and associated record keeping systems.
- c. Reported to the Chief of Police.

2. Pending Vehicle Forfeiture & Assets Report

- a. Prepared by the Support Services Division Commander.
- b. Used to maintain the integrity of investigative Police Trust seizures and associated record keeping systems.
- c. Reported to the Chief of Police.



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03/01/2012

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04/01/2012

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c. Annual Reports

i. Annual Department Activity Report

1. Prepared by the Chief of Police and administrative personnel.
2. Used to provide statistical information regarding Department activity in areas including calls for service, crime trends, crime prevention, and investigations. This report also provides a comparison to previous year to date and demographic information of offenders.
3. Distributed to command staff, Mayor, City Administrator and City Council.

ii. Inspection of Property and Evidence

1. Prepared by the Support Services Division Commander.
2. Used to determine adherence to procedures in property and evidence control.
3. Used to check adherence to procedures by means of a random sampling of items.
4. Distributed to the Chief of Police.

iii. Annual Summary of Complaints & Grievances

1. Prepared by the Support Services Division Commander.
2. Used to summarize incidents of complaints on personnel and detect any early warning signs or trends with officers.
3. Lists any bias-based policing issues and statistics.
4. Distributed to the Chief of Police.



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Issue Date:

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Approved by:

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Effective Date:

04/01/2012

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iv. Annual Training Report

1. Prepared by the Patrol Commander.
2. Used to document training for personnel from the previous year.
3. Summarize any field training activities or alternatives / improvements made within the program.
4. Distributed to the Chief of Police.



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2.04 – Maintenance and Care of Department Documents			Page(s):	3
Replaces:		Issue Date:	03/01/2012	
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012	
Revision Date:	06/18/2018			

I. **PURPOSE:** To establish guidelines for the orderly creation and/or maintenance of the Windsor Heights Police Department Policy Manual and other Department Documents.

II. **PROCEDURE:**

a. **Placement of WHPD Policy Manual**

- i. All originals of these Documents will be filed with the Public Safety Director / Chief of Police.
- ii. The Patrol Division will keep a complete paper copy of the Manual accessible to all employees in the roll call room.
- iii. A copy of the Manual will be issued to all employees in an electronic format and will be available on the Department's network.

b. **Process of Addition or Alteration**

- i. Every employee has the responsibility to notify their immediate commander/supervisor, of any updates, discrepancies or revisions they notice while reading any Department Documents.
- ii. Any employee may suggest additions to Documents, or may suggest a new Document be created to deal with a specific operational need.
- iii. The needed change, or suggestion, must be sent through the chain of command with the original document, proposed changes, and an explanatory memo attached.
- iv. An original document shall not be altered until authorized by the Chief and will be done by the Chief's designee when appropriate.



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2.04 – Maintenance and Care of Department Documents			Page(s):	3
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- v. Upon receipt of the suggestion by a supervisor, the Chief will decide whether to:
 - 1. Deny the suggestion
 - 2. Return it for more staff work
 - 3. Amend the document and forward it for proofing and entry in the computer/record system
 - 4. Authorize the document and forward it for proofing and entry into the system.

c. Updates to the WHPD Manual

- i. The Chief of Police will distribute copies of new or updated documents to each Division Commander for the purpose of dissemination to each employee.
- ii. Each Division Commander shall ensure that each employee under their command has made a written acknowledgement that they have received and reviewed any changes.
- iii. The Support Services Division Commander will update the network copy of the WHPD Manual, periodically distribute updated versions to all employees, and provide updated paper copies to the Patrol Division.

d. Mandatory Review of Documents

- i. All supervisors are responsible to review all policies/procedures/orders that pertain to the operation of their Division, Shift, or Unit on an on-going basis. Each document should be reviewed at least once every two years.
- ii. Any updates, discrepancies or revisions will be made according to the guidelines presented in paragraph "b" of this Order.
- iii. Each position's job descriptions shall also be considered a Department Document and reviewed annually with each member's evaluation.



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2.04 – Maintenance and Care of Department Documents

Page(s):

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e. Departmental Forms

- i. **Approval of forms.** No administrative, field or other report form shall be utilized unless the Public Safety Director / Chief of Police has approved the particular form for usage. Those forms which usage is mandated by another agency or level of government shall be considered approved.
- ii. **Development and Modification of Forms** shall follow the procedure as described for Department Documents in paragraph b above.
- iii. **Forms Supply.** Every officer shall be responsible for maintaining copies of all active forms and reporting the need to re-supply prior to running out.



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2.05 – In-Service Training

Page(s):

2

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/18/2018

- I. **PURPOSE:** To establish operational and administrative guidelines for training requirements, including the duties and responsibilities of training personnel.
- II. **POLICY:** Employee training sessions shall be governed by the State of Iowa and the Iowa Law Enforcement Academy through policy set forth by the Public Safety Director / Chief of Police and developed by the Training Coordinator, who will normally be the Patrol Division Commander.

III. **PROCEDURE:**

a. In-Service Training

i. Training Coordinator Responsibilities:

1. Monthly and routine in-service training;
2. Recruit Academy certification and field training;
3. Special and elective courses of instruction;
4. Regional instruction course coordinator & scheduler;
5. Coordinator for personalized training needs;
6. Supervision of Range Master(s);
7. Training budget management and purchases;
8. Career development/specialization training;
9. Ensure certified instructor status is maintained by personnel in critical areas such as: use of force - firearms, impact weapons, OC Spray, Taser and less lethal munitions, defensive tactics and driver training courses;
10. Reserve officer certification;



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2.05 – In-Service Training

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04/01/2012

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ii. Firearms Instructor/Range Master Responsibilities:

1. Maintain range training files;
2. Range maintenance;
3. Inventory, service, and maintain all department owned weapons;
4. Maintain firearms & ammunition inventory and records;
5. Coordinate and supervise annual department shooting qualifications (day, night, tactical combat courses);
6. Coordinate use/rental of range facilities;
7. With guidance from the Training Coordinator, compiles an annual training report and analysis of relevant use of force issues relating to the use of firearms, injury to individuals in Department custody caused by lethal and less than lethal weapons, or other critical issues related to firearms training. Such reports are to be used for training and policy modifications and should also include relevant use of force trend summaries where applicable.



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2.06 – Special Operations Funds

Page(s):

6

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/19/2018

- I. **PURPOSE:** To establish guidelines for the expenditure of Special Operations Funds through the use of the line item within the Police Trust forfeiture account.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to make funds available for properly approved special operations.
- III. **DEFINITION:** Special Operations Funds include all funds made available to Department personnel for covert operations, to investigate and/or purchase contraband, completion of tobacco and alcohol compliance checks, and for payment of services to confidential sources.
- IV. **PROCEDURE:**
 - a. **SPECIAL OPERATIONS FUNDS**
 - i. Permissible Uses of:
 1. When authorized by the Public Safety Director / Chief of Police, or his/her designee, personnel may expend necessary funds for the purchase of evidence, for the employment of persons (confidential source – CS) to obtain evidence, for information, and for investigative and/or miscellaneous expenses.
 2. Other funding sources may set conditions for the expenditure and accounting of their particular funds. The supervising officer is responsible for meeting all such conditions.
 - ii. Responsibilities:
 1. All employees handling funds will be responsible for insuring that all funds in their possession are properly expended, accurately and fully accounted for, and properly secured.
 2. Supervisors will be responsible for complete and accurate reporting and documentation of all transactions by personnel under their command.



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3. The Chief Financial Officer (CFO) will be responsible for storing funds securely and separately from evidentiary protocols unless funds are used as evidence in an on-going investigation, in which case evidence handling procedures will apply.
4. The Public Safety Director / Chief of Police and the CFO will be responsible for maintaining receipts for cash received and a ledger that identifies initial balance, credits, debits, and the balance on hand of Special Operations Funds.

iii. Audits:

- a. The Windsor Heights Police Department will conduct an audit of Special Operations Funds on a biannual basis.
- b. All employees must cooperate fully with authorized auditors, and must make available all necessary ledgers, records, and accounting documents.

iv. Transfer of Funds:

- a. The Public Safety Director / Chief of Police will request funds as needed from the Police Trust line item to meet the operating needs of special operations. Typically a balance of this fund will be \$5000 with \$1000 cash being kept on-hand and secured by the Support Services Commander.
- b. The Public Safety Director / Chief of Police will insure that funds designated for special operations are transferred to the appropriate requesting supervisor upon receipt of a written request for a specific amount, in conjunction with a summary of the need for the investigation and a corresponding case number.
- c. All transfer of funds will be documented according to established procedures.



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v. Reporting:

a. Expenditures for information or services using Confidential Sources (CS) require the following:

i. File (CS File for recipient)

ii. Documentation

1. Confidential Source Receipt acknowledging amount of funds received and description of purpose.
2. Acknowledgement on the receipt by the supervising officer to the information provided or the services provided.
3. Reference on the receipt to the WHPD case number and CS number to which the payment applies.
4. Determination if the funds expended are to be utilized for the purchase of contraband or for information/services rendered by the CS.

iii. Required Signatures

1. Confidential Source
2. Officer providing payment
3. Witness
4. Supervisor approving



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Approved by:

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iv. Disposition of Receipt Form

1. Original Receipt to the case file
2. Copy to the CS file
3. Copy to Public Safety Director / Chief of Police

b. Investigative/Miscellaneous Expenditures

- i. Investigative/Miscellaneous expenditures will only be used to advance a criminal investigation and will not be used in place of regular budgeted expenditures, or for expenditures normally provided by normal line item operating funds. Miscellaneous investigative expenses are defined as those expenses necessary to advance a criminal investigation. These expenses include, but are not limited to fees for admittance to an establishment, professional services, rentals, undercover investigative "props", and emergency usage for travel when access to other funds are unavailable. Special Operations Funds used under exigent circumstances that would normally come from another source will be reimbursed from the appropriate source at the earliest possible convenience.
- ii. Investigative/Miscellaneous expenditures will not exceed \$75.00 unless prior approval is obtained from the Public Safety Director / Chief of Police or designee.
- iii. All expenditures, except those made in an undercover capacity, must be receipted in order to qualify for reimbursement.

iv. Documentation

1. Officer Receipt
2. Reference attached to the receipt to the details of the expenditure



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v. Required Signatures

1. Officer expending funds
2. Supervisor Approving

vi. Disposition of Receipt Form

1. Receipt to the case file
2. Copy to the CS file, if applicable
3. Copy to Chief

vi. Retention of Funds

1. Officers may be issued up to \$500.00 in advanced operating funds to assist operational effectiveness.
2. Retention of advanced operating funds by any officer for more than seven (7) consecutive days is prohibited. The seven (7) day count is to include days off and holidays, in addition to "leave."

vii. Requirements

1. No payment may be made for information or services until a "Confidential Source" file has been established.
2. In all expenditures for evidence, the money shall be prerecorded and serialized with photocopying.
3. Supervisory approval is required on expenditures.



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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/19/2018

viii. Recovery of Funds

1. Funds are considered expended, and therefore subject to recovery, when a subject or defendant has possession of Special Operations Funds.
2. Seized funds that are not pre-recorded or not otherwise identifiable as Special Operations Funds are not considered recovered funds and normal evidentiary processing protocols shall be exercised.
3. Recovered funds will be considered evidence until the County Attorney's Office or the courts have determined the recorded funds will no longer be needed. Recovered funds may be returned to the Special Operations Fund after such a determination is made.



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2.07 – Fiscal Management

Page(s):

2

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/21/2018

- I. **PURPOSE:** To describe the management of the Department's fiscal activities.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department that the Public Safety Director / Chief of Police has the overall authority and responsibility for the fiscal management of the Department.
- III. **PROCEDURE:**
 - a. **Budget Officer.** The Public Safety Director / Chief of Police will serve as the Department's Budget Officer. The Budget Officer's duties include:
 - i. Prepares new Department budgets for each fiscal year by meeting the City's fiscal year deadlines.
 - ii. Monitors the money approved in each line item.
 - iii. Monitors each item budgeted.
 - iv. Approves the purchase requests on items not specifically approved in the budget in accordance with the City's Purchasing Policy.
 1. Advises when there is enough money in the requested account to purchase non-budgeted requests.
 2. When requesting for a non-budgeted item and there is not enough money available in the account, advises the CFO of other possible accounts money could be moved from.
 - v. The Budget Officer is to make sure Department purchase order forms and other purchase requests are filled out and signed by the CFO and any subordinate commanders where applicable.
 - vi. The Budget Officer is to monitor all budgeted purchases by following the City's Purchasing Policy.
 - vii. Monitor Forfeiture Funds accounts informing the CFO of any deposits and expenditures. Complete fiscal year-end reporting as required by federal and/or state statutes for authorized expenditures.



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2.07 – Fiscal Management

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

06/21/2018

b. Division Commanders. Each Division commander will annually prepare written budget recommendations and submit them to the Public Safety Director / Chief of Police.

c. Purchase Approvals

i. Individual purchases (other than through forfeiture accounts) will be subject to the following approval amounts:

1. Purchases of inventories, supplies and services under \$1,000 will require the approval of the Public Safety Director / Chief of Police .
2. Purchases exceeding \$1,000 and up to \$3,999 will have the approval of the Public Safety Director / Chief of Police and solicit, by telephone or in person, a minimum of three (3) verbal quotes before the purchase is made.
3. Purchases exceeding \$4,000 and up to \$7,500 will have the approval of the Director of Public Safety / Chief of Police and solicit, by telephone or in person, a minimum of three (3) written quotes before the purchase is made.
4. Purchases exceeding \$7,500 shall have the approval of the Director of Public Safety / Chief of Police require a competitive sealed bids process as outlined by the City purchasing policy, and be approved by the City Council before the purchase is made. Utilization of a State or Federal bid contract satisfies the competitive proposal requirements.

d. Audit of fiscal activities. Annually, the City of Windsor Heights contracts for an independent audit of the City's fiscal activities. The Public Safety Director / Chief of Police is the main point of contact for the Department. All employees and units/organizations associated with the Windsor Heights Police Department shall cooperate fully with audits of the Department's finances and related activities.



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2.08 – Secondary Employment

Page(s):

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Replaces:	Rule #19 – 10/01/07	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	06/21/2018		

- I. **PURPOSE:** The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Windsor Heights Police Department.
- II. **POLICY:** The policy of this Department is to provide guidelines to police officers regarding secondary employment and to establish procedures to maintain accountability for the welfare of the department, and the protection of the community. Furthermore, while peace officers are not on-duty twenty-four (24) hours a day, a police officer is subject to call-out during emergencies.
- III. **DEFINITIONS:**
 - a. **Employment:** The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer or charity work.
 - b. **Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by police officers including but not limited to:
 - i. Traffic control and pedestrian safety
 - ii. Crowd control for special events
 - iii. Security and protection of life and property
 - iv. A business entity which has a verbal or written agreement with the Department or Police Association to provide officers in uniform or plain clothes who will exercise their police authority.
 - v. Any other assignment which is approved by the Public Safety Director / Chief of Police for the purposes of providing temporary or short-term police services and protection.
 - c. **Off-Duty Employment:** Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty officer.



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2.08 – Secondary Employment

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Replaces: Rule #19 – 10/01/07

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 06/21/2018

IV. TYPES OF SECONDARY EMPLOYMENT

The types of secondary employment in which a Windsor Heights Police Officer may engage:

a. Off-Duty Employment or Self-Employment

Officers may engage in off-duty employment specifically approved by the Public Safety Director / Chief of Police, or designee, and meets the following criteria:

- i. Employment of a non-police nature in which vested police powers are not a condition of employment. The work provides no real or implied law enforcement service to the employer and is not performed during normally assigned hours of duty.
- ii. Employment that presents no potential conflict of interest between duties as a police officer and duties for a secondary employer. The following list includes, but is not limited to, employment that is expressly disallowed:
 1. Process server, reposessor, bill collector, towing of vehicles, or in any employment in which police authority might be used to collect money or merchandise for private purposes.
 2. Personnel investigations for a private sector employer or any similar employment that requires the use of a police officer's authority to access law enforcement information, files, records or services as a condition of employment.
 3. Any employment requiring the wearing of a police uniform in the performance of tasks other than that of a law enforcement nature.



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iii. Employment that does not constitute a threat to the status or dignity of the police profession or risks damage to the corporate image of the City. The following list includes, but is not limited to, employment that is expressly disallowed:

1. Establishments which sell pornographic literature or videos, or that provide entertainment or services of a sexual nature.
2. Any employment involving the sale, manufacture, or transport of alcoholic beverages, marijuana and THC based items, or other controlled substances as a principal business interest.
3. Any gambling establishment not exempted by law.
4. Establishments engaged in on-going criminal conduct.

b. Extra-Duty Employment

Windsor Heights Police Officers may engage in extra-duty employment specifically approved by the Public Safety Director / Chief of Police, or designee, on a case-by-case basis. Extra-duty employment shall further be broken down into the following two categories:

- i. *Special Extra-Duty Employment:* within or outside the City of Windsor Heights, but within the Des Moines metropolitan area, shall generally be approved providing it meets the parameters set forth by this regulation and it is on an isolated basis. Eligibility for these assignments may be regulated according Police Association guidelines. NOTE: Special circumstances may be allowed in which individual officers are requested to assist other outside jurisdictions as approved by the Public Safety Director / Chief of Police.



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ii. *Any Regular Extra-Duty Employment*: defined as regularly supplementing the work force of another law enforcement agency using official police powers, shall have the following additional restrictions placed on it:

1. Officers will not be allowed to use any City of Windsor Heights issued uniforms or equipment, including their firearm. Additionally, officers shall be sworn and commissioned by the respective agency employing them (part-time) to perform police duties.
2. Officers will be limited to twenty (20) hours of Regular Extra-Duty Employment per week. Any deviation from these hour restrictions requires prior written approval from the Public Safety Director / Chief of Police.
3. Any officer engaging in Regular Extra-Duty Employment for a shift greater than four (4) hours and prior to an assigned shift for the City of Windsor Heights shall have a rest period away from official police duty that equals or exceeds the amount of time spent on the extra-duty assignment.
4. Officers working part-time in this capacity may not engage in duties or under circumstances prescribed by the corporate authorities of that jurisdiction that are inconsistent with the rules and regulations of the Windsor Heights Police Department or the City of Windsor Heights.
5. Any officer engaging in Regular Extra-Duty Employment shall draft a letter to the Public Safety Director / Chief of Police, prior to final approval, releasing the City of Windsor Heights from all liabilities - financial, workman's compensation or otherwise - that may be associated with the part-time employment of another jurisdiction.



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V. LIMITATIONS

- a. Officers who are on medical or other leave due to sickness, temporary disability, light duty, modified duty, or an on-duty injury shall not be eligible to engage in secondary employment. Additionally, secondary employment will be denied if an employee has a record of illness which indicates the employee lacks the strength or stamina required to sustain both jobs.
- b. Prior to obtaining secondary employment, an officer shall comply with departmental procedures for seeking approval of such employment. Officers shall not be serving in a probationary status, have pending discipline, or be on a Performance Improvement Plan at the time of an extra duty assignment.
- c. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the officer's performance of duty for the City of Windsor Heights.
- d. An officer engaged in secondary employment is subject to call-out in case of an emergency, and shall be expected to leave his/her secondary employment in such situations.
- e. Any secondary employment which might bring the Department into disrepute, or which might create an undo hardship within the operation of the Department, or impair the effectiveness of the agency employee will not be authorized.
- f. Permission to engage in secondary employment may be revoked where it is determined pursuant to Department procedures that such outside employment is not in the best interests of the City of Windsor Heights.
- g. The Public Safety Director / Chief of Police has the exclusive and final authority to accept or deny secondary employment on behalf of the Department and each employee.



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VI. PROCEDURES

- a. All full-time Department members will submit written requests to the Public Safety Director / Chief of Police before accepting or engaging in any secondary employment. The request shall include:
 - i. The name of the potential employer;
 - ii. Contact information for the immediate supervisor;
 - iii. The nature of the duties or occupation;
 - iv. The hours to be worked and the frequency of the work;
- b. Department employees must realize that their primary focus is the professional delivery of police services to the City of Windsor Heights. Employees will not be allowed to let secondary employment interfere with this primary focus.
- c. Department employees must have a clear understanding with their secondary employer(s) that they are subject to call back by the Department at any time and may be forced to come in early or stay late on any assigned shift, which may affect their anticipated responsibilities with the secondary employer.
- d. While engaged in secondary employment, Department employees remain subject to all rules, regulations, and standard operating procedures of the Windsor Heights Police Department and are subject to discipline according to internal regulation or state law.

VII. CIVIL LIABILITY

The City of Windsor Heights and the Windsor Heights Police Department will not accept liability for department members who are working for a business or individual and act beyond the scope of their legal authority. Police authority does not extend to the enforcement of rules and regulations for a business. This does not mean that a police officer cannot enforce the rules and regulations of a secondary employer. It does mean that enforcement of those rules and regulations is not protected by police authority. The police officer will bear personal responsibility if a civil claim is brought against the officer for enforcing the rules and regulations of a business.



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VIII. SECONDARY EMPLOYMENT INJURIES

- a. When an employee is injured during secondary employment working in any capacity other than Special Extra-Duty Employment, and/or when the injury is not the result of an official police action on behalf of the City of Windsor Heights, the employee is responsible for reporting the injury to and filing any necessary claims with the secondary employer.
- b. Additionally, immediate verbal notice shall be given to the employee's supervisor at the Windsor Heights Police Department, followed up with a full written account of the circumstances surrounding the injury, to be submitted to the Public Safety Director / Chief of Police within 72 hours.
- c. Such injuries will not be processed through the City of Windsor Heights and will not be considered an injury in the line of duty eligible for light duty or disability compensation. Any resulting time off from Police Department duties will be charged against the employee's Paid Time Off (PTO), sick leave, and/or vacation banks. In the event that all accumulated time is utilized, the employee will be ineligible for the city short or long-term disability coverage. Further, any additional leave of absence will not be compensated by the City and the employee will be subject to personnel rules of the City of Windsor Heights.



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2.09 – Discretion & Ethical Decision Making

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Replaces:	G.O. 06-003 – 10/01/06	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
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- I. **PURPOSE:** It is unrealistic to expect police officers to enforce all laws and ordinances in performance of their daily duties without the use of discretion and decision making processes. Instead, officers must make legal discretionary choices in arrests, and alternatives to arrests, in order to effectively realize an equitable solution to the situation at hand.

Sworn members of this Department shall act in accordance with the law and Department rules and regulations. However, officers should not compromise “doing the right thing” for the sake of “doing things right.” Officers should also balance the need for action, based upon which policing philosophy is being utilized (Community Oriented Policing, where the goal is building relationships vs. Problem Oriented Policing, where the goal is targeting a specific issue), in an attempt to resolve the issue. Moreover, when discretion is employed it must be reasonable, defensible, and accomplish a police purpose.

- II. **POLICY:** It is the policy of the Windsor Heights Police Department that the Public Safety Director / Chief of Police affords that amount of discretionary leniency in decision making processes as is acceptable under the guidelines set forth within and as appropriate to the position description to which personnel are assigned. Ethical decision making of personnel is mandatory in all matters relevant to the business of the City. The Public Safety Director / Chief of Police has final authority in decision making and may intercede where necessary.

III. **PROCEDURE:**

Guidelines for the Discretionary Decision Making Process:

- a. **Issues for consideration when faced with an ethical / discretionary decision (IRAC):**
- Identify the **ISSUE**: Clarify the circumstances and understand the role of law enforcement in this event. What is being communicated to you? What are you being asked to do? Listen carefully and ask clarifying questions. What is the root cause of the issue resulting in a law enforcement response?
 - What is the **RULE**: Does the decision violate any code, law, ordinance, policy or accepted guideline? Is the decision both legal and ethical?



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- iii. How can you **APPLY** this Rule to the Issue: Is it balanced? Is the decision equitable to those involved, both in the long-term as well as the short-term? Does it promote a “win-win” outcome within the community, with co-workers, and the overall goals of the Department and the City?
- iv. Reach a logical **CONCLUSION** and act: Can the decision be explained? Can the decision be justified and explained to supervisors, community members, peers, friends, family, and the media if the decision should be made public? Will those that hear the explanation understand the decision?

b. Possible warning signs of a breach of ethics:

- i. Do any mental warning signs go off when considering the possible choices?
- ii. Would your decision shock the conscience of another?
- iii. How were you trained?
- iv. Can you think of laws, policies, procedures or guidelines that you will be violating by accepting any of the possible options?
- v. Will your decision be able to withstand the examination of supervisors, elected officials, the media, your family, and your peers? Would you take the same action if they were present to scrutinize your decision?
- vi. Should you stop and seek guidance from a supervisor or research the legal obligations you have in resolving this issue?

c. A model for ethical analysis and decision making:

- Step 1 – Identify and clarify the issue(s).
- Step 2 – Jurisdictional: Can I handle this event?
- Step 3 – Do I have time to think? Do you need to slow incident down?
- Step 4 –What is the policy of our agency reference this event?
- Step 5 –What is the organizations past practice in this type of event?
- Step 6 –What are the ethical issues involved in this event?



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Step 7 –What are the consequences of my actions?

Step 8 – Make and implement your decision.

Step 9 – Document as necessary why you did what you did.

Step 10 – If you learned something new – share it with your peers.

d. Use of discretion in arrests

Officers may find instances when making an arrest is not the appropriate course of action to follow. In most cases, there are no black and white rules to follow in making the decision to arrest or not arrest. Good judgment is called for in making these decisions and Department guidelines should be followed to encourage consistent application:

i. **Action.** Officers shall at all times take appropriate action to:

1. Protect life and property;
2. Preserve the peace;
3. Serve the public and the best interests of the City;
4. Prevent crime; and
5. Detect and deter violators of the law.

ii. **Impartiality.** Officers shall enforce all laws and ordinances fairly and impartially. Proper enforcement action must be taken whenever required, but provision is available for the use of officers' discretion to not make an arrest or issue a citation when it will best serve the immediate situation and general public. Officers must balance education with enforcement efforts to reach the end goal of making the community safer.



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iii. **Judgment.** There are circumstances where, although there are grounds for making a lawful arrest or issuing a lawful citation, better law enforcement practice allows that the offender not be arrested or cited. When there is doubt as to which is the appropriate course of action, officers should remember that ultimately the decision to prosecute is that of the County Attorney's Office. Any decision not to make an arrest should be made weighing the following guidelines:

1. *When the immediate arrest would cause a greater risk of harm to the general public than the offender remaining at large would.* For example:
 - a. In a crowd situation when the arrest of an offender would lead to a riot or other serious disorder and the offense for which an arrest would be made is relatively minor in nature.
 - b. When making a traffic stop would cause a greater safety risk to the motoring public than ignoring the observed violation.
2. *When departmental resources are not available to handle the situation.* For instance, when officers are particularly busy handling serious offenses and taking enforcement action on minor offenses would reduce that availability for the serious situations.
3. Officers should remember that even if there is no arrest or citation issued at the time of the offense, officers may issue a complaint for the individual to go to court at a later date or pursue arrest warrants after the fact if reasonable to do so.



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2.10 – Cell Phones, Pagers and Electronics

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Replaces: G.O. 07-002 – 10/01/07

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 06/21/2018

- I. **PURPOSE:** A cellular telephone and other electronics can be tremendous time saving devices when conducting operations or activities while in the field. When using any cellular telephone or other electronic devices while on duty or engaged in any police related business, officers are required to conduct themselves in a professional manner.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to encourage personnel to utilize the most effective tools necessary to complete their assigned duties. This rule regulates the use of cellular telephones, pagers and other electronic equipment, both personal and Department owned.
- III. **PROCEDURE:**

General Guidelines for Use of Electronics:

- a. Unless extenuating circumstances exist, Department employees will not utilize a Department or personal cellular telephone while operating a patrol unit upon the roadway unless the telephone is equipped for hands-free use. Department employees should refrain from dialing calls or text messaging while a vehicle is in motion. To place an outgoing call, this agency considers it a best practice for employees to pull off the roadway to the nearest, safest, most practical location and stop the vehicle.
 - i. Department members may carry personally owned cellular phones. However, the presence of the telephone must not impair the officer's job performance. Department employees are further restricted from utilizing personal cellular telephones while on calls for service, special assignments, or in view of the public unless it is used in the course of official duty. Furthermore, any cellular phones carried on an officers' person should be set to silent mode during contact with citizens so as not to interrupt any such contact.
 - ii. Department cellular telephones will only be used for Department business and will not be used for personal calls, except in an emergency.
 - iii. Lengthy conversations should be avoided while on-duty, unless during a break. If a long conversation is anticipated during a break, employees should be cognizant of the public perception surrounding lengthy conversations and do their best to ensure they are not in public view during the call.



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b. **Issuance of equipment.** The Department issues, or provides reimbursement, for cellular telephones, pagers and other electronic devices to command staff and officers in specialized positions to ensure their accessibility, and allow them to correspond and receive communications concerning incidents. Patrol vehicles are assigned the necessary equipment and mobile data computers that accomplish this objective for line officers.

- i. The Public Safety Director / Chief of Police is responsible for final oversight of Department electronics including recordkeeping, budgeting, retrieval and dispensing.
- ii. Any Department member assigned a city owned telephone, pager, laptop or other electronic device is responsible for the use, care, and control of the equipment.

c. **Lost, damaged, or defective equipment**

- i. Any Department equipment that is lost or stolen must be documented in a police report that contains the circumstances of the theft along with the make, model, and serial number of the equipment.
- ii. Damaged equipment must be documented by the possessor of the equipment in a memo addressed to the Public Safety Director / Chief of Police. The memorandum and the damaged equipment must then be turned into the Public Safety Director / Chief of Police or designee, who will repair or replace the equipment, if possible.
- iii. Requests for new electronic equipment are made through the chain of command to the Public Safety Director / Chief of Police.



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- d. **Transfer to new assignment.** When a Department member is transferred from an assignment where he/she was issued Department equipment specific to that assignment, the affected Department member will turn the equipment into the Public Safety Director / Chief of Police or designee, who will conduct an inspection of the equipment to ensure that it is undamaged and operational before reissuing the equipment.
- e. **Reimbursement for personal use of agency equipment.** In the event Department equipment is used for personal reasons, employees will reimburse the City.
- i. While the policy of reimbursing personal calls, roaming fees, internet usage, etc. is on the honor system, employees are reminded that all agency equipment usage will be subject to periodic audit or internal review. Employees will be held responsible for necessary reimbursements and may be subject to discipline for inappropriate use.
- f. **Data contained on department issued equipment**
- i. Employees are cautioned that under certain circumstances electronic billing records may be considered public records and could be obtained under Iowa law.
 - ii. Employees are reminded all data contained on any electronic media or device owned by the City of Windsor Heights is property of Windsor Heights and subject to review and inspection at any time. Employees shall have no expectation of privacy in the data on City owned electronic devices and employees understand they have waived any such claim of right to privacy on any City owned electronic equipment by utilizing such equipment.



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2.11 – Social Networking

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Replaces: G.O. 10-001 – 10/01/10

Issue Date: 03/01/2012

Approved by: Chief Chad McCluskey

Effective Date: 04/01/2012

Revision Date: 02/01/2014

08/17/2020

- I. PURPOSE:** This policy establishes the department's position on the utility and management of social media and provides guidance on the management, administration, and oversight as related to social media. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge. Public service agencies rely on the public's confidence and trust. Information which brings the City of Windsor Heights, or Windsor Heights Public Safety personnel into disrepute has a corresponding effect of reducing public confidence and trust. Employees are entitled to use personal/social networking web pages, sites and/or blogs while off-duty. However, it is the policy of the Department to maintain a level of professionalism in both on-duty and off-duty conduct. Employees shall not engage in conduct that contradicts or impedes the mission, values, rules, or policies of the City of Windsor Heights or the Windsor Heights Police Department.
- II. POLICY:** Social media provides a new and potentially valuable means of assisting the department and personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.
- III. DEFINITIONS:**
- a. Blog – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."
 - b. Page – The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
 - c. Post – Content an individual shares on a social media site or the act of publishing content on a site.
 - d. Profile - Information that a user provides about himself or herself on a social networking site.
 - e. Social Media – A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram, MySpace), microblogging sites (SnapChat, Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).



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- f. Social Networks – Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- g. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- h. Web 2.0 – The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- i. Wiki – Web page(s) that can be edited collaboratively.

IV. ON-DUTY USE:

a. Department Sanctioned Presence

i. Determine strategy

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
2. Where possible, the page(s) should link to the department's official website.

ii. Procedures

1. All department social media sites or pages shall be approved by the Public Safety Director / Chief of Police or his / her designee and shall be administered by designees of the Public Safety Director / Chief of Police.
2. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - a. Content is subject to open public records laws. Relevant records retention schedules apply to social media content.



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- b. Content must be managed, stored, and retrieved to comply with open records laws, as well as discovery laws and policies.
 4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
 - a. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - b. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

b. Department-Sanctioned Use

- i. Unless otherwise authorized for investigative purposes, department personnel representing the department via social media outlets shall do the following:
 1. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 2. Identify themselves as a member of the department.
 3. Not make statements about the guilt or innocence of any suspect or arrestee, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department activities, or work-related assignments without express written permission.
 4. Not conduct political activities or private business.
 5. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
 6. The provisions of this section do not apply to intelligence gathering and investigative uses of social media platforms as otherwise authorized.

ii. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about incidents such as, but not limited to,:



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Approved by:

Chief Chad McCluskey

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02/01/2014

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- a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data; and
 - d. soliciting tips about unsolved crimes.
3. Social media can be used to make time-sensitive notifications related to
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
 - a. Information pertaining to protected classes shall be filtered out.
 - b. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.



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- c. Search methods shall not involve techniques that are a violation of existing law.
- d. Vetting techniques shall be applied uniformly to all candidates.
- e. Every effort must be made to validate Internet-based information considered during the hiring process.

V. PERSONAL USE

a. Precautions and Prohibitions

- i. Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.
 - 1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which confidentiality is important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
 - 2. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties, that lends existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department. In order to determine whether public employee's speech is protected under the constitution, you must ask yourself: "Did I speak as a private citizen on a matter of public concern unrelated to my employment?" If the answer is no, then the speech is not protected.
 - 3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Public Safety Director / Chief of Police or his / her designee.



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Revision Date:	02/01/2014	08/17/2020	

4. For safety and security reasons, department personnel are cautioned about disclosure of their employment with this department. In addition, department members shall not post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned about posting the following types of information without prior approval:
 - a. Display department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, should not post any form of visual or personal identification.
5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - c. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline.
 - d. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.



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2.11 – Social Networking

Page(s):

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Replaces:	G.O. 10-001 – 10/01/10	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	02/01/2014	08/17/2020	

- e. Department personnel should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - f. Clicking on the “like” button on a social media site, that contains unprotected speech, can be cause for disciplinary action. The courts have ruled that clicking the “like” button in such an instance is considered a form of speech.
 - g. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - h. Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or
 - i. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
6. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
7. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
8. Reporting violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.



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2.12 – Intra-Departmental Relations

Page(s):

4

Replaces: Rule #6, 11/01/2003

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 08/06/2018

02/16/2021

I. PURPOSE: The purpose of this regulation is to outline guidelines for relationships within the Department.

II. POLICY: It shall be the policy of the Windsor Heights Police Department to make every attempt to work cohesively as a team. It is understood that not every individual will agree in form or substance with every other individual employed by the City. Employees will be expected to fall back on this policy and individual professionalism for guidance in times of disagreement.

III. PROCEDURE:

a. Respect and Cooperation

- i. Personnel shall conduct themselves in a manner that will foster harmony, cooperation, and mutual support and assistance among fellow employees.
- ii. Personnel will treat other employees with the respect due them; be courteous, civil, and respectful of supervisors, peers, and subordinates, on or off duty. When addressing a supervisor in the presence of the public, the supervisor's proper title will be utilized without abbreviation.
- iii. Personnel will never publicly criticize the work, manner, or performance of duty of any other employee.

b. Relations Among Personnel

- i. Officers shall act together and protect one another in times of danger or in circumstances where danger appears imminent.
- ii. Employees shall not interfere with cases assigned to other officers, except with the consent of the assigned officer, or a Commanding Officer holding rank as a Lieutenant or higher. Employees shall not unnecessarily interfere with work or operation of the courts or any other law enforcement body.



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Page(s):

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Replaces: Rule #6, 11/01/2003

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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- iii. Where there is a personal relationship between an investigating officer and the accused victim or suspect in a complaint or investigation, that officer will report the relationship to a supervisor or the Public Safety Director / Chief of Police. Once reported, a determination will be made as to whether or not the case will be reassigned.
- iv. No Department employee may interfere with citations, complaints, cases, or investigations being handled by other employees of the Department or any other agency, unless the Public Safety Director / Chief of Police so orders, or the interfering employee believes beyond a reasonable doubt that not acting would result in a manifest injustice. In all instances, a written report of the action taken and basis for the action will be forwarded to the Public Safety Director / Chief of Police before the end of the employee's shift.

c. Social Relationships Between Employees

- i. Personal relationships may develop between employees from time to time on several different levels. Although such consensual relationships are a matter of personal choice and privacy between the employees involved, any adverse effect that such relationships may have in the workplace will not be tolerated. Any such relationship will be considered to have an adverse effect in the workplace if:
 - 1. Employees involved have a direct or indirect reporting relationship at work.
 - 2. It unreasonably interferes with or materially and adversely affects either employee's work performance, objectivity, judgment, professionalism, business reputation or ability to conduct him/herself in an appropriate business manner.
 - 3. It unreasonably interferes with or materially and adversely affects the work environment of other employees.
 - 4. It results in harassment, sexual or otherwise.
- ii. No supervisory personnel shall have a dating relationship with any subordinate employee of the Windsor Heights Police Department.



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Replaces: Rule #6, 11/01/2003

Issue Date:

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Approved by: Chief Chad McCluskey

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04/01/2012

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1. No command or supervisory personnel shall reside within the same dwelling as any subordinate without consent of the Public Safety Director / Chief of Police.
2. Fraternalization between supervisory and subordinate personnel of the Windsor Heights Police Department must not diminish the Department's organizational structure.
- iii. All Department personnel having knowledge of a violation of this section shall report any such violation to the Chief's Office as soon as practical.

d. Relationship with Superiors and Orders

It shall be the responsibility of each officer, through the chain of command, to inform Department supervisors of any matter coming to their attention which may affect the welfare or be of interest to the Department or its personnel.

- i. Officers shall obey all lawful orders and directions given by supervisory staff, regardless of rank. Supervisory staff has authority that is not limited to their work assignments. A "lawful order" is any order in keeping with the performance of any duty prescribed by law, rule, or policy of the Department or for the preservation of order, efficiency, and discipline.
- ii. Officers shall adhere to reasonable instructions given by communications dispatchers, unless directed otherwise by a supervisor. Such obedience shall be willing and prompt and without unnecessary questioning to maintain operational efficiency and command/control of a scene.
- iii. Should an officer receive any order that conflicts with a previous order, instruction issued, rule, or policy, the officer shall respectfully call attention to the conflict. If the supervisor giving the second order does not change the order, that order shall stand and the responsibility shall be the supervisor's. Orders will be countermanded only when reasonably necessary for the good of the Department.



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e. Unlawful Orders

Supervisors shall not knowingly and willfully issue any order, which violates any law, ordinance, and/or Department policy or procedure.

- i. Officers should not obey an order which is contrary to the laws of the United States, the State of Iowa, or the ordinances of the City of Windsor Heights. Obedience to an unlawful or improper order is never a defense for an unlawful or improper action. However, refusing to obey an order is a responsibility, and officers will be required to justify their actions.
- ii. If an officer receives what is believed to be an unlawful or improper order, the officer should, at first opportunity, report in writing the full facts of the incident, together with his/her own action to the Public Safety Director / Chief of Police.

f. Conduct on Department Premises

Employees:

- i. Shall not congregate in lobbies, corridors, offices, or other places in public view or where it may disrupt other employees' performance of their duties.
- ii. Shall avoid horseplay and loud or boisterous conversation in public view or hearing.
- iii. Shall keep assigned work areas and equipment (to include vehicles) neat, clean, and orderly.
- iv. Shall never alter, deface, or mark any printed or written notices relating to law enforcement or city business with malice. Derogatory notices directed toward employees, the Department, government, or the public is prohibited.
- v. Shall not post, pass around, or use city equipment or supplies to copy or publish any pictures, cartoons, or satire that may reflect poorly on or offend any person.
- vi. Tobacco use is prohibited while on duty, in accordance with Council resolution.



Windsor Heights Police Department Policy and Procedure Manual

2.13 – Legal Claims Against the City

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/14/2019

- I. **PURPOSE:** To outline procedures for handling claims for damages against the City of Windsor Heights.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure cohesiveness in our operations as compared to the overall goals of the City of Windsor Heights. To that end, no member of the Windsor Heights Police Department shall intentionally create a situation in which the City, either expressly or apparently, assumes liability for any issue arising within the City without the expressed authority of the Public Safety Director / Chief of Police.
- III. **PROCEDURE:**

a. Statements of Liability

- i. Unless specifically authorized, members of the Department shall not express opinions or statements which may adversely affect the legal liabilities of the City of Windsor Heights. Examples of these types of statements are: "The City will pay for your damage..." or "Turn in a claim form and the city will pay for..."

b. Claim Forms

- i. Claim forms allow persons who believe the City of Windsor Heights has a financial obligation to them an opportunity to explain their position in writing.
- ii. Claim forms are available from command staff or the Chief Financial Officer (CFO).
- iii. Claim forms shall be returned to the attention of the Public Safety Director / Chief of Police for review.



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03/01/2012

Approved by:

Chief Chad McCluskey

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04/01/2012

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c. Internal Review of Claims

i. Towed vehicles

1. If a vehicle has been towed, and the Commander of the Patrol Division believes that the tow was done in error, the Patrol Division Commander may direct the towing service to directly bill the Police Department for the service. The cost of the tow will be paid from the operating budget of the Police Department.
2. If the towing service has been paid, the claimant will be given a claim form and directed to return the form to the Police Department.
 - a. A copy of the paid bill is to be attached to the claim.
 - b. The Patrol Division Commander will sign the claim indicating the reason that the claim is authorized for payment.
 - c. The claim will then be reviewed by the Public Safety Director / Chief of Police.
 - d. If the Chief is satisfied that the claim is legitimate, s/he will sign and forward the claim to the CFO for payment.
3. Other claims against the City of Windsor Heights rising from actions of members of the Police Department may be sent to the appropriate Division Commander for formal investigation.
4. All findings shall be reported to the Public Safety Director / Chief of Police for final decision making and/or consultation with the city's insurance carrier, City Attorney, City Administrator or CFO prior to processing payment or rejecting the claim.



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5. Where necessary, internal review of the incident will occur through the Department's formal review process or be referred to a subcommittee within the City for purposes of identifying/improving SOPs and to identify training needs (Ex: Safety Committee review). In extenuating circumstances an outside consultant may be brought in to examine the claim, evaluate the allegations, or mitigate the potential of loss.



Windsor Heights Police Department Policy and Procedure Manual

2.14 – Services Provided For On-Duty Serious Injury or Death

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/15/2019

- I. **PURPOSE:** To outline the policy and procedure for notification, proper support and emotional care of the families of Windsor Heights Police Department employees following serious injury or line of duty death.
- II. **POLICY:** The Windsor Heights Police Department shall provide support services and liaison assistance to the family of any employee who is seriously injured or dies in the line of duty. These services include timely notification of the injury or death, assisting the family at the hospital, supporting the family at a funeral and burial (if applicable), assisting the family with survivor benefits, supporting the family through criminal proceedings (if any), and maintaining long-term contact with the family in the event of death.
- III. **PROCEDURE:**

a. Notification

- i. In the event of a death or serious injury to a Department employee while on duty, the notification of the family will be in person by the Public Safety Director / Chief of Police or his/her designee, along with a Family Liaison Officer (a sworn officer known to the family) and the Department chaplain. **This notification must take place before any names are released to the media. Names will not be released to the media until authorized by the Public Safety Director / Chief of Police.**
- ii. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the time of the notification.
- iii. Notification should never be delayed if the Public Safety Director / Chief of Police or a Family Liaison Officer is not available. The family should learn of a death or serious injury from the Department and not from the media or other sources.



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- iv. If the notification is made in the home, the family will be transported to the hospital by a police vehicle. It is highly recommended that the family not drive themselves to the hospital. If a family insists on driving, an officer or member of the notification team will ride with the family. If there are small children present in the home, the notification team will help to arrange for childcare needs. Prior to departing for the hospital, the Family Liaison Officer will alert the hospital staff that member(s) of the family are enroute.
- v. If at all possible, the deceased or severely injured officer's parents should be afforded the courtesy of a personal notification. The above procedures should be followed with the exception of the Chief making the actual notification. This may be delegated. If the family lives outside of the metro area, the law enforcement agency having jurisdiction will be contacted and requested to make the in-person notification.
- vi. The Family Liaison Officer should assist the family at the hospital and during the funeral process, as long as his/her presence is requested. The Family Liaison Officer should also provide any needed family services during any criminal or court proceedings arising from the on duty death.

b. Serious Injury While On-Duty

- i. If injured while on duty, the City of Windsor Heights will prepare and submit all necessary insurance information for the injured employee. The notification procedure will remain the same for a seriously injured employee as outlined above.

c. Assistance and Support to the Family of the Deceased

- i. The Windsor Heights Police Department will support the family of the deceased employee who has died on duty. If the family requests, arrangements may include Honor Guard, Casket Detail, Rifle Team, Taps, Flag Presentation, and other appropriate requests by the family.



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- ii. The Department shall maintain contact with the family of the deceased employee to stay informed of their needs. The Family Liaison Officer shall make any family requests directly to the Chief. Assistance, support, and referrals should be provided for the family as deemed appropriate.
- iii. A City of Windsor Heights representative will assist in preparing and submitting all necessary information in regards to obtaining all available death benefits.

d. Assistance to Affected Members of the Department

- i. Members of the Police Department who were on the scene immediately after the officer was killed or seriously injured should be relieved as soon as possible.
- ii. Police Department members, EMS staff, and staff from the Windsor Heights Fire Department who responded to this incident will be required to attend a Critical Incident Stress Debriefing conducted by trained crisis interventionists. This debriefing should be set within 72 hours of the event. Members of the Department who were not immediate responders to the incident, but feel an emotional need to attend the debriefing may do so.
- iii. The same debriefing process will be offered to family of Windsor Heights Police Department members, the affected family, and other emergency responders to this incident from outside the city. This debriefing will be separate from the debriefing offered to the officers.

e. Assisting the Family at the Hospital

- i. The first uninvolved officer to arrive at the hospital is to assume the role of the Hospital Liaison. The Hospital Liaison is to assume the coordination of the activities of the affected member's family, police officers, and media control and other duties, as needed, until the Family Liaison Officer or supervisor arrives. These responsibilities may include, but may not be limited to the following:
 - 1. Arranging with hospital personnel to provide an appropriate waiting facility for the family and others;



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Effective Date:

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2. Arranging a separate area for fellow police officers to assemble;
 3. Establish a press staging area, and then release that responsibility upon the arrival of the P.I.O.;
 4. Ensuring that the family is updated regarding the incident and the members condition, when applicable;
 5. Arranging for meals, beverages and other necessities for the family during their stay at the hospital;
 6. Arranging transportation for the family back to their residence.
- ii. If it is possible for the family to visit the injured officer before his/her death or the taking of the officer to surgery, the family should be afforded that opportunity. This will be coordinated with the attending physician's approval. The Hospital Liaison should accompany the family into the room if requested.
 - iii. The family should be given as much information as possible about the member's injury or death, contingent on the need for not compromising the investigation.

f. Departmental Roles and Functions

i. Family Liaison Officer

1. This is a critical assignment and an attempt should be made to assign someone that has enjoyed a close relationship with the employee and his/her family.
2. This is not a decision making position. The Family Liaison Officer acts as a facilitator between the family and the Department.



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3. The Family Liaison Officer ensures that the needs of the family come before the needs of the Department, and thus transmits the family's wishes during and after the time of the officer's death, his/her funeral, and apprising the family of any information concerning the death or injury and the continuing investigation.
4. Coordinates with the P.I.O. to ensure that the family is not overwhelmed by a media presence before, during and after the hospital visit(s) and funeral.

ii. City of Windsor Heights Benefits Coordinator

1. The Benefits Coordinator will usually be the Human Resource Manager for the City.
2. The Benefits Coordinator, in conjunction with the City's Human Resources and Legal Departments, will gather information on benefits/funeral payments that are available to the family.
3. The Benefits Coordinator is responsible for assisting the survivors in the completion of the proper forms for claims and/or related paperwork.
4. The Benefits Coordinator will meet with the family a few days after the funeral to discuss the benefits that they are eligible to receive and the filing of the paperwork to complete those benefit requests.
5. The Benefits Coordinator will meet with the family periodically to ensure that they are receiving the benefits.



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2.15 - Crisis Intervention Plan

Page(s):

1

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/15/2019

- I. **PURPOSE:** To establish a procedure to provide the needed assistance to the emergency response employees of the Windsor Heights Police Department, as well as the citizens and visitors of Windsor Heights, in the wake of a crime related human or natural disaster.
- II. **POLICY:** The Windsor Heights Police Department will notify the appropriate critical incident management team to provide immediate crisis intervention to staff or involved community members who have experienced unusually strong emotional reactions to a traumatic event.
- III. **PROCEDURE:**
 - a. In the event of a crime related human or natural disaster that may have lasting effects on a single employee, a supervisor, or commander, the Department will offer the employee assistance through a Critical Incident Stress Management team, Employee Assistance Program, or the psychologist/therapist of the employee's choice.
 - b. In the event there is a crime related human or natural disaster that may have lasting effects on the Windsor Heights community or its visitors, the Windsor Heights Police Department may contact the Iowa Crisis Response Team for crisis intervention assistance.
 - c. Examples of crime related human or natural disasters may include, but be not limited to, multiple victim criminal acts, bombings, tornadoes, flash flooding, or terrorist attacks.
 - d. After action reports and summaries may be completed, as determined by command staff, for future planning, training, and review.



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Policy and Procedure Manual**

2.16 - Light Duty Authorization

Page(s):

2

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/15/2019

- I. PURPOSE:** To define procedures for light duty authorization.
- II. POLICY:** It is the policy of the Windsor Heights Police Department to actively seek light duty assignments for employees temporarily restricted from performing their regular job duties while recovering from work-related illnesses or injuries. The Public Safety Director / Chief of Police may provide light duty assignments for those employees whose injuries are not job related at his/her discretion and based upon needs of the City.

III. PROCEDURE:

a. On-Duty Injury

- i. Employees who contract injuries and/or illnesses through the performance of job-related activities, upon completion of the following guidelines, will be assigned light duty positions:
1. The employee submits to the Public Safety Director / Chief of Police written authorization from the city physician - and if the employee is seeing their own physician, written authorization from him/her - for light duty status. The authorization will state all medical restrictions pertaining to the employee.
 2. If necessary, a Department personnel order is issued to the City's workers compensation coordinator assigning the employee to light duty status for the duration of the medical order.
 3. Internal review of the incident shall be assigned to the City's Safety Committee.

b. Off-Duty Injury (includes pregnancy or other modified duty)

- i. The Public Safety Director / Chief of Police, at his/her discretion, may allow employees on sick leave from non-job related illness/injury or other medical restriction to return to work on light duty status upon completion of the following:



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2.16 - Light Duty Authorization

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Replaces:		Issue Date:	03/01/2012
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1. The employee submits to the Public Safety Director / Chief of Police the written authorization from his/her physician. The authorization will state all medical restrictions pertaining to the employee.
2. If the city questions the validity of a medical certification, the City may require the employee to obtain a second opinion at the City's expense. If the first and second opinions differ, the City may require the employee to obtain a certification from a third health care provider, at the employee's expense. Both the employer and the employee must agree to the provider of the third opinion. The third opinion is final and binding.
3. The Chief may require a prognosis from the employee and/or attending physician on when the employee can be expected to return to full duty. The Chief may also require a written proposal from the employee on what duties he/she is capable of assisting the City with given the medical restrictions that have been outlined.
4. The Public Safety Director / Chief of Police shall weigh the restrictions and the benefits of allowing light duty and consult with the City Administrator and City Attorney as necessary.
5. If allowed and necessary, a Department personnel order will be issued assigning the employee light duty status. If the request is not approved, a letter will be given to the requesting employee advising of the denial.

c. Return to Duty

- i. Employees requesting a return to full duty from light duty status will complete the following:
 1. Provide written approval to the Public Safety Director / Chief of Police to return to full duty on a specific date from the physician(s) initially placing the employee on light duty.



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Replaces:

Issue Date:

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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/15/2019

2. The employee may return to full duty upon the medical approval being accepted and recertifying on any pending training/certifications, if necessary.
3. The Public Safety Director / Chief of Police may request a fitness for duty evaluation, at the City's expense, prior to authorizing a return to work if there is cause for such concern.

d. Off-Duty Employment

- i. Officers who are assigned to light or modified duty status will not engage in extra-duty employment related to law enforcement. At the discretion of the Public Safety Director / Chief of Police, the employee may engage in non-law enforcement related employment that would not aggravate the employee's injury or illness.



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2.17 Family Medical Leave Authorization

Page(s): 3

Replaces:		Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	03/15/2019		

- I. PURPOSE:** To define procedures for FMLA leave authorization.
- II. POLICY:** It is the policy of the Windsor Heights Police Department to actively support employee rights and responsibilities under the Family and Medical Leave Act (FMLA) for serious health conditions. The U.S. Department of Labor dictates guidelines and documentation of leave according to federal mandate. The Windsor Heights Police Department will follow guidelines set forth by legislation to protect non-probationary employees working more than 1,250 hours the previous year by granting up to 12 weeks of unpaid, job-protected leave for eligible reasons. For qualifying military personnel and kin, this leave may be extended to 26 weeks.

III. DEFINITIONS:

a. Eligible Reasons for Leave

- i. The birth of a child and to bond with the newborn child within one year of birth,
- ii. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement,
- iii. A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care,
- iv. To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care,
- v. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.



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2.17 Family Medical Leave Authorization

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Replaces:		Issue Date:	03/01/2012
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- vi. In addition, eligible employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (referred to as military caregiver leave). An eligible employee is limited to a *combined* total of 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period.

b. Serious Health Condition

- i. An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

IV. PROCEDURE:

a. Use of Leave

- i. Employees do not need to use FMLA leave in one block. Leave can be taken intermittently, or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Department's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

b. Substitution of Paid Leave for Unpaid Leave

- i. Employees may choose, or employers may require, use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the City's normal paid leave policies.



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2.17 Family Medical Leave Authorization

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c. Employees Responsibilities

- i. Employees must provide 30 days advance notice of the need for FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Department's normal call in procedures.
- ii. Employees must provide sufficient information for the Department to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
- iii. Employees must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- iv. Employees may be required to provide a certification and periodic recertification supporting the need for leave.

d. Employer Responsibilities

- i. The Department shall inform employees requesting leave whether they are eligible under FMLA. The notice will specify any additional information required, as well as the employees' rights and responsibilities. If the employee is not eligible, the Department shall provide a reason for the ineligibility.
- ii. The Department shall inform employees if any leave will be designated as FMLA leave by the City and the amount of leave counted against the employee's leave entitlement.
- iii. The Department shall provide forms for certification or recertification of requested FMLA leave requests and subsequent designation of notice to approve or deny leave requests.



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Approved by:

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Effective Date:

04/01/2012

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- I. **PURPOSE:** The Department desires to ensure all employees are in a condition to perform their duties safely and efficiently, in the best interests of the City and their fellow workers, the public and themselves. The presence of drugs/alcohol and their effect is inconsistent with this objective. It is the purpose of this policy to ensure that the workplace is free of the effects of alcohol or drug impairment and to aggressively promote freedom from abuse of these substances by all employees both on and off duty.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to prohibit any employee from reporting for, or remaining on, duty while under the influence of any substance, such as alcohol and or drugs – including both legal and illegal substances.
- III. **PROCEDURE:**
 - a. **Scope**
 - i. All personnel, regardless of status as sworn, part-time, reserve, or otherwise,
 - b. **Pre-Employment Testing**
 - i. All applicants will undergo drug and alcohol testing before being hired. Applicants will receive notice of the inclusion of a drug test during the pre-employment physical.
 - ii. Any refusal to submit to such procurement, or a positive finding, will be cause for removal from consideration for a position with the Windsor Heights Police Department.
 - c. **Substance abuse Specimen Procurement Process**
 - i. Command staff has the responsibility to see that an employee submits to a drug/alcohol test when a supervisor has cause to believe that the subject is impaired. "Cause" is a belief, based on objective facts, sufficient to lead a reasonable and prudent manager/supervisor to suspect that an employee is under the influence of drugs or alcohol. Any of the following, alone or in combination, may constitute cause:



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1. Slurred speech;
 2. Odor of alcohol/marijuana;
 3. Unsteady walking and/or movement;
 4. Possession of alcohol, drugs, drug paraphernalia;
 5. Information suggesting substance abuse obtained from a reliable person;
 6. Unusual behavior;
 7. Irregular or unusual operation of a city vehicle; an accident involving a city vehicle or city property; or an on the job injury suggestive of some kind of drug or alcohol impairment;
 8. Glazed eyes;
 9. A pattern of leave use suggestive of some type of drug or alcohol impairment;
 10. Belief that an employee may be abusing dosage units of a prescription drug lawfully prescribed to him/her.
- ii. The command officer requiring the substance abuse test must notify the subject of the test immediately. The commander must also notify the Public Safety Director / Chief of Police, and any other supervisor with supervisory responsibility for the employee.
 - iii. Command staff, after notifying the subject of the test, must make arrangements with either Polk County Health or, after office hours, an approved medical facility of the Department's choice to arrange for blood procurement as soon as possible. Consultation with Company Nurse may be necessary.



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1. A Division Commander must either accompany the employee of the test to the place of procurement, or see that another sworn officer of supervisory rank accompanies the employee of the test to the procurement place.
2. The supervisor accompanying the subject of the test will wait until the procurement is completed and either take the employee home, or see that the employee is taken home.
3. The supervisor will make a confidential written report of the cause and the actions taken and will see that the Public Safety Director / Chief of Police and the subject of the test get copies of that report within twenty-four (24) hours.
4. Pursuant to Iowa Code, the results of the test may be recorded in the employee's personnel records; however, if an employee whose test indicated the employee was under the influence of alcohol or a controlled substance, or indicated the presence of a controlled substance, has undergone substance abuse evaluation and, when treatment is indicated under the substance abuse evaluation, successfully completed treatment for substance abuse, the employee's personnel records shall be expunged of any reference to the test or its results when the employee leaves employment.

d. Negative Reading / Investigative Procedure

- i. A negative reading from the analysis will be reported to the Public Safety Director / Chief of Police within 24 hours of the completion of the analysis.
 1. Upon being advised of a negative reading, an Internal Affairs investigation will be initiated into the circumstances surrounding the supervisor's request for the test on the employee.



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2. The investigation will follow established guidelines for internal investigations and every attempt will be made to complete the investigation within ten (10) working days. Upon completion, results of the investigation will be forwarded to the Public Safety Director / Chief of Police.
- ii. The Chief will review the investigation and decide if follow-up evaluation is required for the tested employee, or if the matter can be dismissed. Every attempt will be made by the Chief to reach this decision within two (2) working days of the submission of the investigation summary.
- iii. If so ordered by the Chief, the tested employee will be placed in contact with a Department approved psychologist, the Employee Assistance Program, or any resource the Chief feels could assist the employee, as soon as practical.
 1. A number of options will be made available to the tested employee free of charge. If the employee chooses an alternative to these options, any cost associated will be the responsibility of the employee under the stipulations of the current health care plan.
- iv. If the tested employee decides not to follow appropriate treatment/aftercare proposed as a result of the evaluation, he/she shall notify the Chief immediately. The Chief will then determine if further action is necessary and if a charge of insubordination is warranted.

e. Positive Test Results

- i. A positive finding for a drug medically prescribed by a doctor which indicates excessive use or impairment will result in the following:
 1. Entry into evaluation, appropriate treatment, and aftercare, if necessary.
 2. Use of accrued leave time for participation in the necessitated process.



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3. A decision will be made by the Public Safety Director / Chief of Police concerning assignment within the Department.
 4. If treatment is recommended, the employee is required to comply with the requirements and provisions of treatment and must successfully complete the treatment program including aftercare.
- ii. A positive finding for an illegal drug, or a drug illegally possessed, will result in the following:
1. Entry into evaluation and appropriate treatment and aftercare, if necessary.
 2. Use of accrued leave time for participation in the necessitated process.
 3. A decision will be made by the Public Safety Director / Chief of Police concerning assignment within the Department and initiation of the discipline process.
 4. If treatment is recommended, the employee is required to comply with the requirements and provisions of treatment and must successfully complete the treatment program including aftercare.
- iii. A positive finding for any measurable level of alcohol will result in the following:
1. Entry into evaluation and appropriate treatment and aftercare, if necessary.
 2. Use of accrued leave time for participation in the necessitated process.
 3. A decision will be made by the Public Safety Director / Chief of Police concerning assignment within the Department and initiation of the discipline process.



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4. If treatment is recommended, the employee is required to comply with the requirements and provisions of treatment and must successfully complete the treatment program including aftercare.

iv. Any second positive finding will be dealt with in the following manner

1. For a drug medically prescribed by a doctor indicating abuse or impairment:
 - a. Discipline up to and including termination.
 - b. Entry into evaluation and appropriate treatment and aftercare, if necessary.
 - c. Use of accrued leave time for participation in the necessitated process.
 - d. A decision will be made by the Public Safety Director / Chief of Police concerning future assignment within the Department.
 - e. If treatment is recommended, the employee is required to comply with the requirements and provisions of treatment and must successfully complete the treatment program including aftercare.
2. For any illegal drug, or illegally possessed drug:
 - a. Discipline up to and including termination.
3. For any measurable level of alcohol:
 - a. Discipline up to and including termination.
4. A **third positive finding** for any of the above will be cause for immediate termination.



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v. Miscellaneous Responsibilities

1. No member of the Windsor Heights Police Department will use, sell, give, obtain or possess alcohol, illegal drugs, or prescription drugs not prescribed for the employee, while acting in any official capacity or being paid by the City, or while wearing any apparel identifying them as a member of the Windsor Heights Police Department, even if covered by a piece of clothing.
2. Drugs prescribed by a certified doctor, for a specific individual, may be possessed and used as prescribed as long as the drug does not impair the individual or the individual's ability to perform the job safely. The Department may elect to seek an independent medical opinion outside of the prescribing physician's, if appropriate, in determining fitness for duty.
3. Any documentation of use or possession of illegal drugs, or drugs illegally possessed, by any member of the Windsor Heights Police Department, "off duty", will result in departmental action as if the employee had tested positive for illegal drugs while on duty.
 - a. The use of Marijuana, or other substances with measureable amounts of Tetrahydrocannabinol (THC), by members of the Windsor Heights Police Department is prohibited, regardless of the legality of such substance dependent on the location of the member (i.e. traveling in States where such substances have been legalized).
4. Refusal to immediately submit to an alcohol or drug procurement when requested by a commander/supervisor shall constitute insubordination and will be grounds for discipline, up to and including termination.
5. All persons covered by this policy must be aware violations of certain provisions of this policy may result in discipline up to and including termination, or for applicants such violations could result in not being hired.



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6. Criminal charges filed in conjunction with substance abuse policy violations may result in discipline up to and including termination.



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2.19 Tobacco Product Use

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/15/2019

- I. **PURPOSE:** To outline the City of Windsor Heights administrative policy on the use of tobacco products and additional Windsor Heights Police Department policy.
- II. **POLICY:** It is the policy of the City of Windsor Heights to prohibit the use of tobacco products by employees working hours, and to prohibit the use of tobacco products at or on any City facilities. The City is committed to the health and safety of our employees and the use of tobacco products is contrary to such commitment.
- III. **DEFINITIONS:**
 - a. **City Facilities** - The term "city facilities" means all property, whether or not enclosed, under the control of the City of Windsor Heights (City). City facilities include, but are not limited to, all: work areas; employee lounges; restrooms; conference rooms; classrooms; cafeterias; meeting rooms; elevators; stairways; parking garages; parking lots; automobiles owned, rented, or leased by the City; and any public or private area open to the public for recreational purposes, such as fairgrounds; athletic fields; beaches; gardens; parks; parklets; plazas; skate parks; swimming pools; trails; outdoor picnic tables; and grassy areas.
 - b. **Electronic Smoking Device** - The term "electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah
 - c. **Smoking** - The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device.



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03/01/2012

Approved by:

Chief Chad McCluskey

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- d. **Tobacco Product** - The term "tobacco product" means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also includes electronic smoking devices. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- e. **Working Hours** - The term "working hours" means hours of paid work time including paid work breaks and while traveling for business

IV. PROCEDURE:

- a. All members of the Windsor Heights Police Department are prohibited from using any tobacco products during any working hours.
- b. All members of the Windsor Heights Police Department are prohibited from using any tobacco products on or at any City facilities, including any City owned vehicle.



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2.20 Awards and Departmental Recognitions

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/01/2014

03/15/2019

- I. **PURPOSE:** To establish a platform for intra-departmental awards/recognition, which are received by Police Department employees for exemplary achievement in the delivery of police service.
- II. **POLICY:** Is it the policy of the Windsor Heights Police Department to ensure an equitable program is in place for the recognition of employees who provide exemplary service, in furtherance of the Windsor Heights Police Department's missions and goals.
- III. **PROCEDURE:**

a. Award Types

- i. The following types of Department recognition may be awarded to employees of the Windsor Heights Police Department.
 1. **Medal of Honor.** Awarded to a sworn member who, in the line of police duty, distinguishes him/herself by the performance of an act of gallantry and valor, at imminent personal hazard to life, with knowledge of the risk while going above and beyond the call of duty. Recommendation will be made for the presentation of this award to be made by the Mayor before the full city council.
 2. **Medal of Valor.** Awarded to a sworn member for the successful performance of an act of extraordinary heroism in the line of duty, while engaged in personal combat with an armed adversary at imminent personal risk to life. Recommendation will be made for the presentation of this award to be made by the Mayor before the full city council.
 3. **Purple Heart.** Awarded to a sworn member for an act of outstanding personal bravery, intelligently performed in the line of duty, at imminent personal risk to his/her life, under circumstances displaying clear disregard of personal consequences which results in serious injury to the officer.
 4. **Life Saving Bar.** Awarded to a sworn member for actions taken that immediately attributed to life saving care of another individual.



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5. **Meritorious Service Bar.** Awarded to a sworn member for extraordinary achievement in delivery of police services during a specific incident, while demonstrating devotion to duty, attention to detail, and exemplary service to the greater community.
6. **Outstanding Volunteer Service Bar.** Awarded to a sworn member of the Department for an intelligent act materially contributing to a valuable police-related public service encompassing one of the Department's core values. The service must be initiated as a volunteer effort on behalf of the greater mission of the Windsor Heights Police Department, above and beyond an employee's normal performance in a like situation.
7. **Military Service Bar.** Awarded to a sworn employee honorably discharged from a branch of military service with active duty, Reserve or Guard status.
8. **Years of Service Bar.** Awarded to a sworn member upon completion of five (5) years of continuous service.
 - a. A member may not have any type of suspension, demotion, resignation, or termination within that five (5) year period;
 - b. Additional awards in five (5) year increments may be issued after five (5) years has passed from issuance of the previous award, under the same prerequisites.
 - i. Administration will monitor all sworn officers longevity in 5 year intervals.
 - ii. Subsequent to the above terms, one ribbon shall be issued signifying each five year term of service by the chosen star. Multiple five year terms shall be signified by a concurrent amount of five year increments on the service bar.



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9. **Physical Fitness Bar.** Awarded to a sworn member for maintaining yearly fitness standards required at entry level to the Department. The recipient must pass the most recent entry level physical fitness test to be eligible to wear the Physical Fitness Bar. To remain eligible for this bar officers must attain the applicable fitness standard according to their current age grouping when the test is administered during that calendar year.
10. **Skills Recognition Bars.** To be eligible for these bars, members must have served in this position at some point within their career, for a minimum of 18 months, and left the position honorably.
 - a. Field Training Officer;
 - b. Certified Instructor
 - c. Detective
 - d. Traffic and Community Safety Coordinator
 - e. SWAT Operator
 - f. SCAT Operator
 - g. Negotiator
 - h. K9 Handler
 - i. Emergency Medical Technician
 - j. Traffic Accident Investigator



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2.21 Recruitment, Selection, and Promotions

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

03/15/2019

- I. **PURPOSE:** To establish procedures and clarify responsibilities for the Department's recruitment, selection, and promotional processes.
- II. **POLICY:** In recruitment, selection, and promotional processes, the Windsor Heights Police Department will identify and employ the best candidates available. Emphasis on recruitment and selection of quality applicants in full compliance with the law will yield benefits in terms of a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient and effective services. Additionally, every promotional process conducted by this Department will be administered fairly and impartially, utilizing testing and evaluation mechanisms evaluating past performance as well as future potential through the use of job-related criteria.
- III. **DEFINITIONS:**
 - a. **Applicant** - A person who applies for a position with the Windsor Heights Police Department.
 - b. **Background Investigator** - A person designated by the Public Safety Director / Chief of Police to conduct the background investigation of all potential employees of the Police Department. Personnel used to conduct background investigations will be trained in collecting required information.
 - c. **Candidate** - A person who has been determined to have met the minimum requirements and is being processed for a position with the Department.
 - d. **Interview Team** - A team of people appointed by the Public Safety Director / Chief of Police for the purpose of interviewing candidates in an oral board format for positions with the Police Department.
 - e. **Promotion** - The process of selecting the supervisors and managers who will shape the future of the Department.



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IV. PROCEDURE:

a. Recruitment

- i. This Department will actively conduct and participate in its own recruitment processes.
- ii. The Support Services Division Commander will be the primary liaison on recruitment issues and hiring systems management for full-time sworn positions. The Patrol Commander will coordinate Reserve Officer recruitment and selection.
- iii. Individuals assigned to recruitment activities will have received training in and be knowledgeable in personnel matters, especially equal employment opportunity.

b. Equal Employment Opportunity

- i. Recruitment steps will be directed towards the goal of approximating within the sworn ranks of the Department the demographic composition of the available workforce in Polk County.
- ii. Employment shall be based upon personal capabilities and qualifications without discrimination because of race, religion, color, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, disability, or any other protected characteristic as established by law.

c. Job Announcements and Publicity

- i. This Department's job announcements and recruitment notices for all personnel will:
 1. Provide a summary of the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements.



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2. Advertise this Department as an equal opportunity employer.

3. Advertise official application filing deadlines.

- ii. During the recruitment process, the Police Department will maintain contact with applicants, for all positions, from initial application to final employment disposition.
- iii. All phases of the process will be expedited as much as possible to ensure the Department does not lose qualified candidates.
- iv. At the completion of each phase, those candidates who pass will be immediately contacted and have an appointment set for the next phase.
- v. Applications for all positions will not generally be rejected for minor omissions or deficiencies that could otherwise be corrected prior to the testing or interview panel process, unless a pattern of behavior is identified. If deception or intentional lies (overt or by omission) are detected at any point in the process, this will be grounds for immediate expulsion of the candidate from the process.

d. Selection

- i. All elements for the selection process for sworn positions within this Department will use only those rating criteria or minimum qualifications that are job related.
 - 1. The selection process for all personnel will be administered, scored, evaluated, and interpreted in a uniform manner.
- ii. The following items, at a minimum, will be included in the evaluation and selection of peace officer candidates:
 - 1. City application, personal history statement;
 - 2. Physical testing and POST testing, unless currently certified or eligible for reciprocity testing;



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3. High school diploma, secondary education transcripts, copy of birth certificate, military discharge records, copies of relevant certifications/trainings;
4. Pre-screening interview and oral board interview;
5. Thorough background investigation to include fingerprint card analysis by FBI and DCI;
6. Polygraph;
7. MMPI;
8. Public Safety Director / Chief of Police Interview;
9. Conditional Offer of Employment;
10. Pre-Employment physical and medical history and drug screen.

e. Maintenance and Disposition of Selection Materials

- i. Support Services shall maintain the original copies of all applications in its secure archives. When a process is complete, copies of all recruitment documents will be retained for three (3) years.
- ii. A letter indicating the medical, physical, polygraph, and psychological examinations were administered and the results of testing (pass/fail only) will be placed in the candidate's background file.
- iii. Background files on successful candidates will become part of the employee's personnel file. Background reports on unsuccessful candidates will be maintained in the Support Services secure archives for a period of three (3) years.



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f. Promotional Processes

- i. The Public Safety Director / Chief of Police, or a designee, will facilitate the promotional process.
- ii. When an opening occurs, the Public Safety Director / Chief of Police will determine whether the opening will be advertised within the Department only or outside the agency. Regardless, all promotional opportunities will be posted internally and a timeline will be given.
- iii. The Chief will inform qualified applicants on the specifics of the promotional process after the advertisement period has closed.
- iv. All promotional materials will be securely maintained in the Office of the Public Safety Director / Chief of Police until the day of the process.
- v. The following are the phases utilized during promotional processes for sworn positions:
 1. Screening of applications to determine qualifications.
 2. Evaluation of job-related criteria such as past performance, written communication skills, oral communication skills, decision making/problem solving, leadership ability, interpersonal skills, initiative, and job knowledge.
 3. Panel Interview:
 - a. The panel will evaluate the candidate's performance in several exercises, which may include written essay questions, oral presentations, behavioral interviews, group exercises, etc. (abbreviated assessment centers).
 - b. The process will include uniform questions and rating scales assessing a defined set of personal attributes. The process results will be recorded on a standardized form.



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4. Chief's Interview

- a. The Chief will interview the top three candidates utilizing a standardized list of questions.
- b. The Chief will evaluate the candidate's responses to the questions utilizing job-related criteria.
- c. The final determination as to who will be promoted rests with the Public Safety Director / Chief of Police.

5. All elements used to evaluate candidates for promotion are job-related and nondiscriminatory.

- vi. Eligibility lists for future promotion will be maintained for a period of twelve (12) months following the completion of the process.
- vii. Any candidates not selected for promotion may reapply when there is a future promotional process, and their application will be given due consideration.
- viii. All records of selection and the promotional process will be maintained in the Chief's Office in his/her secure files or relevant personnel files.



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2.22 Sexual Harassment

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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

I. PURPOSE: The purpose of this policy is to define, and give examples of, sexual harassment, outline prohibited behavior, and describe reporting procedures.

II. POLICY: The Windsor Heights Police Department is committed to providing a professional, businesslike work environment free from all forms of employee discrimination, including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct, regardless of whether verbal or physical in nature. Note that the conduct is measured against what an objective, reasonable man or woman (depending on the sex of the complainant) perceives as harassing behavior. The harassment may involve a man against a woman, a woman against a man, or any person against another person of the same sex. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur between employees before or after work at other locations. Sexual harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

III. DEFINITIONS:

- a. *Sexual Harassment* - The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, sexual orientation, and sex/gender. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, request for favors, and other verbal or physical conduct that enters into employment decisions or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply: quid pro quo harassment; and hostile work environment harassment, defined below. The two forms of harassment may overlap.
- b. *Quid Pro Quo Harassment* - This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means —something for something.) This form of harassment usually occurs between a supervisor and subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit materials).



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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

- i. Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning/texting/messaging (to include all forms of electronic communication) or following an employee, during work hours or not, while either harassing the employee or requesting sexual favors.

- c. *Hostile Work Environment Harassment* - This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating intimidating, hostile, or offensive work environment.

- i. A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out others in front of co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks.

IV. PROHIBITED CONDUCT:

- a. The department considers romantic relationships between supervisors and subordinates non-consensual. The department may transfer or discipline one or both participants based on operational considerations.
- b. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any work area. Material of this kind used for investigative purposes shall be properly secured according to department standards.



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2.22 Sexual Harassment

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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

- c. Supervisors shall order employees on department premises who are making sexually hostile comments, put-downs, or degrading remarks about other persons of the same or opposite sex to cease or face discipline.
- d. Employees shall avoid physical contact with one another unless required by a training situation or procedure. Kissing, back rubbing, embracing, and other unnecessary/unwanted touching are prohibited on department premises.
- e. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in an investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES:

- a. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstance may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor as soon as possible. The employee shall immediately submit a memorandum to the Chief of Police, through the chain of command, detailing circumstances. If a supervisor learns of an incident of harassment, they shall investigate the matter even if the victim did not submit a complaint.
 - i. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order.
 - ii. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (Iowa Code 708.11) and sexual abuse (Iowa Code 709) shall be handled immediately as criminal investigations.
 - iii. If appropriate, the complaint may be resolved at the immediate supervisor level. The Chief of Police shall be notified, in writing, of any complaint regardless of the mitigation measures used to resolve the complaint.
- b. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.



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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

- i. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
- ii. The Chief of Police, or designee, shall conduct an investigation into the allegation(s).
- c. If the Allegation involves the Chief of Police, the complainant shall present the allegation without delay to the City Administrator.



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CH 3

Organization



Windsor Heights Police Department Policy and Procedure Manual

3.01 Organization by Position

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Replaces: Rule #2, 11-1-2003

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 03/25/2019

- I. **PURPOSE:** To describe the organizational structure of the Windsor Heights Police Department.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to be actively involved in the development and maintenance of class specifications within the limitations set by administrative policy, laws, and ordinances.

a. Public Safety Director / Chief of Police

- i. **Appointment.** The Public Safety Director / Chief of Police is appointed by the Mayor and supervised by the City Administrator. He/she is directly responsible for the efficient performance and effective accomplishment of shaping this agency's vision, accomplishing the mission statement, goals and objectives of the Department, and leading all personnel.
- ii. **Authority.** Subject to pertinent laws, official documents, and the orders of the Mayor, City Council, and City Administrator, the Public Safety Director / Chief of Police has authority over all Divisions of the Department and over all department employees. The Chief is the final Department authority on all matters of policy, operation, and discipline but shall report information, or seek guidance as appropriate, through the City Administrator, Mayor, or City Council.
- iii. **Responsibility.** The Public Safety Director / Chief of Police is responsible for the planning, directing, coordinating, controlling and staffing of all activities of the Department; for Department relations with the citizens of Windsor Heights, the city government and other agencies; and for the successful accomplishment of the goals and objectives of the Department.
- iv. **Role.** The role of the Public Safety Director / Chief of Police is to form the Department into a cohesive organization, while having concern for all members. The Chief generates an attitude of respect, dignity, and kindness for all members of the Department by setting the standards of personal quality in all Department activities, attitudes, and intentions; by maintaining fairness in promotions, transfers, disciplinary actions, and assignments; and by administering the overall vision and mission of the Department for the well-being of the community and the members of the Department.



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3.01 Organization by Position

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Replaces: Rule #2, 11-1-2003

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Approved by: Chief Chad McCluskey

Effective Date:

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- v. **Communication.** The Public Safety Director / Chief of Police, using his/her Division Commanders, assistants and delegates, will effectively communicate to all members of the Department the law enforcement needs of the community while conveying the goals and objectives to both the members of the Department and citizens. The Chief will rely upon an organized method of input, from both the members of the Department and the community, to achieve these goals and objectives, and will prepare written reports, annual reports and use other methods of communication to inform members of the Department and the community of the accomplishments of the Department.

b. Division Commanders

- i. **Authority.** Division Commanders, holding the rank of Lieutenant or above, report to the Public Safety Director / Chief of Police and derives all of his/her authority from the Chief as a commanding officer of a division or task assigned to him/her, and as a sworn police officer. As a ranking officer over the Patrol Division or the Support Services Division, the Division Commander represents the overall Department authority to that Division and strives to maintain the orderly flow of authority throughout the Division. He/she strives to teach, guide, and assist those he/she commands with the proper use of authority and the chain of command. Therefore, he/she does not unnecessarily countermand any standing orders or needlessly interfere with the specific duties of such officers.
- ii. **Responsibility.** Division Commanders are responsible for the planning, directing, coordinating, controlling, and staffing of all the activities of his/her Division, special task, or assignment; for the Division's relationship with the community and with the other Department Divisions, working as a cohesive team; and for the successful accomplishment of the vision, mission, goals and objectives of the Department.
- iii. **Role.** The role of Division Commanders is to present leadership and direction, and set the moral tone for his/her Division. Division Commanders, by his/her efforts, develops the Division into a cohesive unit that can effectively fulfill the goals and objectives of the entire Department. He/she reflects the attitude set by the Chief and maintains respect, dignity, and kindness to all members of the



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Approved by: Chief Chad McCluskey

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Department. By his/her personal style of enthusiasm, effort, commitment, and energy, Division Commanders assure a standard of quality in all policing activities. He/she provides guidance and direction to subordinates in their skills - expecting fairness and professionalism in all of their actions. He/she expresses concern for the well-being of the employees under his/her command and creates a work atmosphere that generates high productivity while fulfilling the Division's purpose.

- iv. **Communication.** Division Commanders will effectively communicate to all members of his/her Division and aid the other Division Commanders in supervising activities where appropriate. He/she will develop an organized system of input on ideas and information from those he/she commands as well as effectively communicating the ideas from the Chief regarding the law enforcement needs of the community. He/she will regularly review the activities of his/her Division with those under his/her command and evaluate the pursuit of the Department's goals.

c. Shift Supervisor / Officers In Charge (OIC)

- i. **Authority.** The OIC has all of the authority of a sworn police officer to uphold to the laws. The specific limits of his/her supervisory authority are defined by the Public Safety Director / Chief of Police. The OIC is directly responsible to the Division Commander to which assigned. The OIC must be able to assume the decision making responsibilities of a Lieutenant when called upon to do so.
- ii. **Responsibility.** The OIC must be able to successfully perform the duties to which he/she is assigned and has all the general job functions of a Peace Officer. This position has dual characteristics, to perform the specific job assignment and to act in a supervisory capacity over officers assigned to the shift when no Lieutenant is available.
- iii. **Role.** The OIC brings experience, professionalism, and an image of a successful role model to all of the officers who come in contact with him/her. Neither a fulltime supervisor, nor only required to do Peace Officer assignments, the OIC is called upon to generate an attitude of responsibility, integrity, cooperation, and participation in all of the activities of the Division



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that lead to the achievement of the mission and the fulfillment of the goals and objectives.

- iv. **Communication.** The OIC must have excellent communication skills. He/she strives to clarify and helps to understand and coordinate the activities of his/her assignment through the use of active discussion concerning the role and responsibilities of Peace Officers and Lieutenants. The OIC is especially effective in seeing both points of view and communicates them effectively to all appropriate members of his/her shift.

d. Peace Officers

- i. **Authority.** Subject to pertinent laws, a Peace Officer, has all of the authority to uphold the law and preserve the peace delegated to a sworn municipal police officer of the State of Iowa. The specific methods and limits of this authority are defined in the position description. The officer strives to use his/her police authority by producing activities consistent with the Community Policing Statement, Mission Statement, Honor Code, goals and objectives of the Department. The officer is directly responsible to the ranking officer next in the chain of command, typically an OIC, and/or to the Division Commander. If neither is available, the senior ranking officer shall have final authority in decision making.
- ii. **Responsibility.** The Officer is responsible to enforce city, state, and federal statutes, laws, and ordinances. He/she preserves the peace; prevents, detects, and investigates crimes, incidents, and crashes; arrests violators; and provides aid and comfort to the citizens in emergency situations. The work performed is under the management of a Division Commander. General job functions of the Peace Officer include traffic, investigations, patrol, law enforcement, investigations, police-community relations, record keeping, and report writing.
- iii. **Role.** The role of the officer is to carry out the delivery of police services in the job to which he/she is assigned. The officer is a professional peace officer who brings a spirit of dignity, respect, and trust to all of his/her activities. He/she is especially skilled in relating to others and conveying a quiet efficiency as he/she carries out his/her assigned police duties.



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Replaces: Rule #2, 11-1-2003

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- iv. **Communication.** The officer needs good communication skills as he/she interacts with the community, his/her co-workers, and supervisors. Good oral and written communication skills enable him/her to effectively carry out his/her responsibilities, to understand the goals and expectations of the Department, and to participate in the effort and activities that bring about the vision, mission, goals and objectives.

- e. **Civilian Employees.** Positions not requiring sworn personnel are specified as civilian positions and staffed accordingly. General job titles are: administrative support clerks, matrons/patrons, and adult school crossing guards.

- i. **Authority.** A Civilian Employee has the same authority as any citizen regarding laws violated in his/her presence. The civilian employee is directly responsible to the ranking Officer or civilian employee next in the chain of command in the Division to which assigned. The civilian employee supports the Department by producing activities consistent with the vision, mission statement, goals and objectives of the Department.
- ii. **Responsibility.** The civilian employee is responsible for supporting the goals of the Department. The work performed is under the management of command staff.
- iii. **Role.** The role of the civilian employee is to support the delivery of police and city services in the job to which he/she is assigned. The employee should bring a spirit of dignity, respect, and trust to all of his/her activities.
- iv. **Communication.** The civilian employee needs good communication skills as he/she interacts with the community, his/her co-workers, and supervisors. Good oral and written communication skills enable him/her to effectively carry out his/her responsibilities, to understand the goals and expectations of the Chief, and to participate in the effort and activities that bring about the Community Policing Statement, Mission Statement, goals and objectives of the Department.



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3.02 Patrol Division

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/26/2019

- I. PURPOSE:** The Patrol Division is responsible for uniformed and marked unit response to initial calls for service within the City of Windsor Heights and surrounding jurisdictions based upon mutual aid agreements. This Division shall be the proactive enforcement arm of the Department that is tasked with delivery of services as modeled in the Community Policing Statement. It shall also act to assist the Support Services Division and work in partnership with on-going criminal investigations, crash scene investigations, requests for information and outside referrals, and crime prevention and community outreach initiatives.

In-service training requirements and professional development training, field training, the Police Reserve Unit program, the Canine (K-9) Unit, the abandoned vehicle auction process, activities of the Special Community Action Team (S.C.A.T.), and patrol-based stings shall be supervised and coordinated through the Patrol Division Commander.

II. PROCEDURE:

a. Patrol Officer. Patrol officers are the mainstay of any department. They forge the reputation of an agency in the services they provide. Patrol Officers of this Department offer immediate response and coverage to the City 24-hours per day, 7-days per week, 365-days per year. These officers represent what the Windsor Heights Police Department offers to the community in regards to maintaining order, safety and a sense of community. A Patrol Officer does the following in a professional manner:

- i. Provides for public safety by maintaining order, responding to emergencies, protecting people and property, enforcing motor vehicle and criminal laws, promoting good community relations, and reducing perceptions of fear.
- ii. Participates in investigating criminal law violations occurring within the city limits, obtaining evidence and compiling information regarding these crimes, preparing cases for filing of charges, testifying in court and related activities.
- iii. Works a uniformed shift in the performance of proactive patrols, traffic control, investigations, first aid at crashes and other medical scenes.
- iv. Patrols city streets, parks, commercial and residential areas to preserve the peace and enforce the law; prevent or detect and investigate misconduct



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Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

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03/26/2019

involving misdemeanors, felonies and other law violations; and to otherwise serve and protect.

- v. Respond to emergency radio calls taking appropriate law enforcement action; interrogate suspects, interview witnesses, and preserve evidence; arrest violators; process prisoners; investigate and render assistance at scenes; summon ambulances and other law enforcement vehicles; take measurements and draw diagrams of scenes.
 - vi. Conduct follow-up investigations of crimes committed; seek out and question victims, witnesses and suspects; develop leads and tips; search scenes of crimes for evidence.
 - vii. Prepare a variety of reports and records; reports of supplemental investigation, field interrogation reports, Department forms, vehicle impoundment release form, maintenance requests, and other documentation as required.
 - viii. Assist the community with such matters as locked or stalled vehicles, community outreach, educational programming, crime prevention efforts, drug resistance, traffic safety, and exchange information with officers in other law enforcement agencies.
 - ix. Use excellent customer service skills, establish and maintain effective working relationships with other employees, officials, and all members of the general public; maintain liaison relationships with community groups; may serve on various employee committees.
- b. Nothing in this policy shall be construed as a job description or limitation of duties a patrol officer may be required to perform.



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3.03 Support Services Division

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

03/26/2019

- I. PURPOSE:** The Support Services Division is responsible for on-going criminal investigations, serious crash scene investigations, custody and oversight of the evidence storage facility, specialized crime prevention and community outreach initiatives, the automated traffic enforcement program, records management, and the maintenance and proper repair of all fleet vehicles, communications equipment, and computer equipment/systems. The Support Services Division Commander shall be responsible for supervision and coordination of these activities.

II. PROCEDURE:

- a.** Special Assignments of sworn personnel into the Support Services Division shall normally be for a term of three years, unless otherwise authorized by the Public Safety Director/Chief of Police. Officers will have the opportunity for two additional one year extensions in the position (at their annual evaluation) based upon their demonstrated performance, continued commitment, and energies offered to excel in the position.
- b. Detectives.** It will be the policy for all Detectives to work compatibly with all officers on this Department and to cooperate with officers from outside agencies.
- i. Detectives will be concerned with all criminal activity within the City of Windsor Heights and metropolitan area, the detection and apprehension of criminal offenders, and the recovery of lost and stolen property.
 - ii. Detectives will conduct follow-up investigations into crimes initially handled by officers of the Patrol Division, or referrals from outside agencies, when relevant to the City of Windsor Heights, and will be called upon to conduct initial investigations into major crimes and process crime scenes accordingly.
 - iii. Detectives will be responsible for the interview of all complainants, witnesses and suspects without delay in all cases assigned to them.
 - iv. Detectives will exhaust all leads which can bring the case to a final disposition, or the case will be declared inactive and approved by his/her commanding officer.



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Replaces:

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Approved by:

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Effective Date:

04/01/2012

Revision Date:

03/26/2019

- v. A complete and accurate supplemental report of on-going investigative facts will be made within seven days of information development, in addition to keeping supervisors apprised of the status of each assigned case. Monthly case logs will also be maintained.
 - vi. In fatal and critical injury crash situations, the investigation will be coordinated by the Department's certified Technical Accident Investigator with assistance from a Detective. The Public Safety Director / Chief of Police shall be notified of any crash involving fatal or critical injuries as soon as practical.
 - vii. Investigators will familiarize themselves with the cameras and equipment available to them and properly maintain all vehicles, radios and equipment assigned.
 - viii. Detectives will be responsible for primary oversight of proper documentation, storage, and disposition of evidence seized and all chain of evidence processing throughout the custodial process.
 - ix. A Detective on Special Assignment to another organization on a part-time or fulltime basis, shall still be held accountable to the policies within this manual, in addition to standard operating procedures of the organization assigned. If daily supervision of the investigator occurs by an outside agency, the Support Services Division Commander will have final oversight and monitor the Detective's performance in conjunction with his/her field unit supervisor(s) of the special assignment.
 - x. Any Detective may be called upon to supplement staffing of the Patrol Division as needed.
- c. Crime Prevention.** Crime Prevention and community outreach liaisons will be charged with the responsibility of increasing the community's awareness of crime and the ways and means of defending against it, along with the development and implementation of comprehensive programs designed to suppress and prevent crime, property loss and the fears of crime.



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Replaces:

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03/01/2012

Approved by:

Chief Chad McCluskey

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- i. Crime prevention initiatives will be responsible for establishing liaison relationships with existing formal community groups and establishing new community groups where needed. Such partnerships will include:

1. Neighborhood Watch program
2. Windsor Heights Neighborhood Association
3. Youth Programs : Chance for change, Re-thinking Drinking
4. West Des Moines and Des Moines School Districts
5. Restorative Justice Neighborhood Mediation Program
6. Senior Citizen Programs
7. Crime Prevention Assessment and Consulting
8. Various Civic and Religious Organizations

- d. **Automated Traffic Enforcement Program.** The Automated Traffic Enforcement (ATE) program will be coordinated by a certified police officer assigned as project manager. The project manager will:

- i. Coordinate and approve daily processing of violations;
- ii. Organize weekly hearings of appeals;
- iii. Participate in monthly court appearances;
- iv. Act as a liaison with the City's approved collection agency and ATE vendor;
- v. Work closely with the city attorney;
- vi. Submit information to the income offset billing service;



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Approved by:

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04/01/2012

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- vii. Produce monthly reports of activity for his/her Division Commander that shall be forwarded to the Chief of Police.

e. Records Management. Support Services shall be responsible for the efficient flow of information and records throughout the Department to include department documents, automated processes, and electronic paperless transfers of information.

f. Fleet Vehicles

- i. The selection of fleet vehicles will be accomplished through careful preparation of specifications and competitive bidding.
- ii. Once the vehicle has been selected and purchased, the vehicles will be equipped properly for their intended use.
- iii. The vehicles will be properly maintained to insure maximum use potential.

g. Communications Equipment. Communications equipment will include all radio consoles, portable radios, pagers, cell phones and department owned closed circuit TV systems/cameras. Equipment will be properly maintained to insure maximum use potential.

h. Computer Equipment. The Support Services Division Commander, or his/her designee, will have responsibility for equipment oversight, purchase, maintenance, and training of the personnel and be responsible for the deployment of computer equipment.



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3.05 Police Reserve Unit

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Replaces: Rule #21, 7-18-2011

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 06/25/2019

- I. **PURPOSE:** The purpose of this policy is to provide guidance to all employees of the Windsor Heights Police Department as it pertains to the Police Reserve Unit.
- II. **POLICY:** The Windsor Heights Police Department elects to maintain a volunteer force of reserve officers to supplement the police force. Reserve Officers, upon completion of the mandatory training standards as dictated by the Code of Iowa and approved by the Iowa Law Enforcement Academy, may be utilized to assist police officers in the day-to-day delivery of law enforcement services to the citizens of Windsor Heights. While in the actual performance of official duties, reserve officers shall be vested with the same rights, privileges, obligations and duties as any other peace officer while under the direction of a sworn officer. In addition, all reserve officers shall comply with all departmental policies and procedures, reserve unit rules, regulations, and directives.
- III. **PROCEDURE:**
 - a. **General.**
 - i. Members of the Reserve Unit will be sworn in upon the completion of initial mandatory training.
 - ii. The uniform prescribed for reserve officers is as specified in the Uniforms section of this policy manual.
 - iii. A Police supervisor will serve as liaison (Reserve Liaison Officer) between the Department and the reserve unit. Final oversight shall come from the Public Safety Director / Chief of Police.
 - iv. The reserve unit will consist of no more than ten (10) officers.
 - v. Reserve officers are subordinate to all sworn police officers, regardless of rank and shall comply with lawful instructions and guidance from sworn officers.
 - vi. Reserve officers are expected to be familiar with the standing orders, rules, policies, procedures and directives of the Windsor Heights Police Department and comply with them in full.
 - vii. Reserve officers only have police powers when on duty and shall not take any police action unless officially working for the Windsor Heights Police Department.



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Replaces:	Rule #21, 7-18-2011	Issue Date:	03/01/2012
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- viii. Reserve officers shall be held to the same high ethical standards as regular officers regarding personal behavior on or off duty and in the performance of their duties.
- ix. Reserve officers serve at the pleasure of the Public Safety Director / Chief of Police with no right to membership or appeal of termination from the reserve unit.
- x. Reserve officers shall serve a one (1) year probationary period following their appointment.

b. Recruitment, Selection, and Staffing

- i. Applications for the position of reserve police officer will be accepted on an as needed basis when it is made known that vacant positions exist.
- ii. The hiring process for reserve police officers will be as follows:
 - 1. Resume and cover letter provided to the Public Safety Director / Chief of Police
 - 2. After review, the Public Safety Director / Chief of Police and the Reserve Liaison Officer will decide whether or not to proceed with the hiring process.
 - 3. The Public Safety Director / Chief of Police or designee will provide the application and background investigation forms to the applicant. These forms must be returned before further consideration.
 - 4. All required testing, interviews, and background investigations must be successfully completed.
 - 5. Appointment to a probationary reserve officer status to begin certification training and evaluation.
- iii. Minimum Requirements – reserve officer applicants must meet the following standards:
 - 1. High School Diploma, GED or equivalent.



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2. Citizen of the United States of America and a resident of the State of Iowa.
 3. At least twenty-one (21) years of age and not over sixty-five (65) years of age.
 4. Possess a valid Iowa driver's license and be able to operate a vehicle with no mechanical adjustments to standard equipment.
 5. Not addicted to drugs or alcohol.
 6. Be of good moral character and pass a thorough background investigation, including DCI and FBI fingerprint search.
 7. Has not been convicted of a felony crime or a crime involving moral turpitude as defined by the Code of Iowa, Chapter 80.
 8. Has not been convicted of any indictable offense, in any state, or any offense involving domestic violence.
 9. Be approved for appointment by the Iowa Law Enforcement Academy Council to be able to obtain Reserve Officer Weapons Certification prior to being permitted to carry weapons and after receiving the appropriate training.
 10. Not be opposed to the use of legal force, including deadly force, in the performance of police duties.
 11. If a military veteran, have an honorable discharge.
 12. Pass the Windsor Heights Police Department physical agility standards consisting of: sit and reach flexibility test, one-minute sit-up test, one-minute push-up test and Cooper's test/run.
 13. Take the MMPI psychological test if deemed appropriate.
 14. Pass all Law Enforcement Academy required medical tests.
- iv. All reserve officers will serve a minimum one year probationary period. Following this one year period, the Public Safety Director / Chief of Police and



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Reserve Liaison Officer will review the probationary reserve officer's record and will either approve the officer for permanent status, extend the probation period, or terminate the officer.

- v. The Public Safety Director / Chief of Police, in conjunction with the Reserve Liaison Officer, will conduct an annual review of the performance of the reserve unit and determine if changes are needed in the organizational structure or personnel assignments.

c. Training

- i. New members selected for reserve officer status will be required to complete a basic training course as prescribed by the Iowa Law Enforcement Academy and the Windsor Heights Police Department. This initial training will consist of the following:
 1. Firearms Training
 2. ASP Baton Training
 3. Chemical Agent (OC) Training
 4. Taser Training
 5. Defensive Tactics
- ii. Reserve officer recruits will be required to successfully complete all required firearms training before being allowed to carry a firearm. Weapons shall only be carried by reserves when serving in an on duty capacity. Reserve officers who wish to carry a weapon off duty shall be required to have a weapon's permit issued by the sheriff of their county of residence and will not have any vested authority as a reserve officer when off duty regardless of the issuance of a weapons permit.
- iii. Those recruits who are unable to qualify will be allowed to re-test one time at their own expense. If they are still unable to qualify, they will be terminated from the reserve unit.
- iv. Following successful completion of this training and receipt of their approval from the Iowa Law Enforcement Academy Council, reserve officers will be sworn and allowed to begin working as a reserve officer.



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- v. Reserve officers will also be required to complete the Reserve Officer Certification Course as prescribed by the Iowa Law Enforcement Academy. This training consists of eighty (80) hours of training and forty (40) hours of supervised time within the first twelve (12) months from the date of appointment.
- vi. The Reserve Officer Certification training will be taught only by Iowa Law Enforcement Academy approved instructors and will consist of the following courses:
 - 1. Criminal Law – 4 Hours
 - 2. Force Management – 4 Hours
 - 3. Introduction to Crime Scene – 1 Hours
 - 4. Haz-Mat Awareness – 4 Hours
 - 5. Motor Vehicle Law – 2 Hours
 - 6. Laws of Arrest – 2 Hours
 - 7. Crisis and Conflict – 2 Hours
 - 8. Traffic Direction – 1 Hour
 - 9. Vehicle Stops – 4 Hours
 - 10. Recognizing Impairment – 2 Hours
 - 11. Collision Scene Control – 2 Hours
 - 12. Felony Calls – 2 Hours
 - 13. Patrol Techniques – 2 Hours
 - 14. Defensive Tactics – 6 Hours
 - 15. Ethics – 2 Hours



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16. Search and Seizure – 4 Hours
17. Blood Borne Pathogens – 1 Hour
18. Current Drug Trends/Investigation – 4 Hours
19. Weather Preparedness – 1 Hour
20. Mandatory Reporting – 2 Hours
21. Radio Communications – 2 Hours
22. Testifying in Court – 1 Hour
23. Cultural Diversity – 2 Hours
24. Police Community Relations – 2 Hours
25. Community Policing – 2 Hours
26. Discretion – 1 Hour
27. Precision Driving – 6 Hours
28. Interviews and Interrogation – 2 Hours
29. Domestic Abuse – 4 Hours
30. Report Writing – 2 Hours
31. Juvenile Law – 2 Hours
32. Civil Liability – 2 Hours

- vii. The Reserve Officer Certification training will consist of separate training modules. At the end of each module, officers will be tested according to the rules of the Law Enforcement Academy.



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- viii. After receiving state certification, reserve officers will then be required to complete at least twelve (12) hours of continuing training per year.
- ix. Reserve officers must qualify with firearms annually.
- x. Reserve officers must re-certify in any other training area that requires periodic recertification.
- xi. All reserve officers must successfully complete Reserve Officer Field Training (normally 40 hours) within three months after successfully obtaining ILEA Reserve Officer certification. This training shall consist of completing all training tasks and tactical role plays within the FTO training manual. Reserve Officers will not be graded on DORs during this portion of training; it shall be a cumulative pass/fail. Should the candidate need to be recycled through the training additional documentation shall be completed.
- xii. Reserve Officers may, if they wish to become a Reserve Officer 1st Class, complete the Windsor Heights Police Department Field Training Program in its entirety. This program requires a minimum of 224 additional supervised training hours and must include full documentation of completion of all field training tasks and complete scoring through the DOR system

d. Reserve Officer Classifications

- i. Reserve Officer 1st Class (eligible at 4 years of service unless accelerated by the Public Safety Director / Chief of Police due to prior experience)
 - 1. Has met the requirements of all previous classes.
 - 2. Served as a Reserve Officer 2nd Class for a minimum of one (1) year.
 - 3. Completed the Windsor Heights Police Department Field Training Program, an additional 224 hours of evaluated ride time.
 - 4. Must be a state certified reserve officer.
 - 5. May work independently and separately under the direct supervision of a sworn officer and at the discretion of the Public Safety Director / Chief of Police.



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6. Appointment made by the Public Safety Director / Chief of Police considering numerous factors including, but not limited to: attendance, maturity, annual evaluations and recommendation from the Reserve Liaison Officer.
- ii. Reserve Officer 2nd Class (typically eligible at 3 years of service unless accelerated by the Public Safety Director / Chief of Police due to prior experience)
 1. Has met the requirements of Reserve Officer 3rd, 4th and 5th Class.
 2. Served as a Reserve Officer 3rd Class for a minimum of one (1) year.
 3. Accumulated at least 224 hours of combined training and ride time with the Department.
 4. May drive the patrol vehicle and run the shift with another Reserve Officer 2nd Class for full shifts, with and at the discretion of the supervisor or duty officer.
 - iii. Reserve Officer 3rd Class – Non-probationary Reserve Officer
 1. Has met the requirements of Reserve Officer 4th and 5th Class.
 2. Completed probationary period.
 3. Completed the Reserve Officer Field Training Program.
 4. Attained certification from the Iowa Law Enforcement Academy as a Reserve Officer.
 5. Accumulated at least 120 hours of combined training and ride time with the Department.
 6. May drive the patrol vehicle for half of the shift with, and at the discretion of, the duty officer.
 - iv. Reserve Officer 4th Class – Probationary Recruit in Training
 1. Has met the requirements of a Reserve Officer 5th Class.
 2. Has completed firearms certification.



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3. Has completed ASP Baton certification.
 4. Has completed Chemical Agent (OC) certification.
 5. Has completed Taser certification.
 6. Has completed Defensive Tactics training.
 7. May ride as a second uniformed officer in the car and assist the duty officer as requested while in training.
- v. Reserve Officer 5th Class – Applicant in Process
1. Passed background and appointed as a reserve officer.
 2. May ride in plain clothes with sworn officers but not actively engage in any law enforcement activities.
 3. Has no police powers

e. Duty Assignments

- i. An average of a minimum of eight (8) hours of duty time is required each month (measured quarterly) in addition to any mandatory training that may be applicable. Training and scheduled departmental meetings do not apply towards quarterly ride time requirements. Members failing to meet these requirements without valid reason will be faced with the following disciplinary action:
 1. 1st Violation – Oral counseling with Reserve Liaison Officer.
 2. 2nd Violation – Written counseling with Reserve Liaison Officer.
 3. 3rd Violation – 60-day suspension from the Reserve Unit.
 4. 4th Violation – Indefinite suspension from the Reserve Unit and possible termination.
 5. Any reserve officer placed on suspension shall surrender all equipment and police identification during suspension periods and shall not have



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the same rights, privileges, obligations, and duties as any other reserve officer. Once reinstated by the Public Safety Director / Chief of Police, he/she shall return to his/her previous classification prior to suspension unless otherwise designated.

ii. Reserve officers may be assigned to a variety of types of law enforcement duties. Such duties include, but are not limited to:

1. Accompanying and assisting a regular officer on patrol.
2. Performing traffic control at designated locations for parades and special events.
3. Assisting at special events in the parks, town center areas, sporting events, events that draw large crowds, in crowd and pedestrian control, special traffic enforcement projects, or providing information/services in times of disaster, etc.
4. Assist in performing stakeouts, undercover assignments, surveillance, security at crime scenes.
5. Available as resources in case of emergency or civil disturbances.
6. Assist investigators with follow-up case work.
7. Assist fulltime staff members with administrative projects.
8. Reserve Officers 3rd Class and above may assist in extra duty assignments if necessary once all fulltime officers have been offered the opportunity and turned it down. Initial approval for this opportunity is at the discretion of the Public Safety Director / Chief of Police.

f. Duty Procedures / Activity Reports

- i. Reserve officers reporting for duty will report to the Police Department and notify the supervisor/duty officer of their arrival.
- ii. Reserve officers will not report for duty unless they are physically and mentally capable to perform any duty assignment and in compliance with the policies of this Department.



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- iii. Reserve officers will personally account for their activities through a Daily Activity Report. All activities should be logged and detailed, then the original placed in the Reserve Liaison Officer's mailbox or designated location. A copy of this document may be made but cannot be released to the public without prior authorization pursuant to Department records regulations. The following information will be included on the Reserve Officer's Daily Activity Report:

1. Name
2. Date
3. Time In / Time Out
4. Unit / Supervising Officer(s) Assigned
5. Summary of Activities – itemized

- iv. Reserve officers will normally be notified at least forty-eight (48) hours prior to any event where their services are needed, except in emergency situations.
- v. Reserve officers will be expected to fulfill assignment commitments unless an emergency arises, in which case the Department shall be notified as soon as possible.
- vi. Reserve officers will not work a time combination of normal fulltime employment followed by reserve duty in which the combined time exceeds their physical and mental capacity to properly perform their law enforcement responsibilities, as determined by a supervisor.

g. Responsibilities

- i. Reserve officers who assist an officer at any incident or arrest must be aware that their testimony may be required in court and that they are subject to subpoena in any case.
- ii. In the eyes of the public, reserve officers are viewed as law enforcement officers and their conduct must be professional at all times, so as not to damage the professional reputation of the Department or do harm to the corporate image of the City.



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- iii. Just as regular law enforcement officers are held by the community to a higher standard of off duty conduct, so are reserve officers.
- iv. Confidentiality – No reserve officer shall give any report, provide any information, in any manner to any form of the media and/or person(s) inquiring, or send any electronic message to any media organization or its representatives, unless ordered to do so by the Public Safety Director / Chief of Police. Any violation of this standard shall result in termination from the unit.

h. Reserve Liaison Officer

- i. A fulltime Windsor Heights Patrol Commander shall be appointed by the Public Safety Director / Chief of Police as the coordinator of the Reserve Unit to serve as a liaison between the Department and the reserve officers. The Reserve Liaison Officer is responsible for:
 - 1. Coordinating reserve officer training sessions.
 - 2. Assigning reserve officer duties with approval of the Chief.
 - 3. Keeping records of reserve officer duty and training hours each quarter.
 - 4. Supervising reserve officers, the reserve unit, and bringing any concerns that arise to the attention of the Chief. Minor issues should be dealt with directly by the reserve liaison officer.
 - 5. Making annual written reports to the Public Safety Director / Chief of Police on the activities of the reserve officers, including records of training and ride time.
 - 6. The Reserve Liaison Officer shall be directly responsible to the Public Safety Director / Chief of Police.

i. Chain of Command for Reserve Officers

- i. Public Safety Director / Chief of Police
- ii. Reserve Liaison Officer or Patrol Commander
- iii. On-Duty Fulltime Windsor Heights Peace Officer



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- iv. Reserve Officer 1st Class
- v. Reserve Officer 2nd Class
- vi. Reserve Officer 3rd Class
- vii. Reserve Officer 4th Class
- viii. Reserve Officer 5th Class

j. Inactive Roster

- i. Reserve officers may be placed involuntarily, or may request in writing to be placed, on inactive status for:
 - 1. Reasons of health
 - 2. Pursue education
 - 3. Employment conflicts
 - 4. Failure to satisfy service requirements
 - 5. Any other reason approved by the Chief of Police
- ii. Reserve officers will be allowed to remain in an inactive status for a period of six (6) months. At the end of that time, the officer must return to active duty or resign. Inactive officers will be required to turn in all Department issued items. Any additional extensions in this leave time due to extenuating circumstances must be granted in writing by the Chief of Police.

k. Injury on Duty

- i. Reserve officers are covered by the workers compensation system.
- ii. Reserve officers injured on duty will report the injury to a supervisor, if no supervisor is on duty then the report shall be made to the duty officer who will contact the Reserve Liaison Officer.



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- iii. Reserve officers will be required to follow all policies of the City of Windsor Heights and will be examined by a city doctor or emergency personnel if necessary.
- iv. Reserve officers will be required to complete any and all paperwork related to injuries in a timely manner.



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I. **PURPOSE:** To provide a set of guidelines for Police Service Canine handlers pertaining to training, certifications, leave and duty time, and standard operating procedures.

II. **POLICY:** The canine team is available for patrol duty or on a 24-hour callout basis to detect the presence of concealed narcotics or contraband, conduct building searches for offenders in hiding; assist in the arrest or prevent the escape of serious or violent offenders; protect officers or others from death or serious injury; track suspects; locate lost or missing persons, hidden instrumentalities or evidence of a crime; or for community outreach initiatives. The canine team should not be used to respond to minor complaints but may engage in assignments not listed herein if authorized to do so by command personnel.

III. **PROCEDURE:**

a. **Use of Force.** Use of specially trained police canines for law enforcement constitutes a use of force. Use of force is governed by the Department's use of force policy.

Suspect Apprehensions. Canines may be used to subdue a suspect in accordance with the Use of Force Policy (5.01), and after consideration of requirements outlined in United States Supreme Court ruling *Graham v. Connor*, taking into account:

1. The severity of the crime at issue;
2. The suspect is actively fleeing or resisting arrest;
3. The suspect poses and immediate threat to the public or law enforcement.

b. **Ownership.** The City of Windsor Heights will own the canine(s) used in the Windsor Heights Police Department K-9 Unit. The K-9 Unit will be used for official purposes only. The K-9 officer assigned to the canine as the handler will be considered the primary caretaker of the animal. The K-9 Unit will not be registered with any society or organization beyond professional affiliation, nor used for breeding purposes.

c. **Handler Selection & Responsibilities**

i. Candidates for the police canine unit must have:

1. At least three years of cumulative uniform patrol experience with satisfactory work performance.



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2. A willingness to remain with the unit for at least five years.
 3. A willingness (together with other family members) to care for and house the canine at the officer's residence with a secure outdoor area for the canine.
 4. A strong desire to work with canines and the willingness to care for, and train, the animal.
 5. The ability to pass designated physical fitness and agility tests related to the task of canine handling.
 6. Reside within fifteen minutes response time to the boundaries of the City under normal traffic considerations.
- ii. The Chief of Police shall be responsible for the selection of the canine handler in accordance with established departmental procedures.
 - iii. The canine handler must complete the prescribed basic canine training course and successfully meet all course requirements. Successful completion of additional advanced training courses may be required. In any case, the handler will accurately document all training provided to the canine and log time invested in skill/proficiency maintenance and development.
 - iv. The canine team is required to demonstrate acquired abilities to the Chief of Police and Patrol Commander as prescribed by the Chief of Police.
 - v. The canine handler is responsible for determining whether a situation justifies canine use and the appropriate tactical measures to be taken. Where the on-scene supervisor disagrees with the handler's tactical assessment, the Patrol Commander shall be notified. Where time does not permit such notification, the direction of the handler shall be followed.
 - vi. The canine handler will be personally responsible for the daily care and feeding of the animal to include:
 1. Maintenance and cleaning of the kennel and yard area where the canine is housed.



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2. Provisions of food, water, general diet, and maintenance as prescribed by the veterinarian authorized by the Department.
 3. Grooming on a daily basis or more often as required by weather, working conditions, or other factors.
 4. Daily exercise (police canines are not permitted to run at-large).
 5. General medical attention and maintenance of health care records.
- vii. The handler will ensure that the assigned patrol vehicle is properly maintained and secured when not being used. The patrol vehicle assigned cannot be utilized for personal business.
- viii. Handlers should consider potential dangers of having the public touch, pet, or be in close proximity to the canine. Should a civilian express interest in touching the canine, the handler will make a decision as to whether or not the civilian will be allowed to touch the canine based on the handlers training and experience. The handler will be held responsible for their decision.
- ix. The canine handler shall receive one hour of compensatory time (Paid Time Off) per day as compensation for the completion of the daily care, tasks, training, and maintenance of his/her assigned animal. Separate from this one hour of PTO, arrangements will be made, as needed, for Special Assignment days, for day-long training needs, or flex time away from normal patrol shift assignments.
- d. Certifications.** Any officer and canine assigned to the K-9 Unit shall be certified in a recognized course of instruction before assuming their duties. Failure of a canine team to certify and/or maintain annual certification shall result in the immediate removal of the animal from all duties associated with policing until such time as the animal and handler successfully re-certify or are replaced due to non-performance.
- e. Bites by Canines.** In the event of any person or animal being bit by a police canine, whether or not in the line of duty:



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- i. The handler, and/or supervisor, or other officer will attend to the victim and provide proper medical attention once the scene is secure.
 - ii. The handler will prepare a written report containing all pertinent facts concerning the incident including photographs.
 - iii. The report will be forwarded to the Patrol Commander and sent through the chain of command as a use of force review.
 - iv. The Patrol Commander will file an after action report in the animal's action file.
 - v. Unless the animal bites without cause, quarantine will not be required.
 - vi. All witnesses present at the time of the incident will be interviewed and statements recorded. In addition, a neighborhood canvass should be completed to ensure all witnesses are identified and interviewed.
- f. Veterinary Service.** A Department approved veterinarian will supply such veterinary services as needed. Periodic examinations will be arranged for the canine. All medical treatment will be administered through the veterinarian's orders. In an extreme emergency, the handler can utilize the nearest available veterinarian or emergency animal clinic. The handler will notify the Department's approved vet as to the illness of the canine and treatment given as soon as practicable. Follow-up treatment will be coordinated by the Department veterinarian.
- g. Building Searches for Suspects in Hiding.** A primary use of police canines is for locating suspects in buildings or related structures, where search by officers would create an unnecessary risk. These searches shall be governed by the following:
- i. The building perimeter shall be secured by officers.
 - ii. The building's owner shall be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.
 - iii. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine's ability to discriminate scents.



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iv. The on-scene supervisor shall also take the following steps in preparation for the canine search. If a supervisor is not available, the handler shall:

1. Evacuate all tenants, workers or others from the facility.
2. Request that all air-conditioning, heating or other air blowing systems be shut off so as not to interfere with the canine's scent capabilities.

v. Upon entrance to the building, all exits should be secured, and communications limited to those of a tactical nature.

vi. The canine should be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.

vii. The canine should not be used to search facilities that contain substances potentially harmful to the animal unless over-riding risks to human life are present.

viii. Under normal police operations, before commencing the search, the handler shall loudly announce and repeat the statement that there are police officers on the premises and that a trained police canine will be released if the individual(s) does not surrender. A reasonable amount of time shall be allowed for the suspect to respond. In larger buildings, the handler should use a "move up and cover down" tactic to include additional verbal warnings as he/she works through the building.

h. Crowd Control deployment at anticipated, pre-determined locations is to be authorized by the Chief of Police or designee. Deployment for dispersal of crowds at impromptu venues shall be evaluated according to handler training and experience. Handlers [and supervisors] shall evaluate circumstances based upon efforts to protect life or property during a riot or other major unauthorized gathering that cannot be controlled by other means. In these situations the canine shall:

- i. Be short leashed at all times, unless no other means are available to protect an individual from serious injury.



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- ii. Not initiate offensive action, unless to guard against imminent lost of life or potential serious injury.
 - iii. Abide by use of force guidelines as set forth in the policy.
- i. **Drug Detection.** Use of canines in a drug detection capacity is authorized on the following situations and under the following conditions:
- i. The canine handler shall maintain records that document the use and the proficiency of individual canines in drug detection. This documentation shall be readily available for courtroom testimony and to supervisors for review, or to others who may need it when seeking arrest/search warrants.
 - ii. Random exploratory sniffing of luggage, packages and other inanimate objects may be conducted in public facilities such as airports, train or bus stations upon authorization from the Patrol Commander.
 - 1. Exploratory sniffing in these facilities shall be done with advance knowledge and consent of the appropriate manager.
 - 2. Exploratory sniffing shall be conducted without interference or annoyances to the public or interruption of facility operations.
 - 3.
 - 4. Sniffs in other public or private places of commerce shall be according to standards of reasonable articulable suspicion or by invitation from the entity and in accordance with state law.
 - iii. The use of drug detection canines in public schools is permitted only when:
 - 1. The school's principal or designated authority requests or approves use of the canine.
 - 2. There is reasonable suspicion to believe illegal narcotics are being distributed and/or consumed on the premises, such that the interests of the school are being unacceptably compromised.



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3. The search is limited to objects in public areas and the exterior of the student lockers unless reasonable suspicion exists to gain admission to lockers and related areas where there is a reasonable expectation of privacy.
- iv. Sniff of the exterior of residences, either individual dwellings or the common areas of multiple dwellings, are not permitted without a search warrant unless other probable cause exists or consent is received from the owner or occupant of such dwelling.
- v. Drug-sniffing canines may be used to sniff motor vehicles when:
 1. A reasonable suspicion exists to believe the operator or passengers are in possession/control of illegal narcotics.
 2. During a valid vehicle stop, the canine is used to sniff the exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary to conclude the business associated with the initial stop.
3. Consent searches.
- j. Tracking and Article Search.** Police canines are available to track missing persons or suspects, or to locate evidence that the investigating officer has reason to believe has been abandoned or hidden in a specific open area. Such searches are subject to the following conditions and limitations:
 - i. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team shall:
 1. Stop and pinpoint the location where the suspect was last seen.
 2. Shut off engines of vehicles in the area if possible; and
 3. Avoid vehicle or foot movement in the area where the suspect or subjects were last seen.



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- ii. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
- iii. Canine teams may be used to locate small children, the elderly, or those suffering from mental impairment if there is a reasonable suspicion of foul play or a belief that serious bodily harm or death may occur if the person is not located immediately. Where the use of a canine is deemed necessary, the risk to the subject shall be explained to the parent, guardian, or next of kin and their approval obtained to use the dog.
- iv. Prior to tracking, on scene police personnel shall:
 - 1. Secure the perimeter of the area to be searched.
 - 2. Secure the integrity of the area to be searched by keeping all personnel out of the area.
 - 3. Protect all items of clothing that will be used for scent from being handled.

k. Demonstrations. All requests for special demonstrations by the K-9 Unit will be screened by the Patrol Commander. If approved, the Patrol Commander will adjust schedules to accommodate the assignment if necessary. The K-9 Unit will not be permitted to perform before any group or organization, in or outside of the City of Windsor Heights, wherein the K-9 Unit is to be used for the sole purpose of stimulating a ticket selling campaign. The degree of the demonstration will be regulated by the Patrol Commander with guidance from the handler.

l. Outside Requests for Use of K-9 Unit. A handler will provide the services of the police canine for official purposes, according to guidelines set forth in this policy, for outside law enforcement agencies, as requested. If the K-9 unit is the only available emergency responder in the City, the handler shall not leave the city limits unless a life threatening emergency exists, and then only after contacting the on-duty supervisor.



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- m. Off Duty K-9 Unit.** When the need arises to call out the off duty K-9 Unit, it will be the responsibility of a shift supervisor to weigh the merits of the need within the guidelines of this policy. If there is some doubt as to the need, command staff will be consulted. The off duty K-9 Unit may respond to a needed situation from an outside jurisdiction, if contacted directly by a neighboring agency or the communications center after first advising a command officer of his/her intentions and abide by the command decision.
- n. Vacations, Holidays, Sickness, Paid Time Off.** When absent for a period of time, and care for the canine is not available, a Department approved boarder will kennel the canine. During illness or incapacitation of the canine, the handler will report for regular duty minus the canine. When a canine is kenneled, or absent from duty for whatever reason, a written report will be made to the Patrol Commander stating the reasons and estimated time involved. The Patrol Commander will notify command staff of the situation.
- o. Refresher Training.** The K-9 Unit must constantly apply itself to ensure adequate performance. In order to maintain the highest standard of efficiency, and to continually develop the abilities learned in the initial training period, both handler and dog are required to complete skill specific in-service training averaging at least 16 hours per month. This training will be monitored under the close supervision of the Patrol Commander. However, the main responsibility of maintaining the work ability and efficiency of the canine remains with the handler. The Patrol Commander may do spot check certification requests as necessary. Failure to perform to standard in those instances will result in immediate remedial training, and may be cause for removal of the canine from active duty until such time as the skill(s) is demonstrated to a satisfactory level.
- p. Use of Narcotics for Training Purposes** The Windsor Heights Police Department will maintain a small amount of certified narcotics (typically one ounce) for K-9 training purposes. These narcotics will include marijuana, cocaine, methamphetamine, heroin, crack cocaine, and ecstasy (MDMA).
- i. These narcotics will be stored in a specifically designated safe to be secured in a locked area of the police building. Access to the safe will be limited to the Chief of Police, the Patrol Commander, and the K-9 handler.



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- ii. The narcotics will only be handled for K-9 training or inventory purposes. The K-9 handler will be responsible for checking the narcotics out and back in.
- iii. The Patrol Commander and the K-9 handler will conduct an inventory/audit of the narcotics and log(s) on a quarterly basis.
- iv. The K-9 handler will be responsible for the safe keeping of all WHPD training narcotics during training.
 1. No other person/agency shall be allowed to use or borrow these narcotics.
 2. If any of the WHPD training narcotics are lost or discovered to be missing, the K-9 handler shall immediately provide a detailed written statement and alert the Patrol Commander and the Chief of Police for further investigation.
- v. When training narcotics have been in use for eighteen (18) months, a new set of training narcotics will be requested from the DEA. When the new training narcotics are received, the old set will be rotated out by the K-9 handler with supervision from the Patrol Commander as directed in the next subsection.
- vi. When the training narcotics have reached their end of life for use in training, the K-9 handler will:
 1. Complete an incident report showing that the training narcotics were transferred to WHPD evidence.
 2. The Patrol Commander will oversee the logging and transfer of the training narcotics from the storage safe into evidence and verify the weights listed.
 3. The narcotics will then be destroyed in accordance with Policy 7.01 Evidence and Property Handling Procedures.



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3.06 Police Service Canine

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

10/15/2012

08/01/2014

07/12/2019

q. Equipment.

- i. In addition to the equipment outfitted in all marked squad cars, the K-9 Unit vehicle will be equipped with safety measures for the canine and handler, training tools, long and short lead, water and bowl, and a canine first aid kit. The handler will be responsible for maintaining this equipment.
- ii. The K-9 handler's uniforms shall be the Class B or C uniform.

r. Retirement.

- i. The following criteria will be used when determining whether a canine shall be retired:
 1. The canine has lost its innate interest in performing its duties.
 2. The canine is not able to meet or maintain certification in one or more areas.
 3. The canine has a medical problem that makes it incapable of performing its duties.
 4. The canine handler leaves the Police Department and it is impractical for the canine to be reassigned.
 5. The Department is no longer able to supply the funding and support necessary to sustain the canine program.
 6. When one or more of the above criteria are experienced by the canine, its handler, or the Department, the animal shall be recommended for retirement. Once this is determined, a memorandum will be forwarded through the canine handler's chain of command to the Chief of Police for consideration and formal action.
 7. Once retirement has been approved by the Chief of Police, the handler can request to assume ownership and financial responsibility for the dog. Adoption paperwork will then be completed and approved.



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3.07 Tactical Operator – Metro STAR

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/15/2019

- I. **PURPOSE:** To establish a part-time specialization within the Department responsible for playing a role within the greater Des Moines metropolitan area as a specialized weapons and tactics operator. This individual will be assigned to one on-call entry team with Metro STAR and serve as the Department's liaison with this organization.
- a. **The Metro STAR Operator** will be responsible for specified law enforcement operations according to the joint priorities of this agency and in conjunction with those of the Metro STAR command staff. The following rules apply regardless of jurisdiction:
- The WHPD representative to this unit will act according to agreed upon terms of the existing 28E.
 - This officer shall honor his/her commitment to the team, but understand that daily operational responsibilities within the Windsor Heights Police Department shall take precedence.
 - The policy and procedures of the WHPD shall be abided by at all times.
 - Upon activation, notification shall be made to a command officer, normally the Patrol Commander.
 - An emergency response vehicle shall be supplied for on-call periods, or activation, and will only be utilized for official purposes.
 - Variations in scheduling, training, or on-call weeks shall be approved by supervision from the WHPD and Metro STAR.
 - Paid compensation for training, callouts, or special details may be denied due to budgetary overtime concerns. In those cases, the appropriate amount of Paid Time Off (PTO), flex time, or supplanting of scheduled days off may be necessary to achieve the objectives of the Department and abide by the guidelines for compensation within the collective bargaining agreement. If this is not possible, the operator may be denied participation in events where preapproval is possible.



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03/01/2012

Approved by:

Chief Chad McCluskey

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04/01/2012

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- b. **The Metro STAR operator** will normally be commanded and supervised by the Patrol Commander, with aid from a designated Team Leader of Metro STAR. If necessary, the Chief of Police shall have final authority in pre-authorization of special operations participation.
- c. Eligibility for selection into the position shall be measured based upon the following areas:
- i. Non-probationary status; no pending Performance Improvement Plans;
 - ii. Willingness to make a five year commitment to the position;
 - iii. Exceptional firearms skills and 90% average proficiency in qualifications;
 - iv. Passing physical fitness standards to include run, strength, and agility;
 - v. Above average standards based upon annual performance evaluation;
 - vi. Requisite experience and expertise based upon professional skill set;
 - vii. Other input as designed from a Metro STAR evaluation and selection committee.



Windsor Heights Police Department Policy and Procedure Manual

3.08 Automated Traffic Enforcement Program

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/15/2019

- I. **PURPOSE:** To describe the Automated Traffic Enforcement program and to define the responsibilities and procedures in the operation of the program.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to operate an Automated Traffic Enforcement (ATE) program, as authorized by City Ordinance 60.02.08, for the purpose of efficiently utilizing the resources of the Department; to reduce speeding violations and traffic collisions, property damage, personal injuries, and deaths; to reshape the motoring behaviors of the community; and to address neighborhood complaints of flagrant violators.
- III. **PROCEDURE:**
 - a. **System Description.** An automated speed enforcement system consists of a series of cameras, radars, and sensors that detect when a vehicle exceeds a predetermined threshold of speed beyond that which is posted on the roadway.
 - i. When a violation is detected, the system takes a series of photographs of the vehicle violating the posted speed limit, including photographs of the rear license plate.
 - ii. This information is then used to identify the registered owner of the vehicle and send a notice of violation to the registered owner or lessee of the vehicle.
 1. In matters where the violating vehicle is a government owned vehicle, the chief executive officer of that government entity will be contacted by mail advising of the violation, given a copy of the citation, and will be requested to offer justification for the violation or identify the individual operating the vehicle in order to assign responsibility.
 2. If the government entity does not respond, the Support Services division commander shall follow-up by phone in a reasonable amount of time.
 - iii. All violations will be reviewed and approved by the Police Department prior to being authorized to send official notice to the registered owner.



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- iv. Notices sent will be in collaboration with the City's contracted vendor and will be initiated through a civil fine subject to appeal by an administrative review process, and if still unresolved, a municipal infraction citation filed with the Small Claims Division of the Iowa District Court in Polk County.

b. Selection of Roadways

- i. Interstate 235 for travel between the 63rd Street and 73rd Street exits may have a permanent fixed system deployed for section control due to the heavy volume of crash related data and disproportionate numbers of emergency response events in this portion of the City's jurisdiction.
- ii. University Avenue and 73rd Street may have a permanent fixed system deployed for control of traffic due to heavy traffic volume, heavy pedestrian volume, disproportionate incidents of driver's exceeding the speed limit, and the nature/number of private driveways accessing University. Such system may be deployed in such a manner to provide hardware for both eastbound and westbound traffic at separate ends of University Avenue.
- iii. A mobile speed unit may also be deployed to residential streets and main thoroughfares throughout the City based upon requests from residents, observed needs from the Department, identified road work zones or school zones, or to influence motorists' driving behaviors on arterial streets between communities.

- c. **Operation of System.** The cameras and related equipment shall be installed and maintained by a private vendor as provided by a contract with the City of Windsor Heights. The system shall be overseen and controlled by the Support Services Division of the Police Department.

- d. **Processing Violations.** Violations will be processed by a sworn officer. Assistance may be offered by supervisors or personnel assigned to light/modified duty when needed.

- i. Trained officers within the Department will:

- 1. Deploy the mobile speed enforcement trailer and ensure timely transmissions of captured violation data.



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2. Log into the ATE system management software regularly to review pending violations received from the vendor.
 - a. Officer(s) will view potential violations, prescreened by employees of the system vendor, according to parameters set forth in the business rules.
 - b. Officer(s) shall determine if an actual violation has occurred and will then authorize a violation notice to be issued.
- ii. The vendor will send a notice of violation to the registered owner or lessee of the vehicle that requires the payment of a fine (amount set by ordinance).
- iii. The vendor will send a second, follow-up notice of violation to the violator if the fine is not paid within the first thirty (30) days after issuance of the first notice.
- iv. If the violator does not pay the fine after the second notice within thirty (30) days of issuance, the vendor and City will coordinate referral of the violations(s) to the City's approved collections agency. The collections agency will then attempt to collect on the outstanding fees.
- v. The Support Services Division will monitor the success of these efforts. If this process is unsuccessful in collecting the fees for the outstanding violation(s), the City may take action allowed through its Fail to Pay Ordinance, up to and including the boot/tow provisions. Additionally, the City Attorney may be contacted to file a civil demand for payment in district court through the use of municipal infraction.
 1. Notice of this action to the violator will be sent by return receipt certified mail and regular mail.
 2. Court costs in the amount set by Polk County, any administrative filing fees, and costs of the city attorney's court time, as well as applicable service fees or municipal infraction fees, may be added to the original fine when filing this action.



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e. **Appeals Process.** If a violator requests an opportunity to appeal the violation through various means provided (website request, in writing, or in person at City Hall):

i. The Support Services Division will:

1. Verify the individual wishes to pursue the appeal.
2. Explain the specifics of the automated system and guide the individual through the appeals process; answer any questions that are brought forth about the system or the ordinance being enforced as best as possible.
3. Confirm the date and time scheduled for the administrative review.

ii. Administrative Review:

1. The vehicle's registered owner, or other person nominated to assume responsibility for the violation, will request to appear before an administrative review board (the "Board"), made up of a representative from the Support Services Division and a citizen representative, to discuss the merits of the violation.
2. The individual appealing the citation will present his/her points of appeal for discussion purposes. The Support Services Division representative will supply explanation of the automated enforcement program and offer any resources available to answer questions posed. The Support Services Division representative and the citizen representative shall then attempt to reach consensus on a decision to dismiss or uphold the violation(s). In cases where consensus cannot be reached, the Support Services Division Commander shall make the final decision.
3. The final decision registered at the administrative review will be:
 - a. Dismiss the violation(s) without prejudice;
 - b. Uphold the citation(s) and request payment.



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Approved by:

Chief Chad McCluskey

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4. In some cases immediate notification of the Board's decision may not be possible. In those instances, the appealing party shall receive written notification within ten (10) business days of the date of the Board's official review.
5. If the responsible party does not wish to accept the administrative review board's decision, he/she may request the violation be forwarded to district court for final resolution.
 - a. The Support Services Division representative will advise the appealing party that he/she will be responsible for additional court costs for filing fees and city attorney time should the court rule in favor of the City.
 - b. The Support Services Division representative will forward the request to the city attorney, provide relevant defendant information, and provide feedback orally and in writing to the responsible party on the details of the scheduled court appearance.
 - c. This request must occur within thirty (30) days of the Board's administrative review decision or the violator will be found guilty and it will be referred to the Department's civil non-payment protocols.
- f. **Storage of Data.** Violation data and images, supportive database information, and other violation package information ("Violation Information") shall be stored at an offsite location provided by the contracted vendor. Violation information shall be maintained for a period of at least two (2) years from the latest day of any appeals process for each such violation. The vendor shall provide such storage and retention in accordance with industry standard data security practices, including but not limited to those mandated by NLETS.



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Approved by:

Chief Chad McCluskey

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04/01/2012

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g. Revenues.

- i. Payments of a notice of violation shall be paid to the City of Windsor Heights.
- ii. If a municipal infraction lawsuit has been decided with judgment against the defendant (ruling in favor of the City), fines and associated court costs shall be paid to the Clerk of the Court. The fine and administrative costs portion will then be forwarded to the City's Finance Department.
- iii. The proceeds of fines received by the City will first be used to cover the costs of operating the automated enforcement program and then go towards financial priorities set forth by the city council (normally public safety capital expenditures and infrastructure improvements).



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3.09 Part-Time Employees

Page(s): 2

Replaces:		Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
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I. PURPOSE: In the interests of safety and efficiency in operation, certain part-time positions are authorized to assist the Police Department, and thereby the community, in accomplishing the goals and objectives of the Windsor Heights Police Department.

II. PROCEDURE:

- a. **Adult Crossing Guards** may be employed and controlled by the Windsor Heights Police Department. The adult crossing guard was established to provide control and supervision of children crossing city streets at designated high-risk locations. The Windsor Heights Police Department may also contract adult crossing guard services through a third-party vendor as necessary and/or agreed upon with other stakeholders.
 - i. The Chief of Police appoints persons as adult crossing guards and sets their hours of duty.
 - ii. A traffic engineer has the authority to request assignment of crossing guards to locations best suited to afford protection for those attending school.
 - iii. The Chief of Police or designee will supervise the adult crossing guards and be responsible for their training.
 - iv. Guards are not sworn members of the Police Department and are not subject to the rights and rules of the State Code of Iowa.
 - v. The city council will fix the compensation to be paid to the guards, and essential equipment will be supplied to them.
 - vi. Guards have limited police powers in the matter of traffic control.



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3.09 Part-Time Employees

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Replaces:		Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
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- b. **Matrons/patrons** may be employed and controlled by the Windsor Heights Police Department. The matron/patron was established to provide control and supervision of detainees processed at the Windsor Heights Police Department in the temporary holding facility.
- i. The Chief of Police appoints persons as matrons/patrons.
 - ii. The Chief of Police or designee will supervise matron/patrons and be responsible for their training.
 - iii. Matrons/patrons are not sworn members of the Police Department and are not subject to the rights and rules of the State Code of Iowa.
 - iv. The city council will fix the compensation to be paid to the matrons/patrons.
- c. **Part-time Peace Officers** are authorized to support the execution of the goals and objectives of the Windsor Heights Police Department. Officers will be hired under the same parameters as fulltime officers, scrutinized based upon experience and value of contribution to the Department, and are subject to all regulations of this Manual. Usage of part-time officers will not supplant fulltime officer positions or be in conflict with collective bargaining agreements. At any given time, this agency will not employ more than four part-time officers.



Windsor Heights Police Department
Policy and Procedure Manual

CH 4

Vehicles, Equipment, and Uniforms



Windsor Heights Police Department Policy and Procedure Manual

4.01 Operation of Vehicles

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

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- I. **PURPOSE:** To define rules for the proper operation of Department motor vehicles.
- II. **POLICY:** Department vehicles will be operated in accordance with state and local laws to assure maximum safety for both officers and citizens. Department vehicles and equipment shall be used in the manner for which they were designed and will be cared for in accordance with Department policy. All personnel should be conscious of the responsibilities and liabilities that are associated with the operation of police vehicles.
- III. **PROCEDURE:** Police vehicles responding to calls for service will be operated in either a routine, urgent, or emergency mode as defined:
 - a. *Routine* – When responding to person(s) not in compliance with minor city ordinances, shoplifting incidents, criminal investigation reports, abandoned auto reports, barking dogs and other miscellaneous non-emergency service calls. Officers will respond in accordance with all traffic laws.
 - b. *Urgent* - Respond immediately, no emergency exists where life or property is in imminent danger. Emergency lights and siren are to be used at the officer's discretion. Example: property damage accident with lane blockage. Officers will respond with either lights or siren in accordance with Iowa Code 321.231.
 - c. *Emergency* - An emergency situation when there is an immediate threat to a person or property. Officers will respond with lights and/or siren in accordance with Iowa Code 321.231.
- IV. **AUTHORIZED EMERGENCY VEHICLES.** The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected perpetrator, or in response to an incident dangerous to the public, may exercise the privileges set forth in this section.
 - a. The driver of any authorized emergency vehicle engaged in an official act may:
 - i. Park or stand an authorized emergency vehicle, irrespective of the provisions of department policy and/or state or local laws.
 - ii. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.



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4.01 Operation of Vehicles

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- iii. Proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- iv. Exceed the maximum speed limits so long as the driver does not endanger life or property.
- b. The exemptions granted to an authorized emergency vehicle under Iowa Code 321.231 subsection 2, and for a police vehicle as provided in Iowa Code 321.231 subsection 3, shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of Iowa Code, section 321.433, or a visual signaling device approved by the State, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under Iowa Code 321.231 subsection 3 paragraph b when the vehicle is operated by a Peace Officer pursuing a suspected violator of the speed restrictions imposed by or pursuant to this policy, for the purpose of determining the speed of travel of such suspected violator.
- c. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

V. OPERATION OF EMERGENCY VEHICLES.

- a. Emergency vehicles will not enter into oncoming traffic lanes unless both emergency lights and sirens are activated.
- b. When responding to an emergency assignment, a peace officer will not operate a police vehicle at a speed or in a manner that inhibits his/her ability to control the vehicle.
- c. Officers will not proceed through intersections or traffic signals until the officer is sure that other traffic has yielded the right-of-way. The officer will adhere to the basic rules of traffic safety outlined in Iowa Code 321.320 and this policy, regardless of the nature of the assignment. Any officer who is involved in a crash will be required to justify his/her actions.
- d. The use of emergency lights and siren is dictated by circumstances. In the following situations justification may be determined by the police officer:



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- i. Stopping a vehicle on the roadway
 - ii. At the scene of a motor vehicle collision
 - iii. At the scene of a traffic control assignment, if applicable
 - iv. At the scene of any type of roadway obstruction
 - v. At an area of danger to the public, which is located on the traveled portion of a roadway
- e. When a call is received indicating an emergency exists, the primary duty of an officer is to get there as safely and as quickly as conditions permit.
- f. Officers should not pull up behind another vehicle and immediately sound an audible warning device. The motorist may stop suddenly.
- g. Officers should not pass on the right of a vehicle in traffic unless other means are more prohibitive or dangerous to the public or motorist. Passing on the right is not to be used as a primary method for overtaking vehicles.
- h. Officers should always maintain adequate radio volume and remain cognizant that dispatch may wish to relay additional information to them while operating in an emergency mode.
- i. Officers should always "drive defensively".
- j. On certain types of emergency responses, the sirens and emergency lights may not be used if it would increase the chances of alerting the criminal of the squad's approach. This practice should only be utilized in the immediate area of the suspected crime. Extreme caution and due regard shall be exercised when responding to a call without emergency lights and/or siren in operation. And in general, this response will not exceed 10 mph over the posted speed limit.



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Approved by:

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- k. Upon approaching the immediate area of criminal activities, the officer may further reduce the chances of detection by turning off the headlights of the squad. This may only be done when it can be done safely without endangering persons or property.
- l. Officers, even on emergency calls with emergency equipment activated, are not to go around lowered railroad gates unless they can visually determine that no train is present or a crossing can be made safely.
- m. Before responding to an emergency call, officers should consider possible routes and then take the safest, fastest one.
- n. Indiscriminate use of sirens in residential areas during the night hours is disturbing and may result in adverse public reactions. Such use of sirens should be kept to a minimum if practical for the given situation.
- o. Private vehicles should not be escorted in urgent or emergency mode.
- p. Officers shall wear their safety belt when operating Department vehicles in accordance with state law.
- q. Officers shall use caution when operating a patrol vehicle and working with computerized dispatching, accessing driver, registration, intelligence, or arrest records files and data, reporting software, etc. or emergency equipment so as not to become distracted while the vehicle is in motion.
- r. When stopping another vehicle, officers should attempt to make the stop in the safest possible location, considering both the safety of the officer and occupants of the stopped vehicle. Officers should use their discretion in a minor motor vehicle collision to have the drivers move to a safe location outside of the traveled portion. This will enhance both the flow of traffic and safety.
- s. Officers will be cognizant that no matter how important the call is, the officer will not help the situation if s/he should become involved in a crash and cannot reach the scene.



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Approved by:

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- t. Police Department vehicles may be driven through freeway medians in cases where it can be done safely and without damaging vehicles or fixtures adjacent to the roadway. Should vehicle damage occur, it will be reported to a supervisor as soon as practical.
- u. Emergency vehicles are only effective when the vehicle is readily identifiable as an emergency vehicle. Unmarked police cars, therefore, may not operate as emergency vehicles unless the siren is in operation and/or emergency lights are flashing. Use of a spotlight without the siren does not identify the car as an emergency vehicle. Unmarked cars that are not equipped with sirens or emergency lights may not be operated as emergency vehicles merely because they belong to the Police Department and are driven by police officers.
- v. Operators of unmarked police vehicles should be aware of the potential for the average citizen to be apprehensive of stopping for unmarked police vehicles. Officers should be alert for reactions varying from increased distance to stop the vehicle to failure of a motorist to stop. Marked police vehicles may need to respond in order to stop a vehicle.
- w. Officers shall be familiar with, and comply with, the sections of the Iowa statutes which apply to the operation of emergency vehicles in accordance with Iowa Codes 321.230 & 321.231.
- x. No Department employee is permitted to drive a city vehicle once alcohol has been consumed.
- y. Take-home vehicles (and supplemental equipment associated with a vehicle) are to be used only for bona fide police business and for commuting to and from duty.
- z. Officers shall not use their personal vehicles for official law enforcement functions pursuant to on duty activities.

VI. AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS. The Windsor Heights Police Department must set standards for employees to follow when on-duty and operating police vehicles through automated enforcement zones throughout the state. We cannot expect the public to be held to a higher standard than we set for ourselves. When violations are observed or reported back to this agency by ATE systems, the following rules shall apply:



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Effective Date:

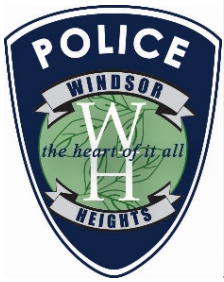
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- a. Employees must follow state and local traffic ordinances, as well as Department policy when operating city-owned vehicles. Employees may be subject to civil citation and a fine and/or internal discipline for violations.
- b. Officers shall cooperate completely with any administrative review conducted as a result of an on duty violation of an ATE system.
- c. On Duty Violations:
 - i. Violations of this subsection will be reviewed by a supervisor in the employee's chain of command.
 - ii. Employees may be reprimanded, and/or cited, and assigned responsibility for fines for traffic violations resulting from poor judgment, policy violation, indiscretion, or failure to use necessary due caution or emergency equipment. Employees will have all appeal rights as set forth in that city's ordinance where the violation originated. The exercising of these appeal rights will be conducted on the employee's own time and at his/her expense.
 - iii. Employees who demonstrate a traffic violation occurred as a result of justifiable circumstances, will be exempted from further action and written notice of such justifiable action will be sent to the originating jurisdiction by the investigating supervisor.
- d. Employees demonstrating a pattern of careless driving behaviors on or off duty will be subject to further administrative review.



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4.02 – Pursuits

Page(s):

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Replaces:	Rule #9, 11/01/2003	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	02/01/2014	09/26/2018	

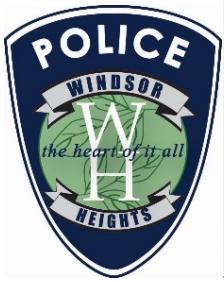
- I. **PURPOSE:** To establish guidelines and responsibilities for vehicle pursuits requiring emergency operation of Windsor Heights Police Department vehicles.
- II. **POLICY:** Vehicle pursuits are one of the most dangerous duties a police officer must perform. When a decision to pursue is made, the safety of all concerned must be considered. The seriousness of the offense must be weighed against the hazards to the health and welfare of citizens who might be affected by the pursuit. During the pursuit, continuous balancing of the seriousness versus safety is mandatory.

The Department expects an officer, or his/her supervisor, to terminate a pursuit whenever the risks to the safety of the officers and/or citizens outweigh the danger to the community if the offender is not immediately apprehended.

The responsibility for the decision to overtake or pursue another vehicle rests on the individual officer. In arriving at such decision, the officer must carefully consider all factors involved and the possible consequences. To diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when possible, be within close proximity of the vehicle before activating emergency lights and siren.

III. DEFINITIONS:

- a. **Vehicle Pursuit:** An attempt by a police officer in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing speed, maneuvering in an evasive manner, or by ignoring the police officer's attempt to stop the vehicle.
- b. **Authorized Emergency Vehicle:** A vehicle equipped with both audible and/or visual emergency warning devices, as required by the Code of Iowa, for the purpose of being exempted from certain traffic regulations during emergencies or pursuits (Iowa Code sections 321.231, 321.423, 321.433).
- c. **Initial Pursuing Agency (IPA):** The agency initiating the pursuit.
- d. **Jurisdictional Agency:** The law enforcement agency with specific legal authority granted by a political subdivision of the State of Iowa at a point along the path of the pursuit.



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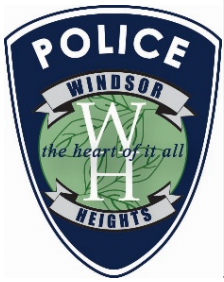
4.02 – Pursuits			Page(s):	10
Replaces:	Rule #9, 11/01/2003	Issue Date:	03/01/2012	
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012	
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- e. **Primary Pursuing Unit:** The police unit that initiates a pursuit or any unit that assumes control of the pursuit.
- f. **Secondary Unit:** Any police vehicle becoming involved as a backup to the primary unit and which follows the primary unit at a safe distance.
- g. **Precision Immobilization Technique (P.I.T.):** A precise intentional contact maneuver, performed by a trained law enforcement officer, where a law enforcement vehicle is used to physically force a fleeing vehicle from a course of travel by inducing an oversteer condition in the fleeing vehicle in an effort to stop the fleeing vehicle.
- h. **Roadblock:** As a pursuit tactic, means the establishment of a barrier across a part of the traveled portion of a roadway. This barrier may be moving, as in the case of vehicles placed in front of a fleeing vehicle, or stationary.
- i. **Supervisor:** An on duty commander or other ranking officer.
- j. **Terminate Pursuit:** The discontinuance of an active pursuit by police vehicles. Involved officers will deactivate audible and visual emergency warning equipment (emergency lights and siren) and resume a safe speed.

IV. PROCEDURE:

a. Initiation of Pursuit

- i. The decision to initiate a pursuit shall be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- ii. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.



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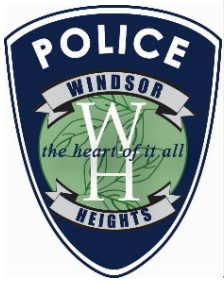
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iii. In deciding whether to initiate pursuit, the officer shall take into consideration:

1. Time of day, road, weather, and environmental conditions;
2. Population density and vehicular and pedestrian traffic;
3. The relative performance capabilities of the pursuit vehicle, the vehicle being pursued, and the officer's abilities;
4. Location of pursuit and associated speeds;
5. The seriousness of the offense and nature of charges;
6. The presence of other persons in the vehicle;
7. Radio coverage and interoperability between agencies;
8. The probability of successful apprehension.

b. Primary Unit Responsibilities

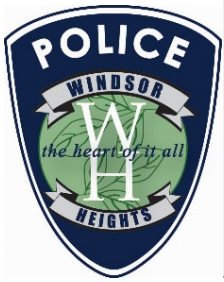
- i. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer shall immediately, in all cases, notify the communications center when a pursuit is underway and provide the following information:
 1. Police unit identification;
 2. Location, speed and direction of travel, with continuous updates;
 3. Vehicle description, including license number if known;
 4. The specific reason for the pursuit, including known laws violated;
 5. Number and description of occupants;
 6. If the pursuit is anticipated to leave the city limits;
 7. If the initiating officer plans on switching to another radio frequency.



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- ii. The initiating officer shall, as soon as practical, request the communications center notify the on-call supervisor of the pursuit if a supervisor is not already monitoring the pursuit.
- iii. The initiating/primary unit shall be in field command and bears operational responsibility for the pursuit unless relieved by a supervisor. The authority of this unit pertains to the immediate field operation and is always subordinate to the shift supervisor or command staff.
- iv. The primary unit may maintain pursuit as long as it is safe to do so; until directed to terminate the pursuit by a supervisor; the suspect is stopped; or a reasonable distance has been covered which may indicate the futility of continued pursuit
- v. All vehicles actively engaged in a pursuit shall utilize emergency lights and sirens.
- vi. The decision to abandon pursuit may be the most intelligent course of action. A pursuing officer must constantly question whether the seriousness of the offense justifies continued pursuit. **In any case, a pursuit shall terminate under any of the following circumstances:**
 1. If, in the opinion of the pursuing officer or supervisor, there is a clear and unreasonable danger to the officer or others created by the pursuit which outweighs the necessity for immediate apprehension;
 2. The suspect's identity has been established so later apprehension can be accomplished and there is no longer a need for immediate apprehension;
 3. The prevailing traffic, roadway and/or environmental conditions dictate the futility of continued pursuit;
 4. The pursued vehicle's location is no longer known;



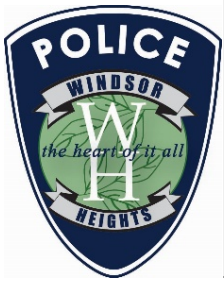
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- vii. The primary unit may terminate the pursuit at any time. If a pursuit is terminated, the primary unit shall give communications the location the pursuit was terminated and the location where emergency equipment was turned off. If other units are involved in the pursuit, when terminated by the primary unit, they must seek supervisory approval to continue the pursuit or to re-engage in the pursuit.
- viii. When an officer is ordered to terminate a pursuit by a supervisor, he/she will comply as soon as it is safe to do so. All emergency equipment will be deactivated and the communications center will be notified of the location;
- ix. Termination of a pursuit does not prohibit the following of a vehicle at a safe speed, or remaining in an area to re-initiate contact if the opportunity and conditions permit.

c. Assisting Unit Responsibilities

- i. Assistance will be coordinated by the communications center under the direction of a supervisor. The supervisor and primary unit will be advised of the identity and locations of units who can assist.
- ii. An active pursuit will normally involve no more than three (3) units [the primary unit and one or two back-up units] within the jurisdiction of the IPA, and no more than four (4) vehicles in a multi-agency pursuit. If more assistance is specifically requested the amount will be determined by: the nature of the offense; the number of suspects; whether the participating units are single or two officer cars; and other clear and articulated facts that would warrant the increased hazards.
- iii. Only a supervisor may authorize more than four units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate unless specifically authorized to do so.
- iv. If the primary unit is a one man car, the assisting unit may assume radio communications responsibility allowing the primary to devote full attention to driving.
- v. The assisting unit will maintain a safe distance behind the primary unit.



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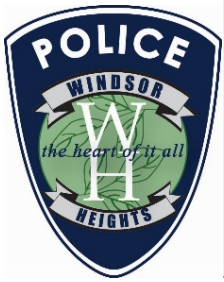
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- vi. Assisting units shall avoid intersecting the path of an on-coming high speed vehicle.
- vii. If the primary unit becomes disabled, the assisting unit will become the primary unit and a new back-up unit should be authorized.
- viii. Officers not actively involved in the pursuit, but performing a support function, will remain alert to the direction and progress of the pursuit and may position themselves at strategic sites along the probable pursuit route or on parallel roadways for response to any exigencies that may develop; however, these units will not be operated in an emergency mode and obey all traffic laws unless positioning ahead of the pursuit to deploy pursuit termination devices, utilize pursuit termination techniques or other public safety measures.

d. Supervisor Responsibilities

Upon being notified of a pursuit, the supervisor or acting designee shall:

- i. Monitor the radio channel where the pursuit is broadcast;
- ii. Quickly ascertain the basis for the pursuit and decide whether continuation is appropriate. A supervisor shall order the termination of a pursuit over the air if the supervisor believes the pursuit is not justified, or that the dangers associated with the pursuit outweigh the potential benefits of an apprehension;
- iii. Notify the Public Safety Director / Chief of Police of the pursuit, as soon as practical.
- iv. Carefully assess the need to be actively engaged in the pursuit. If a supervisor is actively engage in a pursuit, they should relinquish that position as soon as possible to another marked unit.
- v. Determine that no more than the necessary number of units are involved; that the proper radio frequency and procedures are being utilized; and affected allied agencies are being notified;
- vi. Direct the pursuit, approve or order alternative tactics, and maintain control until the pursuit is terminated;



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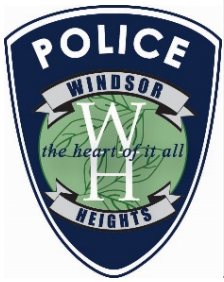
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- vii. In the event force is deemed necessary to end a pursuit, if possible, give approval prior to the use of force;
- viii. In the absence of adequate information from the primary or backup units, the supervisor may terminate the pursuit;
- ix. Where possible, respond to the location where a vehicle has been stopped following a pursuit;
- x. Ensure proper completion of required reports by officers involved in the pursuit and request an audio copy of radio traffic recorded during the pursuit through the communications center.

Supervisors shall have discretion to terminate any pursuit.

e. Pursuit Tactics – Limitations and Prohibitions

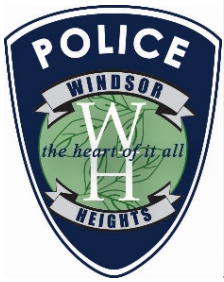
- i. *Property Crimes*: Pursuits for only property crimes should be based on the seriousness of the crime weighed against the danger to life posed by the offender and the danger posed by the pursuit itself.
- ii. *Precision Immobilization Technique (P.I.T.)*: Precision Immobilization Technique is the utilization of a law enforcement vehicle as a use of force option. The objective of the PIT maneuver is to safely end a pursuit and, in doing so, minimize the risk of injury to the public, the officer, and the suspect. PIT shall only be used by officers who have been trained in proper application of the technique.
- iii. *Offensive Tactics*: Deliberate physical contact other than PIT or deliberately forcing the offender into parked cars, ditches, or any other obstacle; boxing in or heading off, ramming; or driving along-side the pursued vehicle while in motion are generally prohibited. Such tactics should only be used as a last resort when the offender poses an imminent risk of death or serious injury to officers and/or the general public.
- iv. *Civilian Ride-Along/Prisoner Transportation*: No unit will engage in a pursuit when accompanied by a civilian rider or while transporting a prisoner.



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- v. *Unmarked Police Vehicles:* Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in pursuits. The unmarked car will withdraw from primary active pursuit when a marked unit becomes available to take over the pursuit.
- vi. *Caravanning:* There shall be no caravanning by field units not directly involved in the immediate active pursuit.
- vii. *Passing:* Passing another pursuing police vehicle in a pursuit is prohibited unless authorized by a supervisor, or when the primary unit requests a secondary unit to take the lead on the pursuit.
- viii. *Spacing:* All units in a pursuit shall space themselves at a distance that will ensure proper braking and reaction time for any sudden or unexpected maneuvers.
- ix. *Controlled Access Highway:* Units shall not pursue offenders the wrong way on the Interstate or other controlled access highways. In the event a pursued vehicle travels the wrong way on an Interstate or other controlled access highway, officers should not follow unless exigent circumstances dictate otherwise. This does not prohibit pursuit on an adjacent roadway where the officer is driving with the flow of traffic.
- x. *Traffic Control Devices:* Extreme caution must be used whenever pursuing units disregard traffic signs or signals.
- xi. *Emergency Equipment:* No officer will continue a pursuit if the emergency equipment on the unit ceases to function properly.
- xii. *Collisions:* No officer will continue a pursuit if his/her unit becomes involved in a traffic collision unless the collision is with the pursued vehicle and no other police unit is available to assume control.
- xiii. *Roadblocks:* The use of roadblocks should normally be authorized by a supervisor. Generally, a roadblock will be employed only as a last resort. The use of a roadblock must be directly associated with the seriousness of the offense. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. The roadway shall not be completely blocked unless the use of deadly force would be authorized.



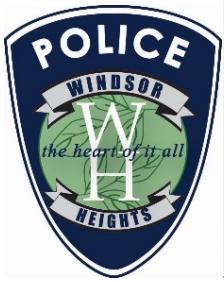
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- xiv. *Road Spikes*: Tire deflation road spikes (AKA: “stop sticks”) may be deployed if the officer is properly trained in the use of the equipment. Additionally, spikes will only be deployed on vehicles with a minimum of four wheels;
1. The deploying officer will inform pursuing units of the location of the road spikes over the police radio.
 2. When the pursued vehicle approaches and the spike system is in place, the officer will position him/herself in a safe location away from the point of contact between the pursued vehicle and the deployed spike system.
 3. After the pursued vehicle has passed over the road spikes, the deploying officer will retract the spikes as soon as it is safe to do so.
 4. *Firearms*: Decisions to discharge firearms at or from a moving vehicle shall be governed by this Department's use of force policy, and are prohibited except when exigent circumstances exist justifying such discharge.
 5. *Custody of Pursued Vehicle Occupants*: Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only the amount of force reasonable and necessary to take any suspects into custody.

f. Inter-Jurisdictional Pursuits

- i. When it is likely that a pursuit initiated in the City of Windsor Heights will continue into a neighboring jurisdiction, the pursuing officer or supervisor will request dispatch join radio communications for those law enforcement agencies in the path of the pursuit. The communication should include adequate information relating to the need to continue the pursuit and any aggravating factors. The notifying officer will also advise if assistance will be needed from the neighboring law enforcement agency.
- ii. If a pursuit continues beyond our agency's jurisdiction, the presumption is that the command and control will remain with the IPA. However, the IPA may request the jurisdictional agency to assume command and control. If the request is granted, once there are an adequate number of units from the jurisdictional agency present to safely assume the pursuit, the IPA becomes a supporting agency to the pursuit and safely continues until the pursuit is terminated and offenders are in custody. The IPA will normally be responsible for all criminal charges unless the situation requires otherwise.



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- iii. Officers shall not generally become involved in another law enforcement agency's pursuit unless the pursuing officer has no supporting vehicles engaged in the pursuit or when specifically requested to do so by the initiating agency. All operational procedures of this Department shall apply when assisting another law enforcement agency in pursuit.
- iv. When an officer is made aware of a pursuit involving another agency and that pursuit enters the City of Windsor Heights, officers will proceed to the nearest major intersection in the path of the pursuit and provide traffic control designed to protect uninvolved motorists from becoming accident victims of the pursuit.

g. Reporting and Review

- i. At the conclusion of a pursuit, the primary unit officer(s) will complete an incident report and the Department Use of Force/Pursuit report which will be forwarded to the Patrol Division Commander.
- ii. The Patrol Division Commander and Driving Instructor will review the post pursuit report and review any videos. They will review the circumstances surrounding the incident as it relates to adherence to Department policy and procedure. If necessary, corrective action and/or remedial training may be taken if deficiencies or violations of policy or tactics are noted.



Windsor Heights Police Department Policy and Procedure Manual

4.03 Vehicle and Equipment Regulations

Page(s):

5

Replaces:	Rule #8, 11/01/2003	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	02/01/2014	08/01/2014	07/17/2019

- I. **PURPOSE:** To define procedures for the operation and maintenance of Department motor vehicles and equipment.
- II. **POLICY:** Department vehicles will be operated in accordance with standards set forth by this agency. All personnel should be conscious of their responsibilities associated with the operation of police vehicles and the maintenance of associated equipment.
- III. **PROCEDURE:**
 - a. Employees will immediately provide a written report for damage to police vehicles or equipment to their immediate supervisor or to the Chief of Police.
 - b. If the vehicle is left unattended at any location other than a brief stop at the WHPD, the employee will remove the keys from the vehicle and lock the vehicle.
 - c. Employees will drive only assigned vehicles, unless a supervisor permits a change. Mechanical, technical, or safety issues shall be an exception to this rule and not require supervisory approval as long as the observed deficiency is reported in a timely manner.
 - d. Employees will be responsible for checking their assigned vehicle for damage, mechanical deficiencies and dangerous objects or contraband inside the vehicle before beginning their tour of duty and making reports of such incidents.
 - e. Any needed mechanical or equipment repairs will be reported on the proper forms no later than the end of the current shift.
 - f. All employees will keep the car interior clean and free of debris.
 - g. No employee will deliberately or carelessly inflict damage to vehicles or related property.
 - h. No employee will use, or allow to be used, a Department vehicle for the purpose of pushing or towing a vehicle except for vehicles specifically outfitted for that purpose.



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Replaces:	Rule #8, 11/01/2003	Issue Date:	03/01/2012
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i. Parking In Station Area

- i. All parking ordinances will be obeyed
- ii. Vehicles will only be parked in designated areas
- iii. Vehicles will be properly parked and locked with the keys left in their proper place at the end of a shift.

j. Vehicle Servicing

- i. When vehicles are serviced at commercial service centers, the employee will remove firearms and other vital equipment from the vehicle.
- ii. All service work will be pre-authorized by the Chief or designee.

k. Ride-Alongs / Observers

- i. No unauthorized person(s) shall be permitted to ride in Department vehicles.
- ii. Civilian employees are required to request and obtain permission from the Chief of Police prior to riding in Department vehicles on a "ride-along" basis.
- iii. Supervisors have the authority to give permission to allow civilians to ride on certain occasions. Generally, civilians will be allowed to ride four hours every six months. Those with a law enforcement career interest will be allowed eight hours per six month period. A brief background check shall be conducted on interested riders prior to authorization.
 1. A Hold Harmless Agreement shall be signed by such civilian, or if a juvenile is the rider, by his/her parent or guardian.
 2. Civilian riders are not allowed to carry and/or utilize a camera or recording equipment without a supervisor's prior approval.



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3. Education internship opportunities may be made available for fall, spring, and summer terms. Exceptions shall be granted to the ride-along regulations for these purposes.
- iv. No employee (sworn or civilian) under suspension will be permitted to ride in a Department vehicle.
- v. A Department vehicle shall not be used to transport family members, without permission from a supervisor.
- vi. Each employee shall receive approval from a supervisor and EMS prior to transporting an injured or sick individual in a Department vehicle.
- vii. Other persons may be transported in Department vehicles in extenuating circumstances, such as, motorist assists, witnesses, victims, etc.

I. Equipment

- i. In-car computer systems, laptops, and tablets shall not be utilized in any manner contrary to authorized procedures; nor shall there be any attempt to gain access into files other than those that are authorized. CAD logs, chat messages, and internet queries are subject to administrative review.
- ii. No unauthorized software is to be used or downloaded in Department computers.
- iii. Shotguns:
 1. All Department issued shotguns shall be carried with an empty chamber.
 2. The Range Master will determine the authorized sequence of buckshot and/or slugs to be carried in the magazine.
 3. The shotgun will be mounted and/or secured in the authorized carrying device for each Department vehicle.
 4. All directions of the Range Master will be followed when handling the shotgun for deployment.



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Replaces:	Rule #8, 11/01/2003	Issue Date:	03/01/2012
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iv. Push Bumpers, Use of:

1. Use of push bumpers attached to a Department vehicle shall be restricted to providing emergency assistance to vehicles that are disabled within the traveled portion of the roadway. Officers may assist by pushing the stranded vehicle to the nearest point that removes that vehicle to a point of safety.
 2. To be assisted by this Department, a disabled vehicle must have a licensed operator behind the steering wheel with that vehicle being placed in the neutral position. Pushing will be restricted to a minimum amount of speed that is required to move the stranded vehicle to safety.
- v. Caution must be exercised at all times when using the push bumper system. According to manufacturer specifications, air bags will not activate based upon a push bumper system being used if the system is operating at less than 10 MPH.

m. Department Vehicle Crashes

- i. Line of duty crashes where damage occurs will be referred for internal review and tracked through the internal affairs records keeping process as an early warning mechanism. Final accident investigation classifications are as follows:
 1. *No Unsafe Act/Unavoidable*: No unsafe action on the part of the employee, no preventative action by the employee was reasonably possible.
 2. *No Unsafe Act/Preventive Action Possible*: No unsafe action on the part of the employee, some preventive action by the employee was reasonably possible, but not taken.
 3. *Unsafe Act/Other Operator More Unsafe*: The employee committed an unsafe act, which contributed to the accident, but the other operator(s) committed an unsafe act which more directly contributed to the crash than the employee's action.



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Replaces:	Rule #8, 11/01/2003	Issue Date:	03/01/2012
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4. *Unsafe Act/Other Operator less Unsafe:* The employee committed an unsafe action which more directly contributed to the crash than an unsafe act committed by the other operator.

5. *Unsafe Act/Direct Cause of Crash:* The employee committed an unsafe act which directly caused the crash.

6. *Categories of Crash:*

a. **Minor Crash:** Any accident causing less than \$1500 in property damage with no personal injury.

b. **Major Crash:** Damage in excess of \$1500 and/or personal injury.

ii. Any officer involved in a major crash in the line of duty who is found to not be at fault, shall have his/her driving record expunged of the incident through normal Iowa DOT protocols.

n. Department Vehicle Crash Procedure

i. When a Department vehicle is involved in a crash, and damage is sustained by any vehicle, an outside law enforcement agency will be contacted to handle the investigation, if readily available. If no outside agency is available to assist, a supervisor shall investigate.

ii. The employee involved in the crash shall submit a written summary of the factors involving the crash to his/her division commander as well as photographs of the vehicle(s) involved.

iii. The division commander will investigate to determine the crash causes and findings which shall normally be documented in a line investigation.

iv. When an employee is involved in a crash off-duty within the city limits, an outside agency will handle the investigation, if readily available. If no outside agency is available to assist, a supervisor shall investigate.



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4.04 Bicycle Operation and Regulations

Page(s):

2

Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/17/2019

- I. **PURPOSE:** To establish the guidelines for the operation and regulation of bicycles used in the Windsor Heights Police Department.
- II. **POLICY:** The Department will make available "Police" bicycles to be used by qualified police personnel to assist with patrol, traffic, special events, and situations where quick, quiet, and versatile transportation could be utilized.
- III. **PROCEDURE:**

a. Operation

- i. The operation and utilization of the bike will be on a "need" basis and not a permanent assignment.
- ii. Patrol officers are encouraged to utilize a bicycle during the course of their shift when at least one other officer is working, available for calls, and aware of the effort.
 1. Approved bicycle uniform shall be worn for patrol
 2. Approved helmet shall be worn for patrol
- iii. Bicycles may be utilized in covert operations.
- iv. Specific operating standards will be established by the on duty shift supervisor based on previous training and instruction as well as the immediate needs of the Department

b. Bicycles and Equipment

- i. Only those bicycles authorized for such use will be used for official police activities.
- ii. Bicycles used for official business shall be equipped with appropriate lighting and reflective devices. Additional equipment may include saddle bag(s), water bottles, kickstands, and/or other equipment as authorized by a supervisor.



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4.04 Bicycle Operation and Regulations

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/17/2019

c. Storage and Maintenance

- i. Bicycles are to be stored in the Department garage.
- ii. Bicycles are to be kept clean and in good working condition



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4.05 Uniform and Appearance

Page(s):

7

Replaces:	Rule #4, 7/8/04 and G.O. 08-001, 9/1/08	Issue Date:	03/01/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
Revision Date:	10/13/2020	10/14/2022	

- I. PURPOSE:** To establish the guidelines for the uniforms and appearance of personnel in the Windsor Heights Police Department.
- II. POLICY:** The Department will make available uniforms to be used by sworn police personnel according to regulations outlined in this policy.
- III. PROCEDURE:** The uniform of the Department will consist of styles, materials, colors, and manufacturers that will be prescribed by the Chief of Police. Badges, decorations, hatbands, insignias, nameplates, medals, service bars and other items shall be specifically authorized by the Chief. Optional uniforms and assurance of uniformity will be the responsibility of the Chief of Police.
- Any recognizable portion of the uniform will only be worn when acting in the official capacity of duty as set forth by administrative rules of the City of Windsor Heights and this manual.
 - Neither civilian attire, nor items not authorized will be worn with any recognizable portion of the formal uniform unless traveling to or from an assignment.
 - The uniform will only be worn when traveling most directly to, from, and during Department assignments.
 - Each fulltime uniformed officer shall maintain a minimum of four (4) complete uniforms in good serviceable condition, with at least one uniform being Class A. Uniform trousers and shirts shall not be interchangeable between classes. One set of uniforms consists of one each of the following:
 - 1 – Pair Trousers
 - 1 – Long Sleeve Winter Shirt
 - 1 – Short Sleeve Summer Shirt
- Class A: navy Flying Cross [traditional] dress polyester and/or wool blend



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- ii. Class C*: Navy TDU pants or shorts and navy embroidered polo (S/S, L/S) or PDU top.

*Reserve Officers shall be issued one set of Class C uniforms. Supplemental uniforms will be added as needed.

- e. At all times every officer shall have one set of season appropriate uniforms at-the-ready in their employee locker for instances in which there existing uniform becomes soiled for duty or additional patrol staff is needed from those officers on special assignments.

- f. Headgear (Class A round dress hat):

Hat will be worn

Funerals and formal ceremony
Where formal dress is appropriate
Crowd or parade duty (optional)

Exceptions

In the car; inside buildings
When detrimental to expediency

- i. Wearing of headgear other than during the above mentioned circumstances will be at the discretion of the individual officer.
- ii. Baseball caps may be worn with the Class B or C uniform or in conjunction with an outer vest carrier.
- g. Neckties shall be worn with the long-sleeve formal Class A dress uniform and may be worn with the winter uniform.
- h. The winter uniform shall be worn at the individual officer's discretion based on personal comfort with current weather conditions.
- i. Class A and PDU uniform shirts shall have police department patches sewn to both upper sleeves. Long-sleeve Class A and PDU uniforms may also have service stripes/ashes attached to the lower left sleeve as awarded to employees signifying each verifiable four (4) year grouping of tenured service in the law enforcement profession. Ribbons and medals associated with Policy 2.20 shall only be worn with the formal dress Class A uniform.



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- j. Class C uniforms shall have an embroidered badge on the left chest and "POLICE" embroidered on the right chest. One police department patch shall be sewn on the opposite shoulder of the shirt's pre-stitched pen holders. No collar brass, additional insignias or other patches shall be worn with the Class C uniform.
- k. Outer bullet resistant vest carriers are authorized and expected to be worn during daily patrol operations. They may be worn with the Class A, or C uniform, but shall not be worn with the formal dress Class A uniform. The same parameters shall be set for jackets, pullovers, and parkas.
- l. Bicycle patrol uniforms shall consist of the following:
 - i. High visibility polo as designated by the Chief of Police with WHPD embroidered badge
 - ii. Navy blue or black shorts with cargo pockets
 - iii. Solid black athletics shoes or as approved by the Chief
 - iv. Bicycle helmet
 - v. Black bicycle gloves (optional)
 - vi. Navy blue full length Class C pants (optional)
 - vii. Officer's equipment shall consist of the following: (items are optional and purchase is the officer's responsibility).
 - viii. Duty belt
 - ix. Duty weapon and holster
 - x. ASP and holder
 - xi. Portable radio and holder
 - xii. Flashlight and holder



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- xiii. Magazines and holder
- xiv. Handcuffs and carrier(s)
- m. Uniformed officers assigned to the Patrol Division shall wear bullet resistant vests while on duty. Non-uniformed officers, command personnel not covering patrol duty, and administrative special assignments shall have the option of wearing their bullet resistant vest.
- n. Employees of the Windsor Heights Police Department will wear the class 2 compliant safety vest over their outermost clothing anytime they are actively involved in activity that places them immediately adjacent to or directly within the right of way of any local, state or federal roadway and they are engaged traffic direction, pro-longed accident investigation, lane closures, roadway obstructions or environmental disasters.
- o. Officers shall also be authorized to wear reflective jackets to be used at anytime inclement weather permits and the roadway markings exceed 50 mph postings. Reflective jackets may be worn at lower posted speeds.
- p. All uniforms items will be kept clean and in good repair. The Chief or Division Commander may direct an officer to replace a uniform due to wear and tear.
- q. From time to time, officers may desire to add additional items / gear to their uniforms (i.e. outer carriers / duty belts) beyond what is normally accepted and what has been allowed in the past. In these cases, officers shall send a request for consideration through the Chain of Command for such items to be approved.
 - i. In general, the following items are acceptable to be worn on outer carriers and / or duty belts as specified below:
 - 1. Duty Weapon (firearm) shall **only** be carried on a duty belt, duty weapons will not be carried on outer vest carriers.
 - 2. Electronic control weapons (ECW), such as TASER's, may be carried on either the duty belt or external vest carrier.



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3. A maximum of three (3) handgun magazines may be carried on either the duty belt or external vest carrier. No extended magazines will be carried on a uniform without prior approval from the Division Commander.
 4. A maximum of one (1) 20 round rifle magazine, solid black in color, may be carried on either the duty belt or external vest carrier.
 5. Two-way radios may be carried on either the duty belt or external vest carrier.
 6. Irritant / Chemical sprays may be carried on either the duty belt or external vest carrier.
 7. Expandable Batons, or similar issued devices, may be carried on either the duty belt or external vest carrier.
 8. Handcuffs may be carried on either the duty belt or external vest carrier.
 9. Other items may be carried on either the duty belt or external vest carrier as approved by the Division Commander and / or the Chief of Police.
- r. Uniform pockets will be kept buttoned when practical and will not be overfilled or bulging.
- s. T-shirts when worn and visible with the uniform shall be white, navy or black in color and will be in good condition; shirts will not be an open weave or fishnet design.
- t. All shoes, metal insignia, leather and leather accessories will be kept clean and polished.
- u. Slappers, saps, blackjacks, bludgeons, sandbags, loaded gloves, or any piece of equipment of similar nature will not be permitted, carried, or used.
- v. Utility uniforms when authorized by the Chief of Police may be worn.



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w. Male officer – Haircut

- i. The hair will be well groomed at all times except temporarily in times of adverse conditions.
- ii. The hair will be tapered or styled on the sides and back and will not present a ragged or unkept appearance.
- iii. The hair will not cover more than the upper half of the ear when the cap is worn, nor will it extend over the collar when standing erect.
- iv. The hair in front will not extend over the eyebrows when no headgear is worn, nor be visible below the front of the headgear when worn.
- v. The bulk or depth of the hair will not interfere with the wearing of the headgear, but in no case will it be more than 1 ½" deep on the sides or 2" deep on the top of the head.
- vi. Sideburns will be trimmed straight (not angled) at the bottom and a horizontal line across the bottom of the sideburns will not extend below the ear when a beard is not present. The sideburns will not be more than 1 ½" wide at the widest point.
- vii. Mustaches will be well kept and may extend below the mouth to encompass the chin in the formation of a neatly groomed goatee. Mustaches shall not extend over the upper-most edge of the upper lip and mustaches shall not be bushy in appearance.
- viii. Beards may be worn by personnel in any assignment, however acceptable beard styles are limited to a van dyke style or a full beard. Beards shall be kept neatly trimmed with straight lines and shall not be bushy in appearance. Beards shall not exceed ½ inch in length and shall be well groomed and maintained. The Chief of Police reserves the right to make the final decision as to the appropriateness of any beard worn by members of the department. Any member instructed to address issues related to a beard shall comply immediately.



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x. Female officer – Haircut

- i. The hair will be well groomed and shall not present a ragged or unkept appearance, except temporarily under adverse conditions.
- ii. The hair will not extend below the tops of the eyebrows when no headgear is worn.
- iii. The hair will not be worn or kept as to come in front of the officer's face or field of vision.
- iv. The bulk of the hair will not be so extreme as to interfere with the wearing of the headgear.
- v. Long hair may be worn but must be worn above the collar; neatly kept ponytails and braids are acceptable. Pigtales are prohibited.

y. Non-uniformed Duty Attire

- i. When on duty, in a non-uniform capacity, officers will wear a business or business casual dress attire except when such attire would be detrimental to the accomplishment of the assignment. Jeans are prohibited unless the Chief of Police approves special circumstances.
- ii. Non-uniform personnel hairstyle is at the discretion of the Chief of Police, but in no case will the length be extreme unless necessary in the accomplishment of a specific assignment.
- iii. Civilian personnel shall be allowed to wear business casual attire unless more formal dress is appropriate.

- z. Each non-probationary officer is entitled to a yearly uniform allowance according to a pre-set amount delineated in the collective bargaining agreement. Funding for replacement will go through these individual accounts as monitored by the Chief of Police. Any new equipment purchases with this money shall receive prior approval from the Chief, or designee, and be the property of the City of Windsor Heights, except as otherwise dictated by the collective bargaining agreement.



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IV. Tattoos/Piercings/Intentional Scarring/Other Body Art

- a. Any tattoos, piercings, intentional scarring, or other forms of self-expression through body art visible above the uniform collar is prohibited. Two small studded piercings worn in each ear by a female officer is permitted while on duty.
- b. Any body art visible on exposed arms and legs while in uniform is subject to approval on a case-by-case basis by the Chief of Police. As a general rule, if the artwork is not deemed to be in poor taste or unnecessarily detracts from the professional image of the City of Windsor Heights Police Department, then it will be allowable. Examples of poor taste include, but are not limited to: morally objectionable, racially oriented, or sexually explicit.
- c. The reasonable concealment of prohibited body art through the use of flesh colored bandages or cosmetics may be acceptable on a case-by-case basis as approved by the Chief.
- d. The Police Chief reserves the right to dictate other circumstances where employees will be required to cover their tattoos, piercings, intentional scarring, or body art.



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4.06 Surveillance Equipment

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Replaces:

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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

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I. **PURPOSE:** To establish procedures concerning the authorization, distribution, and use of surveillance and undercover equipment.

II. **PROCEDURE:**

a. **Surveillance and Undercover Equipment**

i. Supervisors or designees shall provide training in the safe, effective, and legal use of specialized surveillance and undercover equipment prior to its deployment.

ii. This equipment includes:

1. Surveillance vehicles
2. Forfeited vehicles
3. Body bug
4. Audio recorders
5. Video and still cameras
6. Night vision equipment & spotting scopes

b. **Authorization for Use.** All officers are authorized to use surveillance and undercover equipment in order to enhance the effectiveness and safety of any legal police procedures. Special assignments and staffing considerations shall be coordinated through division commanders.

c. **Storage.** All surveillance and undercover equipment will be stored in the Police Department when not in use. No such equipment will be stored in vehicles assigned to officers/investigators unless being used during the current tour of duty. Surveillance/tactical deployment vehicles and forfeited vehicles authorized for covert operations will be stored on city property.



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d. Inspections

- i. Supervisors or a designee will conduct semi-annual inspections and inventory of specialized surveillance and undercover equipment to ensure its operational status and effectiveness.
- ii. Any repairs or maintenance requirements will be logged and reported to a division commander.



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CH 5

Weapons and Use of Force



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5.01 Use of Force

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Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 02/01/2014

06/10/2020

- I. **PURPOSE:** Every member of the Windsor Heights Police Department is committed to upholding the Constitution and laws of the United States and the State of Iowa, and defending the civil rights and dignity of all individuals, while protecting human life and property and maintaining civil order. The community expects, and the Windsor Heights Police Department requires, that officers use only the amount of force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary. Officers who violate those values by using objectively unreasonable force degrade the confidence of the community violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards. Conversely, officers who fail to use timely and adequate force when it is necessary, fail in their duty to act as public guardians and may endanger themselves, the community, and fellow officers.

- II. **POLICY:** It is the policy of the Windsor Heights Police Department to accomplish the police mission with the cooperation of the public, and as effectively as possible. Any use of physical force shall be justifiable. Personnel of the Windsor Heights Police Department will use only the amount of force reasonably necessary to accomplish lawful objectives and use deadly force only in defense of human life or in defense of any person in imminent danger of serious physical injury.

III. **DEFINITIONS:**

a. **Physical Force** means any physical coercion by an officer in performance of official duties, including the following types of force:

- i. **De Minimis Force** - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury, including:

1. Use of control holds or joint manipulation techniques in a manner that does not cause any pain, and are not reasonably likely to cause any pain.



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2. Using hands or equipment to stop, push back, separate, or escort a person without causing any pain, or in a manner that would reasonably cause any pain.

ii. **Type I** – Force that causes temporary pain, the complaint of temporary pain, disorientation, or intentionally pointing a firearm or less-lethal device.

iii. **Type II** – Force that causes, or is reasonably expected to cause, physical injury greater than temporary pain but less than great or substantial bodily harm, and/or the use of any of the following weapons or instruments: ECD, OC spray, impact weapon, bean bag shotgun, Pepperball, deployment of a canine with injury or complaint of injury causing less than Type III injury, vehicle-related force tactics, and hobble restraint.

iv. **Type III** – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, impact weapon strikes to the head.

b. **Reasonable Force** is that force and no more, which a reasonable officer in like circumstances would judge to be necessary to prevent an injury or loss, and can include deadly force, if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety, the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available. A person may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person and the person acts reasonably in the response to such belief. A person who is not engaged in illegal activity has no duty to retreat from any place where the person is lawfully present before using force as specified in this policy. (Iowa Code §704.1).

c. **Deadly Force** The term "deadly force" means any of the following:

- i. Force used for the purpose of causing serious injury.
- ii. Force which the actor knows, or reasonably should know, will create a strong probability that serious injury will result.



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- iii. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.
- iv. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer in the line of duty, at a vehicle in which a person is known to be.

As used in this section, "less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

"Deadly Force" does not include a threat to cause serious injury or death, by the production, display, or brandishing of a deadly weapon, as long as the actions of the person are limited to creating an expectation that the person may use deadly force to defend oneself, another, or as otherwise authorized by law. (Iowa Code § 704.2)

- d. **Less-Lethal Force** is that force which is unlikely, when properly used, to result in serious physical injury or death. Less-lethal force shall include the use of the following: pepper spray (OC), Electronic Control Device (ECD), Pepperball less-lethal launcher, impact weapons (improvised or otherwise), specialty impact munitions (12ga. beanbag rounds), and any other bodily force such as the use of hands, feet, knees, or elbows. Less-lethal force options shall also normally include the use of stop sticks and canines.
- e. **Serious Physical Injury**, for the purposes of this policy, means bodily injury that does any of the following:
 - i. Creates a substantial risk of death;
 - ii. Causes serious permanent disfigurement; and/or
 - iii. Causes protracted loss or impairment of the function of any bodily member or organ.



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- f. Reasonable Belief:** Is determined by the totality of the circumstances known to officers at the time, weighing the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event, and draws logical inferences. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Reasonableness must embody allowance for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. The reasonableness inquiry is an objective one: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.
- g. Imminent Danger:** "Imminent" does not mean "immediate" or "instantaneous", but rather an action is pending. Thus, a subject may pose an imminent danger of death or serious injury even if he/she is not, at that very moment, pointing a weapon at the officer.
- h. Necessary:** The necessity to use deadly force is based on the existence of a reasonable belief that the person against whom such force is used poses an imminent danger of death or serious physical injury to the officer or other person(s). Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to affect a lawful purpose.
- i. Proportional:** The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.
- j. De-escalation:** Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects when feasible and reduce or eliminate the necessity to use physical force. Techniques include actions used by officers, when safe and without compromising law-enforcement priorities, which seek to minimize the likelihood of the need to use force and increase the likelihood of gaining voluntary compliance from a subject.



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IV. PROCEDURE:

a. **Use-of-Force Guidelines.** In addition to the mandates of the Code of Iowa, members of the Windsor Heights Police Department shall adhere to the following principles:

- i. When time, circumstances, and safety permit, officers will take steps to gain compliance and de-escalate conflict without using physical force. When safe under the totality of circumstances and time and circumstances permit, officers shall use advisements, warnings, verbal persuasion, and other tactics in order to reduce the need to use force. Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

1. Medical conditions
2. Mental impairment
3. Developmental disability
4. Physical limitation
5. Language barrier
6. Drug interaction
7. Behavioral crisis

Ultimately these potential contributing circumstances may not change the circumstances or decision making involved in using force, nonetheless officers should strive to constantly reassess the circumstances based upon their training and experience making modifications in their tactical approach as new information is garnered.



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- ii. Sometimes the use of force is unavoidable, and an officer must exercise physical control of a violent, assaultive, or resisting individual to make an arrest, or to protect members of the public and officers from risk of harm. In doing so:
 1. Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.
 2. Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy, or by not following policy or training.
 3. Officers should continually assess the situation and changing circumstances, and adjust the use of force appropriately.
- iii. Deadly force can only be used when the officer has reasonable belief that the subject poses an imminent danger of death or serious injury to the officer or others, and the use of deadly force does not create a danger to the public that outweighs the likely benefits of its use.
- iv. Deadly force may be used to prevent the escape of a fleeing suspect only when an objectively reasonable officer would conclude that it is necessary and the officer has probable cause to believe that:
 1. The suspect has committed a felony involving the infliction or threatened infliction of serious physical injury or death; and
 2. The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and
 3. The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.



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v. Weapons may be fired at the driver or other occupant of a moving vehicle only when the officer(s) has probable cause to believe that the subject poses an imminent danger of death or serious injury to the officer or others, and the use of deadly force does not create a danger to the public that outweighs the likely benefits of its use.

vi. Verbal warnings: If feasible, and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force. Verbal warnings should be made before releasing a canine to subdue, restrain or control a person.

vii. Officers are NOT authorized to discharge their firearms under the following circumstances:

1. As warning shots,

2. From a moving vehicle, unless an officer has reason to believe that one's self or another is in imminent danger of death or serious injury and the use of deadly force does not create a danger to the public that outweighs the likely benefits of its use.

b. Use of Force Training: Officers will be trained in alternative methods and tactics for handling non-compliant subjects. In addition, sworn personnel will receive annual review/update training on the Department's use of force policy as well as proficiency testing with all approved weapon systems. Only sworn personnel receiving this training will be authorized to carry or deploy these weapon systems, on or off duty.

c. De-escalation: When safe under the totality of circumstances and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force. De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, which seek to minimize the likelihood of the need to use force during an incident. Efforts to mitigate the immediacy of a threat gives officers time to utilize extra resources and increases time available to call more officers or specialty units. Officers should continuously assess and adjust their use of force. As resistance decreases the use of force may decrease.



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- i. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.
- ii. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 1. Medical conditions
 2. Mental impairment
 3. Developmental disability
 4. Physical limitation
 5. Language barrier
 6. Drug interaction
 7. Behavioral crisis
- iii. An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident known at the time when deciding which tactical options are the most appropriate to bring the situation to a safe resolution. Tactical options to consider include, but are not limited to:
 1. Placing barriers between an uncooperative subject and an officer
 2. Containing a threat
 3. Moving from a position that exposes officers to a safer position



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4. Decreasing the exposure to potential threat by using distance, cover, concealment
5. Communication from a safe position intended to gain the subject's compliance, using verbal persuasion, advisements, warnings
6. Calling extra resources or officers to assist
7. Utilizing less-lethal tools
8. Any other tactics and approaches that attempt to achieve law enforcement objectives while gaining the compliance of the subject.

d. Duty to Intercede

- i. All employees of the Windsor Heights Police Department have a responsibility and an obligation to protect the public and other employees.
- ii. It shall be the duty of every employee, regardless of rank and/or assignment, present at any scene where physical force is being applied to either stop, or make every possible attempt to stop, another employee when such force is clearly beyond that which is objectively reasonable under the circumstances or is no longer required.
- iii. Every employee has a responsibility to report any incident where any other employee is suspected of inappropriately using force or continuing to use force beyond what was reasonable to accomplish the task at hand. Employees also have a responsibility to report such incidents witnessed by the employee when they involve employees of other agencies.
- iv. Any employee failing to meet the directives of "Duty to Intervene" shall be held accountable in the same manner as the employee actually applying/continuing the unreasonable force.



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V. USE OF FORCE TACTICS, TECHNIQUES, AND WEAPONS

- a. Utilization.** Officers shall utilize those tactics, techniques and weapons approved for use by the Department. Officers shall be proficient and where applicable, possess proper Department approved training/ certification for any use of force technique or weapon before it is employed in the line of duty. The exception to this requirement would be the use of improvised tactics and/or weapons of necessity in emergency situations to defend self or others.
- b. Weapons/Tactics Requiring Department Certification.** Officers shall not utilize the following weapons or tactics in the performance of their duties without first successfully completing a Department approved training program: handgun, shotgun, rifle, duty knife, ASP baton, straight baton, PR-24, Kubaton, pepper spray, Taser or ECD, 12ga. beanbag round, Pepperball launcher, Stop Sticks, vehicle blocking techniques, hobble leg restraint, Lateral Vascular Neck Restraint (LVNR) or canine deployment. Any officer failing to demonstrate proficiency with any weapon or tactic by the end of the qualification period shall not be returned to regular duty with that weapon/tactic until such time as proficiency is demonstrated and documented.

VI. REPORTING AND REVIEWING USE OF FORCE INCIDENTS

- a.** Reportable Force is an incident wherein officer(s), pursuant to their official capacity, on-duty or off-duty, use any of the following force options or restraints:
- i. Physical force (e.g., pushing, striking, grappling, restraining, etc.).
 - ii. Pepper spray (OC)
 - iii. Taser or ECD
 - iv. 12ga. bean bag round
 - v. Pepperball less-lethal launcher
 - vi. Impact weapons/striking instruments
 - vii. Handcuffs, Flex Cuffs, Hobble leg restraint



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5.01 Use of Force

Page(s):

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Replaces: Rule #7, 09/01/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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viii. Canine

ix. LVNR or neck/carotid holds

x. Deadly Force

b. Officer Responsibilities. Officers using reportable force shall:

- i. Render first aid to the suspect as circumstances dictate.
- ii. Request EMS if signs of trauma or complications are observed or suspected or as required by policy as a precautionary measure.
- iii. Photographic Documentation: If there is visible injury, color photographs will be taken of a suspect any time physical force is used to control a suspect and of all persons injured in a use of force incident. Officers should consider taking photographs to show when injuries did not result from the use of force as well.
- iv. Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force. Officers shall prepare an incident report and the department use of force report form describing the circumstances which led to the use of force, the use of force itself, and any subsequent actions taken by the involved individual(s). Unless extraordinary circumstances exist, officers are not required to prepare an incident report when:
 1. Discharging a weapon to destroy an animal that represents a risk to public safety or as a humanitarian measure where the animal is seriously injured. Officers shall complete an incident report documenting the immediate facts and circumstances of the call for service, but no use of force report is required. .
 2. Using handcuffs on an otherwise compliant subject(s) to which the circumstances of the event do not result in custodial arrest. Officers shall enter the immediate facts and circumstances of the call for service into the narrative block of the call log instead.



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v. Notify a supervisor as soon as practicable.

c. Supervisor Responsibilities. The Windsor Heights Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. Efforts will include force prevention efforts, on-going training in deployment of effective tactics, and an objective review and analysis of all incidents of reportable force.

- i. In the event of the serious injury or death of a person in WHPD custody, supervisors will ensure that proper notifications are made to the Chief of Police and the Polk County Attorney's Office, and other policies within this manual relative to the circumstances involved are exercised.
- ii. In addition, events leading to the bodily injury of a person in WHPD custody, shall have all final use of force/incident reports documenting the use of physical force, alternative force options (OC, ECD, striking instruments, 12ga. bean bag, Pepperball, etc.), LVNR, or canine forwarded to the on duty supervisor for review prior to the end of shift.
- iii. Approved case documents shall then be forwarded to the appropriate Division Commander for a formal use of force review and the Chief of Police shall be briefed on the findings.
- iv. Within five (5) business days of receiving a use of force report, the Chief of Police or designee shall submit a report to the online Federal Bureau of Investigation (FBI) Use-of-Force Data Collection database via the Law Enforcement Enterprise Portal (LEEP) if the use of force involved or resulted in:
 1. The death of a person due to an officer's use of force;
 2. The serious bodily injury of a person due to an officer's use of force; or
 3. The discharge of a firearm by an officer at or in the direction of a person that did not otherwise result in death or serious bodily injury.



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- v. The Chief of Police or designee shall submit a zero report to the FBI database on a monthly basis if there were no use of force incidents as described under subsection (c)(iv) of this policy.

d. Community Relationships. A strong partnership between the Department and the community is essential for effective law enforcement and public safety. Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community. Both the Department and individual officers need to be aware of the negative effects of use of force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- i. Explaining actions to subjects or members of the public
- ii. Offering reasonable aid to those affected by a use of force
- iii. Treating subjects, witnesses, and bystanders with professionalism and courtesy
- iv. Department follow-up with neighbors or family to explain police actions and hear concerns and feedback.



Windsor Heights Police Department Policy and Procedure Manual

5.02 Authorized Weapons and Ammunition

Page(s):

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

02/01/2014

05/20/2019

- I. **PURPOSE:** To establish authorized weapons and ammunition to be carried by Department personnel and explain rules governing the use of firearms.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to allow officers to carry only authorized weapons and ammunition in the performance of their duties and to promote the safe handling and storage of firearms at all times.
- III. **DEFINITIONS:**

a. **Duty Firearm** is a firearm carried by a sworn officer, on or off duty, while wearing a Windsor Heights Police uniform. Officers shall only carry firearms authorized by, and registered with, the Department. Upon hire, officers shall be issued a duty firearm in the make and model currently authorized by the Chief of Police. While in uniform, officers are restricted to carrying only the department issued firearm unconcealed. Any back-up weapon shall be authorized by the Chief of Police and concealed. Should an officer elect to purchase their own weapon to wear concealed while on-duty, the following parameters must be met prior to authorization:

- i. Any duty weapon selected by an officer must be designed for the rigors of police use. Generally, the following manufacturers of law enforcement series weapons shall be approved:

1. Beretta
2. Colt
3. Glock
4. Heckler & Koch (H&K)
5. Kimber
6. Sig Sauer
7. Smith & Wesson
8. Springfield



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9. Other firearms as approved by the Chief of Police, on a case-by-case basis.

ii. Officers who choose to carry and certify with a firearm to be worn concealed while on-duty shall be accountable for full payment of the following expenses, of which uniform allowances are not authorized to cover:

1. Lawful purchase of the weapon
2. Yearly inspection of weapon by a certified armorer
3. Repairs and replacement parts for the handgun
4. Duty weapon light systems, if specialized

b. Non-Duty Firearm is a firearm carried by a sworn officer, on or off duty, while in plain clothes and assigned to administrative or investigative duties, or as a back-up weapon for regular duty.

i. Authorized non-duty firearms are any revolver or semi-automatic pistol capable of firing a caliber cartridge not to exceed .45 caliber nor smaller than .32 caliber.

c. Police Shotgun. The Department will issue Police Shotguns to personnel and personnel are restricted to carrying only those firearms issued by the department.

d. Patrol Rifles The Department will issue Police Rifles to personnel and personnel are restricted to carrying only those firearms issued by the department.



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3/1/2012

Approved by:

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Effective Date:

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IV. PROCEDURE:

a. Carrying and Use of Firearms

- i. Prior to carrying any weapon (duty or non-duty) officers shall have the weapon inspected and registered with the Department and shall qualify in accordance with regulations set herein.
- ii. Any officer failing to demonstrate proficiency with any firearm by the end of the qualification period shall not be returned to duty with that firearm until such time as proficiency is demonstrated and documented.
- iii. Discharging a firearm is considered a use of deadly force and any discharge shall be in accordance with the Iowa Code Chapter 704 and Policy 5.01 Use of Force.
- iv. In all cases of duty use, approved firearms will be carried as follows:
 1. Handguns will have all magazines loaded according to manufacturer's guidelines. The duty handgun will be carried with a full magazine and one round in the chamber.
 2. Shotguns will be carried with the bolt closed on an empty chamber, trigger depressed, and a full magazine. Shotguns will be maintained with the type of ammunition (slug vs buckshot) load as directed by the rangemaster and the Chief of Police.
 3. Patrol rifles will be carried with the bolt closed on an empty chamber and a full magazine inserted. Patrol rifles will have all magazines loaded as follows:
 - a. Steel magazines will be loaded two (2) rounds less than maximum capacity (EX: 30 round mag will have 28 rounds).
 - b. Polymer magazines will be loaded to manufacturer's guidelines.



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b. Standards for Firearms

i. Duty Firearms:

1. Will meet all manufacturer specifications.
2. Will not be altered in reference to trigger pull or safety.

ii. Non-Duty Firearms

1. Will meet all manufacturer specifications.
2. Will not be altered in reference to trigger pull or safety.
3. Will be capable of firing at least five (5) rounds before reloading.

c. Ammunition

- i. Ammunition used by members of the department shall be only that ammunition which is approved department rangemasters and the Chief of Police.
- ii. Any modifications to a weapon used in the performance of an officer's duty, including added equipment or aftermarket add-ons, shall be approved by the rangemaster and Chief of Police prior to the weapon being modified.
- iii. The Department rangemaster(s) will annually issue enough ammunition to each officer to completely load their duty weapon, plus two complete magazine reloads.
- iv. Officers carrying, as an authorized non-duty weapon, any firearm of non-conforming caliber to the department issued duty weapon must qualify with, carry, and resupply ammunition authorized by the Department rangemaster(s). The purchase of this ammunition will be at the officer's own expense. If the non-duty firearm is a 9mm weapon, department duty ammunition may be issued at the rangemaster's discretion, if stock is deemed to be adequate.



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- v. Old issued ammunition will be turned over to the Range Master and used for training purposes.
- vi. Issued ammunition will not be modified or altered in any way.
- vii. Only issued ammunition may be carried in a duty firearm.
- viii. Officers carrying a non-duty firearm while on duty shall use Department approved ammunition.

d. Carrying of Weapons by On-duty Plainclothes Personnel

- i. The weapon shall meet the minimum standard of the **Non-duty firearm**.
- ii. Procedure to Carry a Second Firearm:
 - 1. The officer must submit a written request to carry the firearm to the Chief of Police.
 - 2. Once approved, the Department rangemaster shall be contacted and arrangements will be made to inspect the weapon, to qualify with the weapon, and to register the weapon in the rangemaster's records.
 - 3. Regardless of the officer's pass or fail score, the rangemaster shall document the result and send a copy to the Chief.

e. **Carrying a Firearm Off Duty** is governed by Chapter 724 of the Code of Iowa and additional actions will be regulated according to rules set forth in this policy. Agency credentials must be carried in conjunction with any duty or non-duty firearm carried off duty.

- i. Reserve police officers are not authorized to carry firearms when not in uniform without a valid State of Iowa weapons permit.



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f. Safe Handling of Firearms – On and Off Duty

- i. Officers shall keep their firearms in good working order and maintain them according to manufacturer guidelines and armorer recommendations.
- ii. Officers will not handle firearms in a manner that endangers the safety of any person.
- iii. Firearms used at an authorized police range will be handled under safety standards maintained by the Department rangemaster. Officers will adhere to the rangemaster's instructions.
- iv. Any discharge of a firearm while on duty will immediately be reported to a supervisor and/or command staff and documented in an incident report.
- v. Any firearm confiscated by Department personnel must be unloaded before entering the Police Department and logged as property for safekeeping or recorded as evidence of a crime.
- vi. Misuse of a firearm is cause for immediate discipline up to and including termination.

g. Safe Storage of Firearms

- i. **Storage at the Station.** While the Department does not recommend storing weapons in assigned station lockers, if an officer chooses to do so, the locker room MUST be kept locked. Weapons may be stored in the gear room so long as the door to the gear room remains closed and locked to prevent unauthorized entry.
- ii. **Storage at Home.** Any officer taking duty weapon(s) home shall be accountable to Department standards of safe operation and storage. It is recommended that the weapon(s) be locked up and/or disabled so that an unauthorized person cannot handle it.
 1. Weapon(s) may be locked (secured) in a safe, lock box, drawer, closet, or any other place that the officer believes to be safe.



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2. Options to Disable Weapon(s):

- a. Unload it.
- b. Place the ammunition in a different location from the weapon.
- c. For automatic weapons, take the slide or magazine out.
- d. For revolvers, remove the cylinder.
- e. Place a trigger lock on the firearm.

h. Qualifications with Firearms

- i. Authorized weapons are those which the officer has qualified on an annual basis and received Department training on proper and safe use. Initial qualifications for newly hired personnel already certified through the ILEA (Iowa Law Enforcement Academy) or current non-probationary officers that choose to switch to a new make and model of weapon as authorized, shall be required to post a qualifying score on the ILEA Marksmanship course in addition to the Department approved annual qualification course of fire.
- ii. The Department shall schedule regular training and qualification sessions for duty, non-duty, and specialized weapons, which will be graded on a basis as set by ILEA. Training shall include day and low light qualifications and combat courses for all duty handguns. Other specialized training and course work shall apply to long guns and specialized equipment as determined by the rangemaster.
- iii. An officer shall not be permitted to carry any weapon with which he/she has not been able to qualify annually (as per Iowa Code Administrative Rule 501--8.1(80B)), or as otherwise directed by the Department. Officers who fail to receive a passing score with their duty weapon in accordance with Department testing procedures, shall be relieved of their law enforcement authority until such time as they can post a qualifying score. Should this period of time exceed 30 calendar days, discipline up to and including termination may result.



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3/1/2012

Approved by:

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04/01/2012

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- iv. Officers who have taken extended leave, suffered an illness or injury that could affect their firearms ability, or been involved in a duty related shooting, must re-qualify prior to returning to enforcement duties.
- v. Officers using prescription medications that may affect their ability to safely handle a firearm are subject to fitness for duty review.

i. Duty Knives

- i. The Windsor Heights Police Department authorizes each officer to possess and use a duty knife both on and off duty. Specifications shall be in accordance with the recommendation of the Defensive Tactics Instructor. It is recognized that officers may have many needs for a knife, including both general work and for limited defensive purposes. While not considered a primary weapon of choice in a defense of life situation, officers may, under extraordinary circumstances, use a knife in defense of their life and the lives of others.



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5.03 Patrol Rifles

Page(s):

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Replaces: G.O. 07-001, 07/01/2007

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 07/24/2019

- I. **PURPOSE:** To set forth guidelines for the use of patrol rifles deployed by the Windsor Heights Police Department during regular field operations.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to equip specially trained police officers with patrol rifles to be used as a resource in high threat level situations.
- III. **PROCEDURE:**

a. Deployment Criteria

- i. Only rifle-trained officers posting a qualifying score within the previous year are allowed to deploy the rifle.
- ii. The rifle may be deployed upon approval from a supervisor.
- iii. The rifle may be deployed during a spontaneous field incident when the rifle-certified officer involved has reason to believe the rifle's increased range and accuracy would aid in resolving the situation more efficiently and with increased safety for officers and/or innocent bystanders. These situations may include but are not limited to:
 - 1. Felony traffic stops
 - 2. Armed robbery, burglary in progress, a hostage/barricade event, active shooter, or other incidents when a suspect is believed to be armed and the environment is not limited solely to close quarter battle terrain.
 - 3. This agency considers it a best practice to deploy a patrol rifle when there is reason to believe that a suspect is:
 - a. Wearing protective body armor, and/or
 - b. Armed with a high-powered weapon that surpasses the capability of the weapons routinely carried by Patrol officers, and/or



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Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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c. Armed and situated in a distant or fortified location that affords the suspect a tactically superior position.

4. Once the threat is resolved the rifle shall be re-secured.

b. Officers Equipped with a Rifle

i. Department personnel must be trained and qualified annually as a rifle operator according to measures set forth by the Iowa Law Enforcement Academy and the Department's Rifle Instructor. Approved rifles must meet the following specifications:

1. Factory built semi-automatic rifle (semi-auto only unless assigned to a tactical entry team as approved by the Chief).
2. 16" or 20" standard or heavy barrel (no varmint barrels) unless assigned otherwise. Barrels may not be suppressed unless authorized by the Chief.
3. Black in color (no camo, chrome, stainless steel, Etc.).
4. Capable of firing with iron sights.
5. No modifications to factory trigger pull or safety mechanisms.
6. Equipped with a weapon mounted white light source producing a minimum of 60 lumens.
7. Equipped with a sling.
8. 20 and/or 30 round magazines with Department issued ammunition only.
9. Rifles must be transported in a black nylon case or a Pelican style hard case.



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Replaces: G.O. 07-001, 07/01/2007

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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10. Any modifications to the rifle, to include aftermarket add-ons or equipment, shall be approved by the Department Rifle Instructor and the Chief of Police.

- ii. Rifles shall be secured in the trunk of the officer's police vehicle or approved mounting hardware until deployment.

c. Department Rangemaster

- i. The Department Rangemaster shall inspect all Department owned rifles prior to field use and annually thereafter.
- ii. The Department Rangemaster(s) shall ensure that officers meet all training requirements prior to field deployment, including qualifications with iron sights and optics.
- iii. The Department Rangemaster should maintain documentation of training and inspections.
- iv. It is the responsibility of each officer issued a rifle to notify the Rangemaster when a weapon malfunctions, needs maintenance, or has been exposed to inclement weather or adverse conditions that require immediate maintenance or inspection for damage. The Armorer shall then repair the issue or remove it from service.



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5.04 Police Shotguns

Page(s):

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/24/2019

- I. **PURPOSE:** To define the guidelines and requirements for the inventory, maintenance, and assigning of Department shotguns.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to issue patrol shotguns to trained and qualified personnel for use in the performance of their police duties.
- III. **PROCEDURE:**
 - a. Any ordering of new shotguns, or altering of presently owned shotguns, will be coordinated by the Rangemaster and the Chief of Police.
 - b. Any modification, including aftermarket add-ons or equipment, to any shotgun will be approved by the Rangemaster and the Chief of Police.
 - c. The department Rangemaster(s) have the responsibility to oversee of all Department shotguns.
 - d. **Inventory**
 - i. The Rangemaster(s) will inventory, annually, all shotguns belonging to the Department which will include the type, model, and serial number, the purchase date, the date of the last maintenance performed, and where the shotgun has been assigned.
 - ii. Division Commanders will be responsible for the shotguns assigned to their Divisions. It will be the responsibility of the specific unit or person assigned a shotgun to know the whereabouts of their assigned shotgun at all times, and any change in status of the shotgun must be reported, in writing, both to the Division Commander and the Rangemaster as soon as possible.
 - e. **Maintenance**
 - i. The Rangemaster will coordinate a semi-annual cleaning and inspection of each shotgun, documenting such on the inventory for each weapon.
 - ii. The responsibility for daily care will lie with the person assigned the weapon.



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Replaces:

Issue Date:

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Approved by:

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04/01/2012

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- iii. If the weapon needs attention outside the normal semi-annual inspection/cleaning, the responsible party should contact the Rangemaster.
- iv. The Rangemaster will document any needed maintenance on the inventory for that weapon.
- v. The Rangemaster will ensure adequate materials are available for normal care and maintenance of the shotguns.



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5.05 Less Lethal Munitions

Page(s):

5

Replaces: G.O. 06-002, 09/19/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 12/18/2012

07/24/2019

- I. **PURPOSE:** To set forth guidelines intended to address the training and use of close quarter and extended range impact weapons with less lethal projectiles for the Windsor Heights Police Department. Regulations specific to Electronic Control Devices are referenced in Policy 5.06 of this manual.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to recognize that combative, non-compliant, and/or violent persons may cause handling and/or control problems, which require special training and equipment. The Department has adopted this less lethal force philosophy to promote the de-escalation of potentially violent confrontations.
- III. **DEFINITIONS:**
 - a. **Less lethal projectiles** are defined as those munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, and/or preventing serious injury without posing a significant potential of causing death. Examples of less lethal impact projectiles include, but are not limited to: beanbags, launchable wooden, foam, or rubber batons/balls, rubber pellets, OC/pepper balls, glass breaking agents, marking agents, water filled projectiles and other similar items.
- IV. **PROCEDURE:**
 - a. **Authorized Use.** Only personnel who have successfully completed a Department approved training course by a certified instructor in the use of less lethal impact devices are authorized to use them. Officers will be required to undergo an annual qualification in each less lethal option.
 - b. **Carrying Less Lethal Munitions**
 - i. Less Lethal Shotgun: A dedicated less lethal shotgun with beanbag rounds shall be assigned to one on-duty officer each shift. Upon completion of a shift, the less lethal shotgun will be turned over to an officer on the next shift. The dedicated less lethal shotgun is equipped with a blaze orange stock for easy identification and shall be carried in a hard protective case in the trunk of a patrol vehicle complete with dedicated less lethal ammunition.



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Replaces:	G.O. 06-002, 09/19/2006	Issue Date:	3/1/2012
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- ii. Pepperball Launcher: Pepperball launchers are maintained and available for use when circumstances dictate such use. The Pepperball system is a non-lethal chemical agent delivery system that uses high-pressure air and large capacity hoppers to deliver PAVA powder projectiles from a safe distance. Rounds may include blunt force projectile or PAVA powder as described in section III of this policy.
- iii. Members authorized to carry the dedicated less lethal shotgun and ammunition, or Pepperball launcher, will only use the shotgun or launcher and ammunition provided by the Department.
- iv. Guidelines for loading, unloading, and carrying of the less lethal shotgun shall be the same as regulations set forth for duty shotgun usage.
- v. Guidelines for carrying the Pepperball launcher shall be according to manufacturer recommendation. The launcher shall be stored in the designated case with the hopper attached to the launcher. No projectiles will be stored in the launcher or hopper. Projectiles shall be stored in a provided storage container until transferred to the hopper during deployment.
- vi. Members of a specialty unit, such as Metro STAR, certified to carry the Pepperball launcher may be allowed to deploy the weapons during tactical entry into a structure, during crowd control efforts, or other special assignments as necessary and when approved by a supervisor or team leader.

c. Justification for Use

- i. The uses of less lethal impact munitions are decisive actions which may assist in achieving the goal of protection of life and property and/or restoration of order. Use may be considered whenever a less lethal device could assist in enabling arrest, restoring order, area denial, crowd control, and/or reducing the risk of serious injury as determined through proper training. Circumstances justifying the use of these devices include, but are not limited to:

1. Restoration or maintenance of order during civil disturbances
2. Safely controlling violent persons



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3. Subduing persons with a weapon capable of inflicting substantial bodily injury to themselves or others
4. Subduing vicious animals
5. Situations authorized by a supervisor

d. Contradiction of Less Lethal Munitions Use

- i. Less lethal munitions should not be used on the very young, the very old, and the visibly frail person, or a female known to the officer as being pregnant or believed to be pregnant, except in exigent circumstances. Less lethal munitions shall not be used to gain compliance from persons who are exhibiting passive resistance.

e. Deployment

- i. Intended target areas follow the same guidelines as other agency approved impact weapons. Primary target areas are major muscle groups such as the thighs, buttocks, and abdomen area surrounding the region of the belly-button. Secondary target areas are smaller muscle groups such as arms, shoulders, and knees.
- ii. Less lethal munitions shall never be intentionally aimed at the face, throat, neck, spine, or groin area unless deadly force is justified.
 1. Extended range 12-gauge less lethal projectiles should not be deployed at a target less than twenty (20) feet away. The optimum range of twenty (20) to seventy-five (75) feet is preferred for accuracy with a bean bag round.
 2. Target range of 0-60 feet is preferred with the Pepperball system. However, area saturation is approved up to 150 feet.



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Replaces:	G.O. 06-002, 09/19/2006	Issue Date:	3/1/2012
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- iii. When feasible, supervisory approval should be obtained prior to deployment. Additionally, a back-up officer with lethal force capability should always be present.
- iv. The dedicated less lethal munitions operator should announce his/her intention to use the weapon to all officers who are present so they will know the weapon is about to be discharged. [The term "Red Gun" has been designated as a code to alert other officers of the use of a less lethal shotgun. The term "Pepper" shall be used for the Pepperball system.]
- v. Officers will verbally instruct the person to comply with their commands after a less lethal weapon has been discharged. If the initial round(s) is ineffective and the threat still persists, an officer may utilize follow-up rounds as necessary until which time further use is deemed ineffective.
- vi. The officer discharging less lethal munitions should not assist in controlling and handcuffing the person unless necessary. Whenever possible an arrest/react team will be used to take an individual into custody.

f. Post Deployment

- i. Persons who are struck, or claim to be struck by the impact munitions, or have injury associated with a fall as a result of being struck, shall be examined by medical personnel. While the possibility always exists for physical injury whenever impact weapons are used, the maximum desired effect of impact munitions is blunt trauma.
- ii. Photographs of injuries shall be taken as well as target range aspects and measurements.
- iii. Officers should collect expended casings and projectiles from extended range impact munitions (less lethal shotgun) and place it/them into property if feasible.
- iv. An incident report shall be completed and command staff shall be notified that less lethal munitions were used.



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5.05 Less Lethal Munitions

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Replaces: G.O. 06-002, 09/19/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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- v. Unintentional discharge during administrative handling will be reported to the appropriate Division Commander.



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5.06 Electronic Control Devices

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Replaces: Rule #7, 09/01/2006

Issue Date:

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Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** This policy describes the circumstances and types of behavior when the less lethal electronic control device may be deployed in the force management paradigm.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to recognize that combative, non-compliant, and/or violent persons may cause handling and/or control problems which require special training and equipment. The Department has adopted an electronic control device option and the following guidelines to promote the de-escalation of potentially violent confrontations.
- III. **DEFINITIONS:**
- IV. **Electronic Control Device (ECD)**, commonly known as a TASER, is authorized for use by the Windsor Heights Police Department.
 - a. The ECD is a hand held, battery operated device that delivers low electrical amperage, which dominates the neuromuscular system, causing involuntary muscle contractions to temporarily incapacitate a person.
 - b. The ECD is deployed by: (1) discharging a single use dart cartridge, (2) through a direct contact drive stun, or (3) through a combination of both techniques.
 - c. The ECD is designed to temporarily immobilize a person who appears to be actively resisting or is an immediate threat to themselves, officers or others.
- V. **PROCEDURE:**
 - a. **Carrying of ECD.** Only Officers or Reserve Officers who have successfully completed the agency or state training academy ECD certification program are authorized to carry and use the ECD.
 - i. Officers assigned an ECD are responsible for care and security of the device. If the ECD is damaged or malfunctions, the officer's supervisor will be notified of the need for repair or replacement. It will be the responsibility of the officer to routinely conduct arc tests to ensure the unit is properly functioning.



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- ii. Officers will carry the ECD in a department approved holster, in the "safety on" position. The ECD will not be carried on the same side of the body as the officer's firearm.

b. Deployment Parameters

- i. The ECD shall be used within the guidelines established by the Department's Use of Force Policy (5.01).
- ii. The purpose of the ECD is to provide officers with a less-lethal force intervention option. Officers should refrain from the use of the ECD to gain compliance from persons who are exhibiting passive resistance, unless there is a reasonable expectation that it will be unsafe for officers to approach within contact distance of the person, and all other perceived options are not practical or effective.
- iii. The deployment of the ECD will be evaluated using the Department's Use of Force regulations. The ECD may be used, but is not limited to the following circumstances:
 1. To overcome violent or assaultive behavior or threat in close proximity;
 2. To control persons in order to prevent them from harming themselves or others;
 3. When other attempts to control or subdue the person by conventional tactics have been, or will likely be, ineffective in the given situation;
 4. To control an animal that appears to present a danger to the officer or the public.
- iv. Officers should refrain from the use of the ECD in the following circumstances, unless there are exigent circumstances which can be clearly articulated.
 1. Against a person operating a motor vehicle;
 2. Against a person with known heart problems or is known to have an implanted cardiac defibrillator (pacemaker);



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3. Against a person with apparent debilitating illnesses;
 4. Against a young child or the elderly;
 5. Against a person with known neuromuscular disorders such as multiple sclerosis, muscular dystrophy, or epilepsy;
 6. Against a person known to be pregnant;
 7. Against a subject fleeing on foot;
 8. Against handcuffed subjects who are not actively resisting;
 9. In areas where deployment may cause the suspect to fall resulting in serious injury or death;
 10. The ECD should not knowingly be discharged or tested near flammable or explosive materials;
 11. Against a person who is known to have recently ingested extreme quantities of drugs and/or alcohol or exhibiting symptoms of "excited delirium" (e.g. nudity, profuse sweating, irrational behavior). If the ECD has been utilized and substance abuse concerns arise, these people may be more susceptible to certain medical problems and should be closely monitored following the application until such time as they can be examined by paramedics or other medical personnel. Refer to policy on Sudden Custody Death Syndrome (5.08) for further guidance.
- v. Officers shall give a verbal warning, when practical, to the subject and other officers before deploying the ECD. Officers should notify other officers on the scene by loudly and clearly announcing "TASER" if the ECD is discharged.
 - vi. The ECD should not be intentionally aimed at the head, neck, upper chest or genital area.



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- vii. Officers shall notify a supervisor as soon as practical after a deployment is made and the subject is secure.
- viii. Upon deploying the ECD, the officer should engage the subject with the least amount of cycles to accomplish the objective. If at any time during the application of the ECD, the operator and/or supervisor determines that further cycles of power will not effectively incapacitate the person, use of the ECD will cease.
- ix. The use of more than three (3) 5-second cycles should be avoided unless exigent circumstances are present requiring additional cycles. Officers should be prepared to transition to other force options, if needed, beyond the three cycles as the ECD may be considered ineffective against the subject.
- x. Use of the ECD weapons for direct contact drive stuns should be avoided, unless exigent circumstances are present. The use of the ECD for a drive stun is likely to inflict pain compliance only and will generally not effectively incapacitate the subject.
- xi. When a subject is armed with an ECD and attacks, or threatens to attack a police officer, the officer may defend him/herself by whatever force options necessary to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt to move outside the ECD range and seek cover, as well as request back-up officers to mitigate the danger.

c. Medical Treatment Guidelines

- i. All persons receiving a discharge from the ECD will be given the option of being treated or evaluated by certified medical personnel. If necessary, the person will be transported to the county medical facility for treatment, evaluation, and/or removal of the darts.
- ii. Prior to medical treatment or transporting the person to a medical facility, officers will ensure the wires to the barbs are detached from the cartridge.



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- iii. Persons with barbs lodged in the head, neck, or genital area will be transported to the county medical facility.
- iv. Darts not lodged in the areas noted in subsection iii may be removed by officers on scene according to approved training protocols
- v. Expended darts and cartridges should be considered a biohazard and should be disposed of safely and properly.

d. Reporting

- i. Any deployment of the ECD which a cartridge is discharged or a drive stun technique is utilized will be reported by the officer in an incident report.
- ii. Photographs will be taken of the person and the contact sites on the person receiving the ECD. Photographs shall also be taken of the scene and any secondary injuries and causes of such.
- iii. An ECD Instructor should be contacted to download the data for the ECD deployment from the device and provide a printed copy to the Chief or designee to be included with the other appropriate administrative review documents. The device shall be taken out of service and cartridge removed if unit is damaged or inoperable.
- iv. The power source should remain in the ECD at all times to avoid software corruption.
- v. The deploying officer's supervisor will ensure that all applicable reports are forwarded through the chain of command in a timely manner. In addition, a copy of all applicable police reports relating to the deployment of the ECD shall be forwarded to the Chief of Police.
- vi. Unintentional discharges of the ECD during administrative handling will be reported in email format to the officer's supervisor. The officer responsible should include in the memo details of the immediate facts and circumstances that led up to the discharge.



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e. Equipment Procedures and Training

- i. Each ECD will be inspected and maintained by a certified ECD Instructor. All inspection records will be kept in accordance with Department protocols.
- ii. Any unassigned ECD shall be stored unloaded with the safety mechanism on "safe" and secured as defined by agency protocol.
- iii. ECD in-service training shall be conducted annually to include policy/protocol review, target acquisition, and practical exercise.



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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

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- I. **PURPOSE:** To establish guidelines regarding the investigation into officer involved uses of deadly force and to provide a procedure for handling stressful situations in a manner compatible with the involved officer's physical, mental and emotional health.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to adhere to the following procedures whenever a police officer, on or off duty, acting in the capacity of a peace officer, attempts or uses deadly force, either intentionally or accidentally, against another person.
- III. **PROCEDURE:**
 - a. **Involved Officer (on duty):** Any officer involved in a deadly force encounter shall
 - i. Immediately contact dispatch to summon emergency medical responders to the scene to treat the subject(s) and/or officer(s). If the scene is still active, officers should communicate this information to dispatch as well so a safe staging area can be identified.
 - ii. Ensure the safety of themselves and other responders by securing the scene, if possible, and/or notifying incoming units of additional hazards/suspects outstanding.
 - iii. Request dispatch to immediately notify supervision and command staff of the incident and location. If the involved officer is unable to make this notification, it will be the responsibility of the first officer arriving on the scene.
 - iv. Perform first aid and/or CPR on any involved individuals as soon as it is safe for the officer to do so.
 - b. **Involved Officer (off-duty):** Any officer involved in an off-duty deadly force encounter shall
 - i. Immediately notify, or have notified, Department supervision and command staff of the incident and the location.
 - ii. Comply this policy and outside agency investigative protocols, as applicable.



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c. On Scene Supervisor: The on-scene supervisor, or first supervisor on scene of a deadly force incident shall

- i. Make every effort to conduct initial interviews with the officer(s) involved as soon as reasonable following the incident. Outside of medical treatment, involved officer(s) should expect to be separated from the scene, his/her service weapon(s), and clothing/uniform and gear. At the discretion of the lead investigator, within two hours or as soon as practical, submit to a breath and blood test (or blood collection kit) to detect intoxicants at an appropriate medical facility, accompanied by a police supervisor or designee. At his/her expense, the involved officer shall be entitled to obtain his/her own independent specimen sample after complying with agency protocol.
- ii. Control the scene, unless/until relieved by command staff. In the absence of an immediate supervisor, the first responding officer will be responsible for the scene until relieved by command staff.
- iii. Make reasonable attempts to allow involved officer(s) the opportunity to speak or visit with family members, religious officials, consult with union representation (if applicable), and/or an attorney. This may be accomplished by phone or in a designated location ensuring the officer(s) involved remain at the scene or designated location unless otherwise approved by command staff.
- iv. Obtain aid for injured persons and secure the scene by setting up a primary and secondary perimeter, if not already complete.
- v. Contact command staff, provide them with all pertinent information regarding the incident, and request that they respond to the scene.
- vi. Coordinate the response of other responding officers and continue scene security until relieved by command staff.
- vii. File supplemental report on observations and actions, including a preliminary scene diagram, in-car videotaping, preliminary photographs, and have reports from all involved employees filed as soon as possible.



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- viii. Ensure employees involved in the incident will not be allowed to leave the scene/their assigned area unless permission is given, after first checking with the command officer aiding in coordination of the criminal investigation.
- ix. At the discretion of the lead investigator, accompany the involved officer to an appropriate medical facility and supervise the collection of a blood specimen (or blood collection kit) to document the results and maintain chain of custody on the specimen. The on-call medical examiner may need to be notified to fulfill this request. A breath sample should also be taken at the nearest law enforcement facility.
 - 1. The blood sample will be placed in the appropriate property storage with an evidence-style tag attached.
 - 2. A criminal case number will be put on the tag.
 - 3. Breath samples should be taken with a DataMaster.
 - 4. All paperwork will be forwarded to the command officer/case agent in charge of the criminal investigation and placed in the appropriate file.

d. The Patrol Commander shall

- i. Coordinate initial response to follow-up investigation and scene management at the incident location; establish a crime scene access log; request alternative lighting to the scene as necessary.
- ii. Identify the incident command location; manage patrol operations, duty assignments, and interagency support staffing.
- iii. Provide information to Support Services Commander on an on-going basis.



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e. The Support Services Commander shall

- i. Follow standard procedures for criminal investigations in conjunction with outside DCI criminal investigator(s) and aid the Patrol Commander in execution of duties in this policy.
- ii. Liaison with the Polk County Attorney's Office and the Division of Criminal Investigation (DCI) as they arrive on scene to partner in a joint criminal investigation to include crime scene processing by the DCI lab.
- iii. Seize the weapon(s) in the use of force application and provide a temporary replacement weapon for the involved officer(s). As necessary, seize any clothing, uniforms, shoes, coats, hats, other belongings and gear.
- iv. Log item(s) into evidence and later coordinate follow-up evaluation of weapon(s) based upon manufacturer standards and functionality by a third party systems expert.
- v. Follow appropriate protocols for suspect and witness interviews, as well as coordination with the Polk County Medical Examiner's Office where applicable.
- vi. Ensure death notification(s) are made where appropriate.
- vii. Ensure collection of all dispatch logs and radio communications during the incident.
- viii. After completion of the joint criminal investigation, and grand jury hearing when applicable, the Support Services Commander will coordinate the internal affairs administrative review process.

f. The Chief of Police shall

- i. Make all proper notifications to family members of involved officer(s), if necessary.
- ii. Determine when to initiate outside agency involvement. If so:



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1. Personally request the services of the Iowa Division of Criminal Investigation for a joint investigation and to conduct crime scene processing.
 2. Contact the Polk County Attorney.
 3. Coordinate request of outside law enforcement agency to provide evidence collection services and additional outside investigators if needed.
- iii. Handle media releases and press conferences.
1. If the officer's photograph and name is to be released to the media, the family will be made aware of this prior to the release.

IV. POST TRAUMA RESPONSIBILITIES

a. All employees shall

- i. Display an attitude of concern for the officer(s) involved, by being both comforting and supportive. Discussions of the incident itself will be avoided.
- ii. Not verbalize their opinions concerning justification of actions taken, nor will they discuss the incident with any unauthorized person.

b. Supervisor - additional pursuant to this policy, supervisors should

- i. Remove the officer(s) involved from the scene as soon as practicable.
 1. The supervisor, or a friend of the officer(s), will remain with him/her unless the officer desires to be left alone.
 2. The involved officer(s) will not be subjected to any questioning or discussion of the incident during this time, except as absolutely necessary.



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- ii. Collect the weapon, ammunition, and magazines used in the incident and arrange replacements through the Support Services Commander as soon as practical.
 - iii. Make certain that all other evidence surrounding the officer(s) involved is collected, turned over to and secured by an evidence technician or investigator.
 - iv. Ensure, Except for limited questioning deemed critical to the on-scene investigation, a reasonable recovery time of normally at least one hour and potentially multiple days, will be allowed to the involved officer(s) before any formal investigative interview.
 - v. Assist with arrangements through the Chief's Office to contact the involved officer's family to advise them of the incident, the officer's condition, the family's ability to come to the Department to see the officer(s), and the post-incident procedures in this policy which will be followed.
 - vi. Maintain an open line of communication between the involved officer's immediate family and a Department representative, who will remain available to answer questions and see that the reasonable needs of the family are addressed.
 - 1. If the involved officer is injured or hospitalized, arrangements will be made to transport the spouse or other immediate family members to the hospital.
 - 2. A close personal or family friend of the officer's who is also a Department member may be utilized to perform the above function.
- c. **Command Investigators (Department and DCI):** Only after the officer(s) involved have been allowed reasonable recovery time, as outlined in this policy, will a formal investigative interview be conducted.
- i. The interview will be conducted in accordance with regular criminal procedures.



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- ii. Written reporting requirements or comprehensive individual interviews by the Department and/or DCI may be completed at this time or delayed for a reasonable length of time pending further assessment of the incident if necessary.
- iii. Investigative interviews will be videotaped and include administration of an investigative waiver. Additionally, the involved officer(s) may be asked to complete or review crime scene diagrams, evaluate photographs, and complete a walk-through of the crime scene.

d. Office of the Chief

- i. The officer will immediately be assigned to administrative duty or leave.
 - 1. An administrative duty assignment will be made in such a manner to make the involved officer available to investigators during daytime hours.
 - 2. If administrative leave is granted, the Chief will inform the officer that he/she must be available during his/her normal duty hours and keep the Chief's Office advised of where he/she can be contacted.
- ii. The Chief or designee will advise the involved officer(s) of additional requirements expected of him/her during the investigation and after-action procedure.
- iii. The involved officer(s) will attend a confidential meeting with a Department approved psychologist as soon as possible following the incident, but not prior to the completion of the investigative interview.
 - 1. Arrangements for the meeting and any subsequent sessions with the psychologist will be made through the Chief's Office.
 - 2. If deemed necessary, arrangements for counseling or visits to a medical practitioner will be made.



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3. A final fitness for duty evaluation will be completed on the officer prior to reinstatement. Follow-up fitness for duty evaluations shall be conducted thirty days after the original evaluation and again three to six months after the incident.
- iv. The Chief, Commanders, and Supervisors are responsible for dispelling any rumors by communicating to their subordinates, via regular roll calls or special employee meetings, those facts concerning the incident and the investigation which should be known by Department members in general.
- v. The City will provide private and group counseling sessions at the request of any officer or at the discretion of the Chief of Police. Critical Incident Stress Debriefing shall also be offered to all involved public safety responders.
- vi. The Chief's Office shall also be sensitive to the needs of the community and assign personnel, as appropriate, to engage citizens in community outreach efforts.

V. DEADLY FORCE REVIEW BOARD

- a. After the officer involved deadly force incident criminal investigation and grand jury hearing, the Chief of Police will convene a Deadly Force Review Board whose sole purpose will be to determine if the use of deadly force was within policy, out of policy, or accidental, and make any added recommendations or comments as deemed necessary by the Board.
- b. This Board will be chaired by a senior commander of a nearby jurisdiction. The Board will also be comprised of, at minimum, two midlevel commanders and one first-line supervisor/OIC. One patrol officer chosen by the officer(s) being investigated shall also be allowed to sit on the Board.
 - i. With the exception of the involved officer(s)' selection, the Chief of Police will make all final appointments of board members and determine the number and scope of personnel involved.



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- ii. Members chosen will receive a copy of the Internal Affairs investigation, this policy, and all police reports including the DCI investigative summary for their review at least one day prior to the meeting.
- iii. The Board Chair will instruct the board members not to discuss the review with anyone outside of the Board.
- iv. The Board can also include the hearing of direct testimony from the officer(s) and witnesses and any other testimony or evidence deemed appropriate.
- v. The final individual decisions shall be by confidential written ballot. The Chairperson shall advise and brief the Chief of the Board's findings within 24 hours of reaching a final decision.
- vi. The Chairperson will return all copies of the involved reports/documents to the Chief of Police upon adjournment of the Deadly Force Review Board meeting.
- vii. The Chief of Police will be the only public spokesperson for the Board.
- viii. The Board is to serve in an advisory capacity only. However, the final report of the Deadly Force Review Board will be subject to subpoena in future criminal or civil proceedings.



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5.08 Sudden Custody Death Syndrome

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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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08/13/2019

- I. **PURPOSE:** The purpose of this policy is to provide guidelines for officers to abide by when recognizing individuals exhibiting preliminary signs of Sudden Custody Death Syndrome. When confronted by such individuals, officers shall bring them under control in a manner that does not unnecessarily aggravate their condition and work to provide immediate medical care for subject(s) in distress.
- II. **POLICY:** As part of use of force considerations, it is imperative that officers of this Department be aware of the factors that most often contribute to Sudden Custody Death Syndrome. There is a need for officers to attempt to distinguish between a subject who is choosing to act in a violent manner and one who is doing so because of an underlying condition that is affecting him/her mentally and/or physically.
- III. **DEFINITIONS:**
 - a. **Sudden Custody Death Syndrome.** The unexpected and often sudden death of a prisoner resulting from positional asphyxiation, excited delirium, or other unknown medical condition.
 - b. **Positional Asphyxiation.** The death of an individual as a result of interference with his/her ability to breathe. Most generally this type of death occurs when the subject is placed in a prone position thus restricting his/her breathing and confining one's ability to move. In positional asphyxia incidents, there are typically one or more contributing factors that cause the respiratory asphyxiation, including: intoxication from drugs or alcohol, physical restraint in a prone position or confined space, physical disability, obesity, or a high expenditure of violent energy.
 - c. **Excited Delirium.** A state of extreme mental and physiological excitement characterized by exceptional agitation and hyperactivity, overheating, hostility, strength and aggression. This state of excitement is generally accompanied by some type of controlled substance abuse, alcohol usage, and/or some form of mental illness.
- IV. **PROCEDURE:**

The two leading causes of Sudden Custody Death Syndrome are positional asphyxiation and excited delirium. Subjects susceptible to either positional asphyxiation or excited delirium are typically encountered under consistent circumstances.



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- a. These subjects are generally experiencing a cluster of life-threatening physiological stresses, all of which put them at significant risk of death. The circumstances under which these subjects are most often encountered may include bizarre and aggressive behavior, hyperactivity, making irrational statements, shouting, unresponsive to verbal direction, copious sweating, high body temperature and disrobing, unexpected strength often not impaired by pain including pepper spray and impact techniques, violence towards others, violence towards objects, heavy breathing, paranoia, or foaming at the mouth.
- b. When dealing with an individual exhibiting any of the signs and symptoms that are common to Sudden Custody Death Syndrome, the following procedures should be followed:
 - i. Whenever possible, develop a coordinated approach with assisting officers and standby emergency medical personnel.
 - ii. If open-handed force is necessary, utilize a multiple officer takedown (such as the 4-officer swarm tactic).
 - iii. As soon as the subject is handcuffed and it is safe to do so, based on the totality of the circumstances, get him/her off the stomach and into a seated or standing position. If it is necessary to leave him/her in a prone position, position on the left side.
 - iv. Avoid extreme prone restraint techniques such as securing handcuffs to a leg or ankle restraint.
 - v. If an arrestee continues to struggle, do not sit on his/her back or neck.
 - vi. Do not place the arrestee on his/her stomach during transport to the jail or hospital. If necessary, a second officer should sit in the rear seat beside the arrestee for observation and control.
 - vii. Do not leave the subject unattended if distress is detected. Monitor the subject's rate of breathing and vital signs regularly and request medical evaluation by EMS if necessary.
 - viii. Notify jail personnel of any observed symptoms of Sudden Custody Death Syndrome. Recommend that jail personnel place the subject into an observation area for close monitoring.



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Chief Chad McCluskey

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- ix. If necessary at any point, immediately seek medical attention and immediately provide lifesaving measures. Do not leave the subject unattended until relieved by certified medical professionals.
- c. If custodial death occurs, command staff shall be notified and the scene shall be locked down for further investigation. Regulations according to deadly force investigations shall apply (Policy 5.07).



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CH 6

General Operations



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6.01 Traffic Stops and Traffic Law Enforcement

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Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** To define the Windsor Heights Police Department's procedures for reducing traffic crashes and related injuries, while promoting a safe flow of motor vehicle and pedestrian traffic with voluntary compliance to traffic laws within the City, using a combination of education, enforcement, crash investigation, and other necessary services and duties.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to enforce local, state, and federal traffic laws within the City of Windsor heights in a fair, consistent and equitable manner to those traveling within the community.
- III. **PROCEDURE:**
 - a. **General Enforcement.** It is the responsibility of all sworn officers operating marked or unmarked vehicles equipped with the proper emergency warning devices to enforce applicable traffic laws.
 - b. **Traffic Enforcement Practices.** The Department utilizes varied techniques in traffic law enforcement using both Patrol and specialized units. Many variables must be considered when evaluating tactics to be used on a specific problem.
 - i. *Moving observation.* Visible traffic patrol should be conducted using marked units. All patrol officers are responsible for maintaining a visible traffic patrol within their assigned areas. If needed, visible traffic patrol may be assigned to a specific location and time in response to complaints and/or crashes involving traffic violations.
 - ii. *Stationary observation.* Units may be assigned to a stationary observation position in response to a citizen complaint, repeated violations, or recurring crashes. Observation may be made from a clearly visible location or an obscure position.
 - iii. *Unmarked Vehicles.* The Patrol division may normally utilize unmarked patrol unit(s) during the course of their enforcement activities.



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- c. **Procedures for Traffic Stops.** Officers should use their own discretion and common sense in conducting vehicle stops and in approaching violators. The following procedure is to be used as a guide for officer conduct under normal circumstances and is not all inclusive for every situation the officer may encounter.

i. Non-high Risk Traffic Stops:

1. When a violation is observed, the officer will advise via radio (or make an entry in the computer aided dispatch system if radio is unavailable) of the violator's license number, the location of the stop, vehicle description, and number of occupants.
2. Utilizing the emergency lights, stop the vehicle in a location that does not create a hazardous situation.
3. Position the patrol vehicle affording protection for the officer and advanced warning to the motoring public.
4. When approaching stopped vehicles, officers should be mindful of any movement taking place within the vehicle.
5. While talking with the driver, officers shall maintain a professional image, be pleasant but firm and business like. Explain the reason for the stop and the enforcement action to be taken.
6. Obtain the violator's driver's license, the vehicle registration, and the proof of insurance. Do not normally accept the documents in a wallet or other card case. Have the driver remove the documents from the wallet or case.
7. Be alert for any emergency that may arise. Officers should not put their head or hands inside the vehicle.
8. Before returning to the patrol vehicle, tell the driver and occupants to remain in the vehicle, staying close to the vehicle and keeping a close watch on the occupants for any sudden movements.



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9. Check the driver's license and wanted status of the driver and occupants, if applicable.
10. Return to the stopped vehicle with caution and explain the citation or warning. Request the driver sign the citation [or warning if applicable] and advise the driver of the court date, time and location.
11. When the traffic stop is completed, the officer should have the violator leave the scene first allowing the patrol vehicle's emergency lights to provide protection and alert approaching traffic.
12. The officer will advise by radio (or make appropriate computer entry) of the disposition of the traffic stop when returning to service.

ii. Additional Considerations for High-Risk Traffic Stops:

1. Pre-stop Planning - Detailed and clear communications with dispatch and other officers is a must. Officers should have at least one other squad for back up and assistance.
2. Location Considerations - Officers need to consider not only their safety, but that of the general public and other officers when deciding where and when the stop will take place. Factors in this decision include: lighting, volume of traffic and pedestrians, type of businesses near stop location and the location of back up officers.
3. Squad Placement and Lighting - The distance between the violator and the squads is generally greater during high risk stops. Furthermore, the placement of back-up squads needs to be coordinated between the back-up officers and the stopping officer. Officers should utilize the squad lighting to their advantage to provide a visual barrier between them and the violator.



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4. Control of the Occupants - In most instances of a high risk traffic stop, the occupant(s) of the vehicle should be directed back to the officers with one officer giving the commands to the occupants. This can be accomplished by use of the PA system or verbal commands. In most instances, the officer who initiated the stop is the person giving the commands to the occupants. The control of the occupants will require the coordinated efforts of all the officers on the scene.
5. Coordination and Teamwork is paramount for the safe and effective application of a felony stop. Therefore, effective communication is necessary between all officers that are involved in the stop.

iii. Blocking Techniques:

From time to time, it may be necessary for police vehicles with or without emergency lights or sirens to stop a suspect vehicle in traffic by blocking it in place. Officers who have received Department-approved training in vehicle blocking techniques may do so under the following restrictions:

1. There must be an immediate need to make an apprehension.
2. The suspect vehicle must be completely stopped before officers use their vehicles to block it in.
3. Officers in unmarked cars shall use all means possible to identify themselves as police officers after blocking the vehicle (badges, police clothing, verbally).

d. Use of Speed Measuring Instruments

- i. Specifications for speed measuring instruments will meet or exceed National Highway Traffic Safety Administration standards.
- ii. Prior to using the instrument, each officer will check calibration and test the instrument as required.



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- iii. Care and upkeep of the instruments will be the responsibility of all officers using the instrument. If the instrument becomes inoperative or damaged, the operator will complete a written summary of the modification and turn the unit over to a Division Commander to coordinate repairs.
- iv. On an annual basis, each instrument will be recertified for accuracy and operation. Copies of the recertification are filed at the Department and with the City Attorney.
- v. Officers will receive in-service training and demonstrate operational competency on all speed enforcement instruments used by the Department prior to utilization.

e. Alcohol Enforcement Countermeasures

- i. All officers are responsible for enforcing moving violations which includes Operating While Intoxicated (O.W.I.)
- ii. In addition, the Department will create selective enforcement opportunities, through state and federal grants, providing additional enforcement efforts in the areas of O.W.I., high risk driving violations, and special enforcement projects.

f. Operating While Intoxicated Stops and Arrests

- i. If an officer suspects that a driver is under the influence of alcohol and/or a controlled substance, field sobriety tests should be conducted.
- ii. If probable cause is present to make an Operating While Intoxicated arrest, the offending driver should be transported to the Department or Polk County Jail where he/she will be processed for O.W.I.
- iii. All aspects of Iowa's Implied Consent Law will be invoked on the offending driver.
- iv. The citing officer will be responsible for arranging for warrants if a specimen test is obtained and later comes back above the legal limit.



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- g. **Roadside Safety Checks** will be conducted in accordance with the Code of Iowa 321K.
- h. **Driver License Re-Examination Procedures.** If an officer encounters a driver who has a disability, disease, or other condition that may prevent the person from exercising reasonable care while operating a motor vehicle, they shall:
- i. Complete a "Request for Re-examination with the Department of Transportation" form.
 - ii. Submit the form to the Records division for submission to the State.
- i. **Uniform Enforcement of Traffic Laws.** Uniform enforcement supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. The intent of this section is to provide guidelines for uniform traffic law enforcement actions and not to supplant officer judgment. The officer should decide what enforcement, if any, is appropriate on the basis of a combination of training and experience. Officers shall enforce all laws in an equitable, fair, and consistent manner at all times.
- i. *Operation While Barred, Under Suspension or Revocation.* Operating a motor vehicle under these license restrictions typically results in the violator being arrested. Because this is a serious offense, the officer may perform a custodial arrest should circumstances dictate.
 - ii. *Speed Enforcement.* The Department regards willful violations of the speed limit laws as serious and hazardous violations warranting enforcement action. Under normal circumstances these are scheduled violations with the driver subject to release after the issuance of a citation.
 - iii. *Other Hazardous Violations.* Some types of violations considered hazardous include disregarding a traffic control device, failure to yield to a vehicle and/or pedestrian, reckless driving, and improper lane usage/change. Since these and similar types of violations are responsible for a large amount of traffic crashes, officers should take enforcement action when the hazardous violation occurs.



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- iv. *Off-Road Vehicle Violations.* Officers will take appropriate action for violations they observe related to illegal road usage, registration violations, equipment violations and licensing violations committed by operators of off-road vehicles.
- v. *Equipment Violations.* In order for a vehicle to be safely operated on the roadway, it must be equipped as specified by state traffic code. A warning or a citation may be issued in order to bring the motorist into compliance with the equipment requirement.
- vi. *Commercial vehicle regulations* should be strictly enforced. However, the officer's discretion, training, experience, and knowledge will determine the action to be taken for public and/or commercial violations. The Iowa Department of Transportation may be called for technical assistance.
- vii. *Non-Hazardous Violations.* The type of enforcement necessary in non-hazardous violations will be at the discretion of the officer.
- viii. *Multiple Violations.* When multiple violations occur, the seriousness of the violations and the circumstances surrounding the violations will play a vital role in the type of action to be taken. The action taken by an officer will be consistent with traffic procedures, the officer's discretion, training, and experience.
- ix. *Newly Enacted Laws and/or Regulations.* When new laws or regulations are enacted and become applicable to the public, the enforcement guidelines prescribed within the text of each new law will be followed.
- x. *Pedestrian and Bicycle Violations.* Pedestrian and bicycle violations are scheduled violations of which the violator may be issued a citation. The officer may also choose to issue a verbal warning.

j. **Special Considerations**

- i. Out-of-state residents are handled in accordance to the Code of Iowa Chapter 321 and compact agreements between compendium states.
- ii. Juveniles are handled in accordance with state licensing parameters.



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- iii. In accordance with the Constitution of the State of Iowa, Article III, Sec. 11, Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.
- iv. Foreign Diplomats/Consular Officials may be issued traffic citations, but may not be detained or arrested. Guidelines are available from the U.S. Department of State (www.state.gov).
- v. Military personnel are handled in accordance to the Code of Iowa Chapter 321. (i.e. 321.176, 321.176A.3, and 321.198).



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6.02 Interviews and Interrogations

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- I. **PURPOSE:** To establish guidelines for the conducting of interviews, interrogations, and field interviews.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department that all interviews, interrogations, and field interviews shall be conducted in a professional manner, within legal and constitutional guidelines. All persons being interrogated by an officer shall be advised of their rights regarding counsel and self-incrimination through the Miranda Warning whenever the person is in police custody.
- III. **DEFINITIONS:**
 - a. **Interview** - A formal consultation with a person who may have knowledge regarding a crime that is of official interest to the investigating officer.
 - b. **Interrogation** - A systematic questioning of a criminal suspect or a person who is reluctant to disclose information that is pertinent to the investigation of a criminal matter.
 - c. **Field Interview** - An intelligence method by which peace officers interview citizens under various circumstances which officers believe need investigation. That interview may be recorded and filed as part of an intelligence database.
 - d. **Contact** - A face-to-face communication between an officer and a private person in which the person is free to leave if they choose.
 - e. **Stop** - A temporary detention of a person for investigative purposes, in which a person is under a reasonable impression that they are not free to leave the officer's presence.
 - f. **Police Custody** - A situation in which a person's freedom of movement is restricted and/or they are placed under arrest.
 - g. **Reasonable Suspicion** - More than a hunch or mere suspicion, but less than probable cause necessary for an arrest. Reasonable suspicion is articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been or is about to be committed.



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IV. PROCEDURE:

- a. **Constitutional Rights.** Officers shall ensure the constitutional and legal rights of all persons, regardless of custody status, are not infringed upon, and officers shall not:
 - i. Use coercion to obtain confessions and/or admissions from suspects or person in custody.
 - ii. Fail to inform in-custody suspects of their rights (adult or juvenile).
 1. While not required by law, officers conducting interrogations of persons not in custody may consider the use of *Miranda* warnings prior to the interrogation.
 - iii. Deprive defendants of their right to counsel.
 - iv. Deprive a person in custody of the right to call, consult, and see a member of the person's family or an attorney, or both (Code of Iowa, Chapter 804.20).
 - v. Cause any undue delay in a suspect's initial court appearance or arraignment.
- b. **Interviews.** The distinction between an interview and an interrogation is very thin. This process is investigatory in nature and is utilized to extract information from victims, witnesses, informants, and other sources available to officers.
 - i. Prior to conducting an interview, an officer should familiarize him/herself with the specific events of the incident, as a witness's memory can frequently be stimulated by the questions asked.
 - ii. The interview should be conducted to obtain as much accurate information as possible, but not to influence a response.
 - iii. Information obtained from an interview should, whenever practical, be recorded and maintained in the case file.



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c. Interrogation

i. Prior to questioning of a person in custody, the officer shall read aloud the *Miranda* Warning.

1. Officers shall use a printed, pocket version *Miranda* Warning card, or utilize the standard Department *Miranda* Rights form.
2. If the individual voluntarily, knowingly, and intelligently waives these rights, the officer should have the person so indicate verbally or by signing the form in the appropriate location.
3. Officers shall discontinue questioning if, at any point during the process, the person requests the presence of an attorney.
4. Admissions or confessions may be recorded in any case. In cases involving aggravated misdemeanors and felonies the officer should make every effort to have a defendant's statement audio and video recorded, written, and/or signed by the defendant, and/or recorded by a court reporter. At no time shall an officer offer rewards, inducements, or promises of any kind in order to elicit an admission or confession. Information obtained from any interrogation shall be included in the appropriate police reporting form.

ii. Juveniles questioned regarding criminal matters have the same rights as adults. In addition, the guidelines set forth in Windsor Heights Police Department Policy 6.04 (Juvenile Enforcement) and this Manual shall be followed.

d. **Field Interviews.** A basic technique in crime prevention and information gathering is the systematic use of field interviews by officers. Field interviews are a legitimate means of verbal contact by officers with selected motorists and pedestrians, and can assist with developing investigative leads and establishing crime patterns.

i. **Criteria & Consideration.** Officers should consider the following criteria in determining when field interviews would be appropriate, although this list should not be considered inclusive of all justifications for a field interview:



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1. The suspicious conduct of a person;
 2. The location of a person and the time of day;
 3. If a person is near the scene of a reported crime (past or present);
 4. Description of person (or vehicle) is consistent with a wanted offender;
 5. Past record or reputation of a person;
 6. Unbelievable explanation for actions at time of inquiry;
 7. Illogical or evasive responses to inquiry;
- ii. **Miranda Warning.** Officers are not required to give suspects Miranda Warnings in order to conduct a Field Interview, unless the person being interviewed is in custody at the time.
- iii. **Contact.** Contacts are different from stops in that with no detention or arrest occurs, as they do not involve the "seizure" of persons within the meaning of the Fourth Amendment. Officers do not need "reasonable suspicion", "probable cause", or any other indication of criminal activity in order to initiate a contact. Officers shall be aware that in a contact a person is not legally compelled to display identification, answer questions, be detained, or cooperate in any way during a contact.
- iv. **Stop.** A stop occurs whenever an officer uses his or her authority to make a person halt, to remain in a certain place, or to compel that person to perform some act. If a person is under a reasonable impression that they are not free to leave the officer's presence, a stop has occurred.



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1. **Basis for a Stop.** An officer may stop or detain a person, after being identified as a peace officer, if that officer observes unusual conduct that leads him/her to reasonably suspect that criminal activity is, has or will be committed.. Both pedestrians and persons in vehicles may be stopped. The stop cannot be based on a mere hunch or suspicion. The officer must be able to articulate specific facts to support a reasonable inference that criminal activity is probable. The officer may exercise this authority anywhere he/she has the right to be.
2. **Conduct During a Stop.** Proper justification for a stop does not permit unreasonable conduct during a stop. Therefore, all law enforcement activity during a stop must be completed in a reasonable manner.
3. **Duration of Stop.** Officers should detain a person only for a length of time necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.
4. **Explanation.** At some point during the stop, or in response to a specific inquiry, the officer should give the person stopped an explanation of the purpose of the stop.
5. **The officer may direct questioning** to the detained person for the purpose of identification and an explanation of their presence or conduct. The detained person may not be compelled to answer the questions, except that the officer may require the person to produce reliable identification. During the questioning the person need not be advised of their *Miranda* Warning, until such time as probable cause to arrest has developed or the questioning has become accusatory, rather than brief or casual.
6. **Refusal to answer questions** does not, by itself, establish probable cause to arrest. However, such refusal may be considered, along with other facts, as an element adding to probable cause if, under the circumstances, an innocent person could reasonably be expected not to refuse.



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- v. **Field Interview (FIR)**. These reports will be completed by officers and turned over to the Records Division for entry into the Intelligence system/records database. The paper copies of these reports will be purged within five years unless they relate to an ongoing criminal investigation or the subject has had gang related contact within that five-year span (28 CFR Part 23).



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6.03 Arrests, Detainees, Transports, and Jail Booking

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I. **PURPOSE:** To provide a uniform procedure for the processing of all persons arrested by this Department and establish protocols for adult custodial and citation arrest filings with the Clerk of the Court.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to make arrests in accordance with the Code of Iowa chapter 804, the U.S. and Iowa Supreme Courts, and to file such arrests in accordance with the guidelines set by the State Court Administrator's Office and the Polk County Clerk of Court. Additionally, officers shall provide for the safety and well-being of all persons in their custody and adhere to special considerations for foreign nationals as required by the Vienna Convention.

III. **PROCEDURE:**

a. **Adult Arrests, In Custody**

- i. Upon taking a person into custody, the arresting officer shall search or cause to be searched, the arrested person for weapons, evidence, and contraband in compliance with the 4th Amendment.
- ii. All arrested adults shall be handcuffed behind their back or otherwise made secure to prevent escape or injury to others.
- iii. Arresting officers shall use all available information to determine the true identity of the arrested person and request an N.C.I.C. warrant check on that person.
- iv. A transporting officer should normally place the arrested person in the rear of a barrier-equipped squad and deliver the arrested person to the appropriate law enforcement facility.
 1. Officers shall not ride in the prisoner compartment of a patrol vehicle unless the officer believes that the prisoner is at risk for positional asphyxiation as provided by Policy 5.08.
 2. Officers may only stop during transport under exigent circumstances.



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3. Communication between the arrested person and others prior to arriving at a law enforcement facility is at the discretion of the transporting officer.
4. Two Officers are required to transport a restrained individual, if the transport vehicle is not equipped with a barrier.
 - a. Single officer transportation in a vehicle without a barrier will only be allowed with the approval of command staff.

b. Non-traffic Criminal Citations

- i. When appropriate, or at the request of reasonable protocols set forth by Polk County Jail supervision, a non-traffic criminal citation may be issued in lieu of a custodial arrest as governed by the Code of Iowa chapter 805.1.
- ii. All necessary court documentation will be prepared as in other arrests.
- iii. Court dates should be set within 30 calendar days.

c. Temporary Detention. From time to time it may be necessary to detain an arrested person inside the Windsor Heights Police Department for interrogation, preparation of paperwork prior to booking at the Polk County Jail, or issuance of a citation. Every effort will be made to reduce the time spent by any detainee within the Police Department. Detentions shall not exceed two hours unless the subject has been removed from a holding cell for interview.

- i. The initial officer responsible for any detained person brought to the police station should normally be responsible for transporting that person to the Department, unless circumstances dictate otherwise.
- ii. If the detainee is to be left unattended, he/she must be placed in a holding cell.
- iii. Responsible officer's duties:



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1. Check the detainee visually, in person, at least every 15 minutes. (Video monitoring and other electronic safety equipment may be used but will not take the place of this visual check.)
 2. Be familiar with the fire evacuation plan and responsible for the safety of the detainee in the event of a fire.
 3. Segregate detainees by sex and age (minor vs. adult), to include sight and sound segregation for juvenile detainees.
 4. Provide for reasonable access to water and restroom facilities.
- iv. Before conducting interviews with detainees in the interview room, officers shall secure their weapon and ensure that there is at least one other officer in a position to see or hear them if assistance is needed.
- d. **Transport and Security of Prisoners at Medical Facilities.** Transporting officers shall determine if medical attention is required for an arrested person. If so, they are to inform a supervisor and make arrangements for appropriate treatment.
- i. Custody during medical treatment before an arrested person is accepted by the Polk County Jail is the responsibility of the Windsor Heights Police Department.
 - ii. When officers transport an injured prisoner to a medical facility for treatment of an injury or illness, the prisoner will be secured with handcuffs or other appropriate restraint devices depending on the injury.
 1. Officers will enter the medical facility through the ambulance entrance, if possible.
 2. Officers will immediately notify the Emergency Room Doctor or Charge Nurse that they have an injured prisoner for treatment and request that hospital security be notified as a courtesy.
 3. If the prisoner is transported by ambulance to the medical facility and is combative, an escape risk, or otherwise poses a danger to personnel, an officer will accompany the prisoner in the ambulance.



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4. During examination the prisoner will remain in handcuffs unless the medical personnel require them to be removed. An officer will remain in the presence of the prisoner while the prisoner is in restraints. This includes while the prisoner is being treated and in the presence of medical personnel.
5. One copy of the discharge instructions will accompany the original report, another copy will be provided to the Polk County Jail.
6. If a prisoner is admitted to a medical facility, the transporting officer will notify command staff and request the medical facility notify their security department of the admittance.
 - a. The commander will then make the decision if the prisoner is to remain guarded or receive a citation in lieu of custodial arrest. Consultation with the on-call county attorney may be necessary.
 - b. If the prisoner is to remain guarded, the commander will make appropriate notifications and establish a staffing schedule until an initial appearance can be made and the prisoner turned over to the custody of the Polk County Sheriff's Office.
 - i. Prior to an initial appearance, the arrest information to include a complaint and affidavit and booking sheet will be delivered to the appropriate magistrate and the jail facility as soon as reasonably possible [This process typically refers to the delivery of these forms to the Polk County Jail for jail court].

e. Routine Transport Guidelines

- i. Prior to transport, all prisoners shall be thoroughly searched for any weapons, contraband, or tools of escape.
- ii. When transporting prisoners, the officer shall provide the communications center with following information when possible:



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1. A description of the prisoner (sex and approximate age – “adult” or “juvenile”), notice if the individual is combative, and whether or not the subject is intoxicated.
 2. Arrest location and destination of transport.
 3. Mileage readings at start and end of transport.
- iii. All prisoners shall be secured in the vehicle by proper use of a seatbelt, unless exigent circumstances exist (i.e. combative suspect where officers place themselves in danger securing the seatbelt).
 - iv. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.
 - v. Prisoners shall not be left unattended during transport. Any escape shall be immediately reported to the communication center for broadcast and the on duty supervisor for coordination of apprehension efforts.

f. Entering the Polk County Jail

- i. Officers will use the jail's secured prisoner intake area.
- ii. Officers' weapons will be secured in the lock boxes at the jail prior to entering the interior processing area of the facility or secured appropriately in a locked compartment of their patrol unit prior to entry into the facility.
- iii. Officers will turn over the custody of the arrested person(s), still handcuffed, to jail personnel.
- iv. Officers will completely fill out a booking sheet, including correct charges, code sections, and retain a copy for the case file.
- v. Officers will notify jail personnel of any potential medical or safety concerns at the time of booking.



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- vi. Officers will search the prisoner compartment of the transporting vehicle before returning to service.
- vii. Criminal evidence and contraband found in the possession of an arrested person during booking at the county jail (or within the Department's secure processing area) is the responsibility of the arresting officer and shall be handled through normal procedures.

g. Prisoner Property

- i. Prisoner property not being taken as evidence is normally the responsibility of the Polk County Jail. However, the Jail will not accept excess prisoner property (i.e. luggage, possessions of a homeless person, bicycles, etc.).
- ii. Excess property may be placed in temporary safekeeping at the Windsor Heights Police Department according to property and evidence regulations.

h. Arrests of Foreign Nationals

- i. A Foreign National is any person who is not a U.S. citizen.
- ii. When a Foreign National is arrested they must be advised of their right to contact their consular officials.
- iii. In some cases, the consular office must be notified of the arrest of a National, regardless of the National's wishes.
- iv. Inquiries on this process can be phoned to the US State Department at 202-736-7559 or 202-647-1512 (after hours).
- v. Foreign Diplomats/Consular Officials may be issued traffic citations, but may not be detained or arrested. Guidelines are available from the U.S. Department of State (www.state.gov).



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Replaces: Rule #12, 01/01/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 08/29/2019

- I. **PURPOSE:** To define the procedure for handling juveniles found to be in violation of Federal, State, or local laws, including the custodial arrest and interrogation of juveniles.
- II. **POLICY:** The Windsor Heights Police Department is committed to the development and delivery of programs designed to prevent and control juvenile delinquency. The responsibility for participating in or supporting the Department's juvenile operations function is shared by all Department components and personnel. Officers contacting juveniles who require arrest, questioning, or custody will follow guidelines established by the Code of Iowa and the Windsor Heights Police Department.
- III. **PROCEDURE:**
 - a. **Taking a juvenile into custody is generally governed by the Code of Iowa Chapter 232.19.** A juvenile may be taken into custody:
 - i. By order of the Court.
 - ii. For a delinquent act pursuant to the laws relating to arrest.
 - iii. By a peace officer, when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining whether the child shall be reunited with the child's parents, guardian, or custodian, placed in shelter care, or, if the child is a chronic runaway and the county has an approved county runaway treatment plan, placed in a runaway assessment center under section 232.196.
 - iv. By a peace officer, juvenile court officer, or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.
 - v. Protective custody of a child suspected of being the victim of abuse.
 - vi. When the child is under the influence of drugs or alcohol and it is necessary to seek medical attention for the child.
 - vii. Transportation of juveniles to detention, jail, or reuniting with parent or guardian shall not be unduly delayed.



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b. Using Restraints on a Child

- i. An officer may place bodily restraints, such as handcuffs, on a child if the child physically resists; threatens physical violence when being taken into custody; is being taken into custody for an alleged delinquent act of violence against a person; or when, in the reasonable judgment of the officer, the child presents a risk of injury to the child or others. The child may also be restrained by handcuffs or other restraints at any time after the child is taken into custody if the child has a known history of physical violence to others (232.19(2)).
- ii. Juvenile arrestees may be placed in a holding cell at the Windsor Heights Police Department for the following reasons:
 1. Child is being held under a warrant for another jurisdiction.
 2. Child is an escapee from a juvenile correctional or penal institution.
 3. There is probable cause to believe that the child has violated conditions of release imposed under Iowa Code section 232.44, subsection 5, paragraph "b", or Iowa Code section 232.52 or 232.54, and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
 4. There is probable cause to believe the child has committed a delinquent act, and one of the following conditions is met:
 - a. There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
 - b. There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another.
 - c. There is a serious risk that the child, if released, may commit serious damage to the property of others.



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5. There is probable cause to believe that the child has committed a delinquent act involving possession with intent to deliver any of the following controlled substances:
 - a. A mixture or substance containing cocaine base, also known as crack cocaine, and if the act was committed by an adult, it would be a violation of Iowa Code section 124.401, subsection 1, paragraph "a", subparagraph (3), paragraph "b", subparagraph (3), or paragraph "c", subparagraph (3).
 - b. A mixture or substance containing cocaine, its salts, optical and geometric isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of Iowa Code section 124.401, subsection 1, paragraph "a", subparagraph (2), subparagraph division (b), paragraph "b", subparagraph (2), subparagraph division (b), or paragraph "c", subparagraph (2), subparagraph division (b).
 - c. A mixture or substance containing methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, and if the act was committed by an adult, it would be a violation of Iowa Code section 124.401, subsection 1.
6. A dispositional order has been entered under Iowa Code section 232.52 placing the child in secure custody in a facility defined in subsection 3, paragraph "a" or "b."
7. There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under Iowa code chapter 236, sexual abuse under chapter 236A, or a domestic abuse assault under Iowa Code section 708.2A if committed by an adult.
8. If a child is violent or potentially violent, and placing them in a holding cell may be the safest option.



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- iii. When juveniles are brought into the Windsor Heights Police Department, restrained and housed in a similar manner to adults, this information will be recorded in the Juvenile Lock-Up Log that is maintained in the processing area. If a juvenile is cooperative and non-violent, s/he should be held outside the holding cell in a secure area and monitored by an officer or matron until transport or release.
 - iv. Any juvenile detained shall be separated from detained adults in a manner which prohibits communication with detained adults. Separation shall include sight and sound separation.
- c. **Notification of Arrest.** It is the responsibility of the arresting officer to notify the parent or guardian as soon as possible of the custodial arrest of a child or when charging a child with any criminal offense.
- i. Juveniles accused of criminal type offenses may be securely detained only for the period of time and in the manner prescribed by state law to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the nearest available juvenile detention facility. At no time will a juvenile be detained at the Windsor Heights Police Department in excess of six (6) hours, without oral or written order of a judge or magistrate authorizing such detention.
- d. **Interrogations (In-custody questioning)** shall not be unduly long and shall not be conducted by more than 2 officers at any one time. Questioning officers will explain to the juvenile and/or parent what they can expect regarding juvenile court and police procedures.
- i. A child 15 years of age or younger may only be questioned with written permission of a parent or guardian (Iowa Code 232.11(2)).
 - ii. A child who is 16 or 17 years of age may only be questioned after a concerted effort to notify a parent or guardian (Iowa Code 232.11(2)).
- 1. If the parent or guardian is located they may give oral or written permission for questioning.



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2. If the officer is unable to locate a parent or guardian after a concerted effort, the child may give such permission him/herself.
- iii. Age appropriate juvenile Miranda waivers shall be utilized prior to interrogations.
- e. **Strip Searches** of juveniles are governed by chapter 804.30 of the Code of Iowa. See also Temporary Holding Facility policy (6.14).
- f. **Custodial Placement of Juveniles.** To make a custodial placement of a juvenile, Juvenile Detention Center intake personnel should be contacted to approve the detention. Intake may approve or reject the request and will determine whether to place in the Polk County Juvenile Detention Center.
 - i. If a juvenile is being charged with a felony crime against a person, the officer should contact Intake and/or Juvenile Court Services and request detention.
 - ii. If a juvenile is being charged with felony property crimes, aggravated misdemeanors, or if there are special circumstances that warrant detention, the officer should use his/her discretion whether to call Intake to request detention.
 - iii. Procedure for placing a child in the Juvenile Detention Center (232.22):
 1. Permission to place a child in detention for an alleged delinquent act must be obtained from the Juvenile Detention Center or Juvenile Court Services.
 2. If unable to contact Juvenile Court Services, the Polk County Attorney's Office may be contacted to order the placement into detention.
 3. Officers taking a juvenile to the Polk County Juvenile Detention Center will provide a copy of the following to the Detention Center:
 - a. The juvenile probable cause statement
 - b. The juvenile's property



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- c. No investigative reports will be provided to the Juvenile Detention Facility unless requested by intake.
 - d. The Code of Iowa does not provide for the posting of bond to gain the release of a minor from detention.
4. Placing a juvenile in the Polk County Jail (232.22): A juvenile may be placed in the Polk County Jail for a limited time period, under limited circumstances as defined in Iowa Code 232.22 and section (b)(iii) of this policy.
5. Charging Juveniles as Adults: There are certain circumstances in which a juvenile must be charged directly into adult court.
- a. The child must be **16 or 17** years of age and be charged with:
 - i. Any forcible felony.
 - ii. Criminal Gang Participation (723A.2), involving a weapon.
 - iii. Any felony violations of Weapons Chapter (724).
 - iv. Manufacture or Delivery of Controlled Substance (124.401(e) or (f)), while in possession of a firearm or offensive weapon.
 - b. Procedure for placing directly into Polk County Jail:
 - i. Notify Juvenile Court Services.
 - ii. Fill out adult Complaint and Affidavit.
 - iii. Bring to Juvenile Court Judge or on-call judge to have an arrest warrant issued.



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iv. Deliver juvenile to Polk County Jail with the original signed arrest warrant.

- g. **Referrals to Juvenile Court** for a child are encouraged in lieu of physical custody, using proper officer discretion and weighing a child's age, violence or seriousness of the offense, and likelihood the child will later appear in court.
- h. **Fingerprinting.** The arresting officer will be responsible for assuring any juvenile who is charged with any serious misdemeanor or above is photographed and fingerprinted prior to the juvenile's release (custodial or non-custodial arrest). *Fingerprints are required by Iowa State Code 232.148(2).* Fingerprints and photographs shall be taken of all juveniles taken into custody for felony offenses. The fingerprint card and mug shot shall be marked JUVENILE and shall be maintained in this agency's records for such purposes separately from adult fingerprints and mug shots and shall be subject to controlled dissemination as provided by law.
- i. **Truancy.** Juveniles taken into custody as truant during school hours will be taken directly to their school principal's office provided no other offenses were committed.
- j. **Restorative Justice Programming.** Officers shall, whenever reasonable, take those measures necessary to effect positive changes in juvenile offenders consistent with the Polk County Attorney's Office initiatives to offer alternatives to juvenile court referrals for substance abuse related offenses.
- k. **Reprimand and Release.** Using proper officer discretion and weighing a child's age and the seriousness of the offense, an officer may turn a child over to a parent without formal legal action.



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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** To establish guidelines for conducting searches with or without warrants.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to adhere to all provisions listed in the State Code of Iowa, as well as the United States Constitution, regarding searches.
- III. **PROCEDURE:**
 - a. **Searches by Consent** may be used when officers feel there is reason to believe contraband or further evidence of a crime may be located. In cases where information has been obtained regarding possible contraband or evidence, every attempt should be made to independently verify the information provided to assure the validity of the request for a consent search.
 - i. Voluntary:
 1. Consent searches must be freely and voluntarily obtained, with no threats or promises made toward the person from whom consent is requested.
 2. In obtaining consent, officers should bear in mind the burden of proving that consent is free and voluntary is on the officer and not the person from whom the consent is obtained. An officer should then make every attempt to use one or more of the following to assist in proving the consent was voluntary.
 - a. Voluntary consent may be witnessed.
 - b. Voluntary consent may be in writing on the Department's consent to search form.
 - c. A recording device, which could include the in-car camera, may be utilized to record the voluntary consent.
 - ii. Consent searches can only be given by those having the right and authority to grant such request.



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- iii. Consent searches can be used in numerous situations, and are not limited to the searches of vehicles, residences, luggage or persons.
 - iv. "Knock and Talk" and/or "Walk and Talk" is an investigative technique used as a tool to obtain information, and in most cases, consent to search. Knock and Talk and/or Walk and Talk consent searches should be conducted under the following guidelines:
 - 1. Every attempt should be made to independently verify information provided leading to the investigation.
 - 2. Every attempt should be made to verify the person contacted has the right and authority to give consent to search.
 - 3. Consistent with other consent searches, these techniques should be conducted with the same concern for establishing the search was voluntary.
 - v. When obtaining consent search, no matter how documented, the individual has a right to stop the search at any time (unless probable cause has been developed). For this reason, the individual must be able to convey his/her wishes verbally to the officer at any time during the search.
 - vi. If a request for consent to search a vehicle is refused, a canine may be utilized as long as the officer possesses articulable, reasonable suspicion of a crime justifying the continued detention of the vehicle. If the canine alerts on the vehicle, the need for a voluntary consent is no longer needed as the canine has established probable cause for the search. A search can then be conducted without a search warrant and the individual does not have the right to stop the search.
 - vii. Any doubt concerning the validity of a consent search should be resolved by the application and issuance of a search warrant.
- b. **Stop and Frisk.** Officers conducting searches are permitted to take reasonable precautions to ensure their safety, which may include limited searches and suspect control activities. This may include:



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- i. Ordering the occupants of a lawfully stopped vehicle to exit the vehicle.
 - ii. Whenever an officer has developed articulable, reasonable suspicion a detainee is in possession of a potentially dangerous weapon(s), s/he may conduct a frisk for weapons.
- c. **Search of a Vehicle under the Automobile Exception** provides a search warrant is unnecessary where there is probable cause to search a vehicle, the vehicle is mobile or can readily be made mobile, , and any evidence within the vehicle may be irretrievably lost or destroyed if not recovered immediately. Therefore an immediate search is constitutionally permissible.
- d. **Search Incident to Arrest** extends to the arrestee's person and any places and effects under his/her immediate control. Any search of a vehicle incident to arrest must be based on probable cause and the search must be limited to fruits or evidence of the crime for which a subject was arrested. A legal search must meet three requirements:
 - i. The arrest must be lawful, and
 - ii. The arrest must be custodial, and
 - iii. The search must be contemporaneous as to the time and place of the arrest.
- e. **Strip and Body Cavity Searches** will only be made according to procedures defined in the Code of Iowa, chapter 804.30. See also Temporary Holding Facility policy (6.14).
- f. **Exigent Circumstances** include incidents where public safety is endangered and the urgency of the situation coupled with the need to take immediate, warrantless action will render official conduct "reasonable" under the Fourth Amendment. The need to protect or preserve life, or avoid serious injury, is justification for what would be otherwise illegal absent an exigency or emergency. This may include:
 - i. **Entry to Arrest.** It is generally necessary to have a search warrant to enter the residence of a third party to arrest a person without exigent circumstances, unless:



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1. Someone is likely to be killed or seriously injured unless immediate action is taken, or
 2. A serious and dangerous criminal offender is likely to escape unless action is taken, and
 3. There is probable cause to arrest the person, and
 4. There is probable cause to believe the offender is present.
- ii. **Entry to Preserve Evidence.** If there is probable cause to believe that critical evidence of a serious or dangerous offense is located within the private premises, and the evidence is almost certain to be destroyed or removed unless **immediate** warrantless action is taken, the officer may enter to **secure** the premises while awaiting the arrival of a search warrant.
- iii. **Crime Scene.** Upon arrival of a crime scene on private premises, the officer may enter the premises in order to:
1. Locate and secure perpetrators.
 2. Provide emergency assistance.
 3. Secure evidence that is likely to be lost or destroyed by the mere passage of time.
- g. **Other Emergencies.** Officers may enter private premises without a warrant or consent if it reasonably appears that such action is urgently necessary to:
- i. Prevent death or serious physical injury;
 - ii. Provide needed emergency medical assistance; and/or
 - iii. Guard against the imminent threat of substantial property damage.



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- h. **Execution of Search Warrant.** A search warrant is an order, in writing, pursuant to the requirements of Section 808.3 of the Code of Iowa, signed by a Magistrate/Judge and directed to a peace officer. Search warrants will be utilized when consent to search is not a reasonable alternative, or when no exception to the search warrant requirement exists.
- i. **Issuance.** Search warrants must be executed within 10-days of the issuance of the warrant. Most search warrants issued in Iowa are “Knock and Announce” which means that officers must first announce their presence and intentions and give a reasonable time for the occupants to allow entry before forcing entry.
 - ii. **Entry.** A search warrant may be executed by any peace officer. The warrant may be executed in the daytime or in the nighttime. Where the property to be seized has been or is susceptible of being removed from the officers’ jurisdiction, the officer executing the warrant may pursue it and search for property designated in the warrant.
 - iii. **Forcible Execution.** The officer may break into any structure or vehicle where reasonably necessary to execute the warrant if, after notice of this authority and purpose, the officer’s admittance has not been immediately authorized.
 - iv. **Exceptions to “Knock and Announce”.** The officer may use reasonable force to enter a structure or vehicle to execute a search warrant without notice of the officer’s authority and purpose if:
 - 1. During the execution of the warrant there are exigent circumstances compromising the safety of the officers or which could cause vital evidence to be destroyed by knocking and announcing
 - 2. In the case of vacated or abandoned structures or vehicles.
 - 3. “No Knock” Search Warrants. Under certain circumstances an officer may apply for this type of warrant which allows officers to force entry into the place to be searched without announcing their presence or intentions.



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- a. Some circumstances that may allow for this type of warrant would be occupants who were armed, where announcing would compromise the officers' safety or when critical evidence could easily be destroyed after an announcement.
 - b. Caution should be used when applying for "No Knock" warrants as courts will critically examine the basis for requesting a "No Knock" warrant.
 - c. When serving a "No Knock" warrant, if entry cannot be immediately gained, officers should announce their authority and purpose as any delay in entry negates the purpose of the "No Knock." This allows the occupants to have information about who is forcing entry.
- v. **Securing the scene.** Once inside a structure, precautions must be taken to assure the safety of the officers involved, along with the individuals residing at the residence or the area to be searched.
1. All occupants when located should be brought to a central safe location. This safe area should be checked for weapons and contraband prior to securing the persons there.
 2. Once the location is secured, additional investigative personnel may be called into the scene and should photograph the scene before any searching for evidence is done.
- vi. **Service of Search Warrants.**
1. Case agent or designee:
 - a. Reads warrant and gives Miranda warning.
 - b. Obtains identification, addresses, and descriptions of occupants.
 2. Evidence officer or designee:



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- a. Collects and processes all evidence, identifying the location where evidence is found and by whom. After evidence is located documented and photographed, it should be moved to a central location within the premises to avoid being left behind.

3. Other investigators:

- a. Specific location to be searched is assigned.
 - b. Once possible evidence is located, verifies collection with Evidence Officer, who takes custody of the item.
 - c. If the residence/business is damaged, specific photographs of damaged areas should be taken.
 - d. Uniformed personnel will transport and book prisoners.
 - e. An inventory of seized property shall be given to all persons from which property was seized. A copy of the search warrant shall be left at the area searched along with an inventory of seized property.
 - f. After the search is completed, the residence/ business should be secured as well as possible, or turned over to a non-arrested person at the scene.
 - g. Evidence collected will be returned to the station where it will be packaged, tagged and placed into evidence.
- vii. **Return of Service.** After a search warrant has been executed, a Return of Service must be completed. This is the last page in the search warrant packet. If there is not enough room on the page to list all items seized, a separate list must be attached to the Return of Service.
1. The original Search Warrant Application packet, including the Return of Service, is then filed with the Clerk of Court's Office. The Application,



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Search Warrant and Return of Service with a list of the property seized will be file stamped by the clerk with date and time.

2. The officer shall request a copy of all the documents that have been returned to the Clerk's Office and this copy shall be attached to the original report.
- viii. If a search warrant has been issued and not executed within 10 days, it is no longer valid. All documents relating to that search warrant application and the search warrant shall be taken to the Clerk's Office and filed within 10-days of execution. A copy of the file stamped search warrant shall be attached to the original report.



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6.07 Hate Crimes

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Replaces: Rule #15, 11/01/2013

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 09/13/2019

I. **PURPOSE:** Recognizing particular fears and distress typically suffered by victims of a hate crime, the potential for reprisal and escalation of violence, and the possible far-reaching negative consequences of these acts on the community, special attention shall be given to addressing the concerns of reported hate crime victims as well as their families and others affected by the crime.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed seriously by this agency and will be given high priority. This agency will use every necessary resource to identify the perpetrators, make arrests, and take enforcement action.

III. **PROCEDURE:**

a. **Initial Response Procedures**

- i. When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic or sexual orientation bias, the officer shall take any preliminary action necessary, such as:
 1. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures.
 2. Restoring order to the crime scene and taking any reasonably necessary actions to gain control of the situation.
 3. Identifying any injured parties and taking steps to provide medical assistance.
 4. Identifying any witnesses or others who have knowledge of the crime.
 5. Summoning supervisory personnel to the scene.



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Approved by:

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b. Supervisor's Responsibility

- i. The supervisor shall confer with the initial responding officer and take measures to ensure that all-necessary preliminary actions have been taken. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:
 1. Provide immediate assistance to the crime victim, such as:
 - a. Expressing empathy for the victim and showing a sincere interest in his/her well-being.
 - b. Expressing the law enforcement agency's official position on the importance of these cases and the officer's, as well as the Department's interest in the victim's well-being.
 2. Conduct an investigation to include interviews of the victim and any witnesses to the incident.
 3. Ensure that all relevant facts are documented on an incident report and make an initial determination as to whether the incident should be classified as a hate crime.

c. Community Relations/Crime Prevention

- i. Hate crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, and ethnic or sexual orientation group as a whole.
- ii. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, reduce chances of possible retaliation, help prevent additional bias based incidents and encourage any other victimized individuals to step forward and report crimes. To this end, officers so assigned, shall:
 1. Meet with neighborhood groups, residents in target communities and other identified groups to address fears, relay this agency's concern over and response to this and related incidents, reduce the potential for



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counter-violence, and provide safety, security, and crime prevention information.

2. Provide direct and referral assistance to the victim and family.
3. Conduct public meetings on hate crime information, threats and violence in general, and as it relates to specific incidents.
4. Establish liaison with formal organizations and leaders.
5. Expand, where appropriate, existing preventive programs such as anti-hate seminars for school children or neighborhood associations.



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6.08 Towing Vehicles, Releases, and Vehicle Holds

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Replaces: G.O. 06-004, 11/01/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 09/13/2019

- I. **PURPOSE:** To establish guidelines for the towing of vehicles and placing of vehicle holds. The Windsor Heights Police Department also recognizes that vehicles can be vital evidence in case investigations. It may be necessary to seize a vehicle for on-going investigative purposes and/or crime scene processing.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to tow vehicles when necessary and to properly document the various reasons for towing. When a hold is placed on a vehicle, officers shall properly document the reason and follow-up when required.
- III. **PROCEDURE:**
 - a. All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle impound form. This includes the trunk and any compartments or containers, even if closed and/or locked.
 - i. **Reasons for requesting a vehicle to be towed:**
 1. Impound
 - a. Traffic hazard
 - b. Evidence processing
 - c. Nuisance abatement
 - d. Pursuant to arrest if the driver cannot locate someone to come get the vehicle in a reasonable amount of time and if the vehicle is not legally parked.
 - e. Pending forfeiture proceeding
 - f. On-going criminal investigation
 - g. At the scene of a traffic crash if the operator is incapacitated or otherwise unable to direct the removal of the vehicle.



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6.08 Towing Vehicles, Releases, and Vehicle Holds

Page(s):

3

Replaces: G.O. 06-004, 11/01/2006

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 09/13/2019

2. Non-preference towing (when owner or operator does not have a preference for a towing service):
 - a. Officers shall notify the Communications Center to contact the Department's contracted towing service.
 - b. Impound sheet and vehicle inventory shall be completed by the officer and associated to a case number.
 - c. Undue delays in contracted service provider or other concerns shall be reported to a supervisor.
3. Vehicle owner or operator requests specific towing service (i.e. private tow):
 - a. Officers will notify the Communications Center of the name of the towing service requested and the location to which the service should respond.
 - b. Officers will standby at the scene and facilitate removal.

b. Vehicle Holds and Releases

- i. Responsibilities of officer placing a hold on a vehicle:
 1. Fill out impound report indicating the reason for the hold.
 2. Detail the reason for the hold in the narrative portion of the case incident report.
 3. Release the hold when appropriate and notify the owner of the vehicle along with an administrative support clerk.
- ii. If the hold is for paperwork rather than investigation or evidence, the administrative support clerk may release the vehicle after the paperwork requirement is satisfied and impound release fee and/or other associated fees are paid. Examples of paperwork requirements include:



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1. Proof of ownership/title transfer
2. Issuance of citation attached to report
3. Third party release, if verified by vehicle owner through written release that is signed by the owner with a copy of their legal state identification attached and matching signatures.

c. Impounds for Evidence

- i. Should an officer decide a vehicle needs to be seized from a crime scene as evidence, or for additional processing, the vehicle shall:
 1. Be towed to the Windsor Heights Police Department by the current approved tow company and secured in a locked garage bay.
 2. The vehicle must be logged in as a seized item of evidence in order to maintain chain of custody. It shall remain in said secured location until which time as it is determined by the investigating officer(s) that the vehicle may be released.
 3. In cases of processing for crime scene evidence, every effort will be made to get the vehicle processed and released as quickly as possible. If the vehicle can be processed adequately at its original location, it shall not be impounded.
 4. After processing the owner shall be notified that s/he will have 24 hours to pick up the vehicle or the vehicle will be towed to the tow company's impound yard. Under this circumstance the owner may have two tow bills to pay and additional storage fees may be applicable before it will be released by the tow company.
 5. It is the case officer's responsibility to ensure that all of the appropriate fees and documentation have been completed prior to release of the vehicle.



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6.09 Standby Requests

Page(s):

1

Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

09/13/2019

- I. **PURPOSE:** To establish guidelines for responding to requests for Police Department standbys.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to assist with civil standby requests only in cases of necessity and only with court ordered paperwork. Civil standby requests are low priority calls for service and will be handled on a case-by-case basis.
- III. **PROCEDURE:**
 - a. Upon receiving a request for a Police Officer to standby reference civil matters, removing personal property, retrieving children, recovering rented property, etc., the officer will determine if the caller has the necessary court ordered paperwork to take action.
 - i. If the caller has the necessary court ordered paperwork, an officer will respond when available and remain until the "necessities" are taken care of.
 - ii. If the caller does not have the necessary court ordered paper work, they should be advised to contact an attorney to obtain the necessary court order.
 - b. A supervisor may refuse to dispatch a unit regardless of the fact there is court documentation based on the time of day, pending work load or any other factor deemed reasonable.



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6.10 Court Appearances

Page(s):

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

09/13/2019

I. **PURPOSE:** To set standards ensuring when employees testify in court, they will present a quality of professionalism that speaks highly of their personal character and the Windsor Heights Police Department. To define the procedures for officers to receive payment for court appearances or court related proceedings and to ensure notification of personnel for required court appearances.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to present a professional image to the Court, County Attorney's Office, representatives of other agencies, and the public. Therefore, all employees will respond to subpoenas and other court notifications in a timely manner and document such actions as required by this policy.

III. **PROCEDURE:**

a. **Subpoenas**

- i. The Division Commander is ultimately responsible for seeing that subpoenas are served upon and honored by employees within their command.
- ii. The administrative support clerk shall maintain an electronic log in which subpoenas are logged by the date received and forwarded to the affected officer.
- iii. If the court time is scheduled for a time prior to the employee's next duty day, the commander, with assistance from the administrative support clerk, shall see to it that the employee is notified in a timely fashion.
- iv. Employees will not be compensated for any cancelled court case in which reasonable notification was given to the employee prior to the scheduled time of the subpoena.

b. **Court Documentation and Compensation**

- i. Each off-duty employee will initiate a witness fee/court time record form upon reporting to court proceedings for state court.



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- ii. The employee will completely fill out all portions of this form including their signature.
 - iii. The employee will turn this form into the clerk's office or court's designee upon the completion of each day's court appearance.
 - iv. Union employees shall be compensated for court appearances as governed by their bargaining unit agreement and sign over to the City any reimbursement checks received from the court.
 - v. Off duty employees will check with a supervisor prior to the use of Department vehicles for transportation to/from court.
 - vi. For the purposes of this section, non-union employees will be compensated in the same manner as Union employees.
- c. **Preparation.** Employees are responsible for reviewing their notes and applicable police reports so they are well prepared to testify.
- d. **Personal Appearance**
- i. When appearing in a courtroom, employees may dress in any of the following manners:
 - 1. Class A or B Windsor Heights Police uniform
 - 2. Male employees may wear a suit or sport coat with a shirt and tie.
 - 3. Female employees may wear appropriate business attire.
 - ii. When appearing for a deposition, employees may wear business casual with attention to appearance. Jeans and shorts are not allowed.

Cancellations by Employees. An employee may only cancel a court appearance in an emergency and/or with verbal approval from his/her Commander and the County/City Attorney's office.



Windsor Heights Police Department Policy and Procedure Manual

6.11 Contagious Disease and Infection Control Plan Blood Borne Pathogens

Page(s): 12

Replaces:	Rule #14, 11/01/2003	Issue Date:	3/1/2012
Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012
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- I. **PURPOSE:** To establish procedures and guidelines for the implementation of a departmental Infection Control Plan that is consistent with the OSHA Blood Borne Pathogen's Standard 1910.1030.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure each employee with occupational exposure becomes familiar with and adheres to this exposure control plan.
- III. **DEFINITIONS:**
 - a. **Blood borne Pathogens** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
 - b. **Exposure Incident** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's duties.
 - c. **Occupational Exposure** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's duties.
 - d. **Other Potentially Infectious Materials** means semen, vaginal secretions, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids, any unfixed tissue or organ
 - e. **Parenteral** means piercing mucous membranes or the skin barrier (other than intact skin) from a human (living or dead) through such events as needle sticks, human bites, cuts, and abrasions.
 - f. **Source Individual** means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.



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- g. **Universal Precautions** is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

IV. PROCEDURE:

a. Exposure Determination

- i. For the purpose of this policy, all police officers and administrative support clerks will be classified as having occupational exposure in the following categories:
 1. First Aid / CPR
 2. Prisoner arrest / processing
 3. Collection and/or processing of evidence
 4. Clean-up of potentially contaminated areas or materials
- ii. Custodial employees also have numerous ways of coming into contact with infectious materials on a daily basis and will be classified as having occupational exposure in the following categories:
 1. Having to clean cells and the arrest processing area
 2. Having to clean-up blood and other body fluids
 3. Having to empty waste

b. Infection Control

- i. The simplest and most effective way to minimize or prevent the spread of infection is to subscribe to a theory of universal precautions and use the appropriate personal protective equipment. Additionally, open cuts and abrasions shall be covered with waterproof bandages before reporting for duty.



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1. Employees should wash hands frequently after coming in contact with the public. Antiseptic soap dispensers will be made available in the booking area and will be maintained by the custodial staff. Hand sanitizer shall also be made available to all staff throughout the building.
2. If hand washing is not immediately feasible due to lack of running water, each squad has waterless antiseptic hand cleaners or towelettes that are to be replaced by the using officer. When these cleaners are used, hands should be washed with soap and hot water as soon as possible.
3. In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, employees are not to eat, drink, apply cosmetics or lip balm, or handle contact lenses.
4. Whenever an item is turned into evidence that has even a trace of blood on it, a red biohazard sticker shall be placed on the outside of the bag/container so as to alert the evidence officer of the possible blood borne hazard.
5. Use of Protective Equipment:
 - a. Each squad will have a first aid kit, plastic mouthpieces or other authorized barrier/resuscitation devices used whenever an officer performs CPR or mouth to mouth resuscitation, a blood borne pathogens kit that is furnished with protective gloves, face mask, eyewear, and disposable apron or gown, and N95 surgical masks/respirators for containment of or protection from airborne particulates. If an officer during his/her pre-shift inventory check discovers these items missing or uses any during his/her tour of duty, shall obtain replacements from the station and place it back into the vehicle trunk.
 - b. Officers shall utilize gloves and necessary personal protective equipment whenever coming into contact with victims/suspects who are known or suspected of being infected with a communicable disease and who create a potential for significant exposure.



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- c. Officers shall utilize personal protective equipment when there exists strong likelihood for direct contact with blood or body fluids that may contain blood or airborne pathogens.
- d. Any protective equipment which comes into contact with blood borne or airborne pathogens shall be considered as "contaminated". After using, contaminated equipment shall be placed in a disposable red "biohazard" bag. These will then be placed in the Biohazard waste container located in the Fire Department. If officers are disposing contaminated disposable items at one of the area hospitals, they need to ensure that the hospital waste container and/or its liner is marked for "Biohazard" use before disposing contaminated equipment into it. If any doubt exists, check with hospital personnel to ensure proper compliance.

6. Drug Paraphernalia:

- a. Drug Paraphernalia such as needles, syringes, and razor blades will be treated as if contaminated. These items and any other sharp instruments used as paraphernalia will be handled by the officer while wearing protective gloves. The item will then be put into a plastic Biohazard isolation container. Recapping needles is prohibited by OSHA regulations.
- b. Drug paraphernalia that may be a potential biohazard will not normally be held for evidence. Instead it should be photographed and properly disposed of. Should extenuating circumstances exist, it will be placed into evidence with the appropriate Biohazard sticker(s) on the outside of the container. A sharp objects protective evidence storage container may also need to be utilized.



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7. Other Evidence:

- a. Prior to regulations set forth in part IV section B.4, any evidence contaminated with body fluids will be dried, double bagged in paper bags and marked as biohazard to identify potential or known communicable disease contamination. Special arrangements may need to be made with the evidence custodian/investigator.

8. Transport and Custody:

- a. When appropriate protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.
- b. Officers shall not put their fingers in or near any person's mouth.
- c. Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals. The individual may be required to wear a suitable protective covering if s/he is bleeding or otherwise emitting body fluids.
- d. Officers have an obligation to notify relevant support personnel during a transfer of custody when the suspect has body fluids present on his/her person, or has stated that he/she has a communicable disease.
- e. Officers shall document on the appropriate arrest booking form when a suspect taken into custody has body fluids on his/her person or has stated that s/he has a communicable disease.



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9. Listed below are contagious diseases and routes of transmission:

Disease	Route of Transmission
HIV, HBV	Open wounds or mucosal linings in direct contact with blood, body fluids or sharp paraphernalia of another.
Tuberculosis	Airborne: inhaling bacteria read by coughing or sputum of infected person.
Viral Meningitis Hepatitis A Hepatitis non-A non-B	Contaminated food or water. Usually through blood transfusions.

10. There are four diseases that will require follow-up care in the case of known or suspected exposure, they are:

Disease	Time Frame	Preventative Treatment
Meningitis	24-36 hours	Medical
Hepatitis	7 days	Medical
H.I.V.	4-24 hours	Medical
Tuberculosis	weeks-months	Medical

c. Biohazard Decontamination Procedures

- i. Consider all blood and body fluids to be contaminated. Therefore, when cleaning up any blood or body fluids: WEAR PROTECTIVE EQUIPMENT.
- ii. To remove minor or small amounts of blood or body fluids, apply a disinfectant (or diluted bleach - 1 part bleach to 10 parts water) over blood or potentially infectious material. Product to be used in accordance with label directed use.
- iii. Clean-up contaminated material with disposable paper towels and dispose of into red "Biohazard" bag.



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- iv. Apply appropriate disinfectant cleaner to decontaminated spot or area. Wipe off with paper towels and dispose of into red "Biohazard" bag.
- v. Wash hands thoroughly. Dispose of gloves into red "Biohazard" bag.
- vi. Place biohazard bag into the "Biohazard" waste container located in the Fire Department.
- vii. All officers will be responsible for cleaning their own squad car(s) as it becomes contaminated during their shift. (Extreme amounts to be cleaned by professional service).
- viii. Uniform equipment that is contaminated shall be cleaned as follows:

- 1. Metal pieces will be cleaned in accordance –subsection (c) above.
- 2. Fabric uniform clothing can either be washed or professionally cleaned.
 - a. If washed, clothing should be laundered with detergent in water of at least 160 degrees Fahrenheit for 25 minutes and done so at the station.
 - b. If professionally cleaned, contaminated clothing must be placed in a red "biohazard" bag with a tag.
 - c. The employee will inform his/her supervisor and the Chief's Office by memo of the contaminated clothing or equipment and include a copy of any applicable police report. Determination will then be made on replacement.

d. **Leather equipment** will be handled in the following manner:

- i. Minor, superficial contamination may be cleaned with warm soap and water, followed by the spray disinfectant.



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- ii. Heavy contamination, with fluids soaked into the porous surface, may require professional cleaning or replacement. Should this procedure become necessary, the officer involved will place the equipment in a Biohazard bag, draft a memorandum to his/her supervisor, and include a copy of any applicable police report. This memo will be forwarded through the chain of command for determination if the leather is salvageable or needs to be discarded.

e. Contagious Disease - Post-Exposure Evaluation and Follow Up

i. Employee:

1. Should immediately notify his/her supervisor of the circumstances of exposure.
2. Go to the medical facility where the "Source" individual is taken for treatment. [The reason for this is so that the ER Physician can ask any additional information that s/he feels is necessary to make a determination whether there has been a "significant exposure" or not?]
 - a. Based upon physician advice, the employee may not have to be treated at this time. If the Department's Occupational Medical Clinic is open, the employee should go there for treatment.
 - b. If closed, the employee may receive initial treatment at the hospital with follow-up to be completed through Occupational Medicine, or an appointment can be set for initial treatment with occupational medicine.
3. Fill out the Iowa Department of Public Health Report of Exposure to Infectious Disease form and give to the ER Doctor or request the "House Supervisor" [administrative nurse]. (All three copies are to be given).
 - a. The IA Dept. of Public Health form mentioned above is to be carried in all command cars so that the form is available to all officers and then can be completed prior to getting to the hospital.



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b. An electronic version of this form will also be available. Either form should be given to the ER doctor or House Supervisor upon arrival so that hospital staff is alerted and proper protocols are followed.

c. This form should also be available at the hospital if requested.

4. A summary memo to the Chief of Police should be completed as soon as possible on the circumstances surrounding the exposure and what led up to it. The incident report should also be attached to this memo.

ii. Supervisor:

1. Ensure that the officer/employee receives immediate medical attention if required.
2. Notify Division Commander.
3. Immediately take completed Report of Exposure form to emergency physician if exposed employee is unable to.
4. Get as much information as possible on the subject(s) involved in the incident and add same to the officer's report.
5. Attempt to get Source individual to voluntarily submit to a blood test (at City expense) immediately when medically authorized.

a. If Source is sent to the hospital for treatment, inform the emergency room administrative nurse that an officer has had positive exposure from their patient and request that s/he initiate the hospital protocol reference exposure to public safety personnel.

b. Results of the Source testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.



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iii. Emergency Room Physician:

1. The ER Physician must decide if the employee has sustained a significant exposure by criteria from the Centers of Disease Control.
2. The ER Physician will complete the form and deliver it to the Infectious Control Nurse who will send the second and third copies of the form back to a designated supervisor, who will notify the affected employee of the results.
 - a. Return of Exposure form informing an employee of non-significant exposure should take 24 hours, no more than 48 hours.
 - b. If an employee has a significant exposure, the employee will normally be contacted by an Infectious Disease Control Nurse, who will make an appointment for counseling and further testing.

iv. The Employer:

1. Shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within 15 days of the completion of the evaluation.
2. Shall keep medical records of any and all exposures by incidents to blood or potential infectious materials for a 30 year period after the employee ceases to be a member.
 - a. Records shall include:
 - i. Name and social security number of the employee.
 - ii. Copy of the employee's Hepatitis B vaccination status including the dates of all Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations.



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- iii. Copy of all results of examinations, medical testing, and follow-up procedures.
 - iv. Employer's copy of the health care professional's written opinion.
 - v. Copy of the information provided to the health care professional.
- b. Employer shall ensure that the employee's medical records are kept confidential, not disclosed or reported without the employee's express written consent to any person within or outside the workplace, except as may be required by law.
- c. Employer shall maintain the records for at least the duration of employment plus 30 years per OSHA 29 CFR 1910.20.
3. Conduct a review of the exposure incident with the Safety Committee to determine if new protocols are necessary for implementation or employee training/retraining is required.

f. Information and Training

- i. Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.
 - 1. Training shall be provided as follows:
 - a. At the time of initial assignment to tasks where occupational exposure may take place
 - b. Within 90 days after the effective date of a new standard
 - c. At least annually thereafter



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2. Training records shall include the following:

- a. Dates of the training sessions
- b. Contents or summary of the training session
- c. Name and qualifications of the person conducting the training
- d. Be maintained for a minimum of three (3) years from the date on which the training occurred.



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6.12 Liquor Licenses

Page(s):

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

07/24/2020

- I. **PURPOSE:** To spell out the duties and responsibilities for liquor license applications and for the service of liquor license actions from the Iowa Liquor Control Board.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to provide for thorough investigations on liquor license applications and coordinated assistance to the Iowa Liquor Control Board during such times as they take action on a liquor license within the City of Windsor Heights.
- III. **PROCEDURE:**
 - a. The Chief of Police shall serve as the Liquor License Coordinator. The Chief will have the following duties:
 - i. Receive and review all new liquor license applications.
 - ii. Oversee background investigations on all liquor license applicants.
 - iii. Maintain a file containing all liquor license applications and background information.
 - iv. Make appropriate recommendations on the application to the city council.
 - v. Appoint service for all liquor license actions requested by the Iowa Liquor Control Board.
 - b. **Serving Liquor License Suspensions**
 - i. If cause/events for a temporary city suspension come to the attention of the Department members, officers shall prepare a case investigation and forward through the chain of command to the Chief. The Chief shall then present the need to the city council for an emergency injunction and coordinate further action with the Iowa Alcohol Beverage Division.
 - ii. If formal action from the City or State occur, the Liquor License Coordinator or designee, along with at least one uniformed Windsor Heights Police Officer, will personally serve the suspension upon the business and post a notice according to Iowa Liquor Control Board regulations.



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- iii. The Liquor License Coordinator will communicate the suspension to the other members of the Department.
- iv. A copy of all documentation along with a police report describing the actions taken will be forwarded to the city council and city attorney.



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6.13 Crime Victim Registration

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Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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07/24/2020

- I. **PURPOSE:** To establish guidelines and requirements regarding legal rights of crime victims and the legal obligations and responsibilities of local law enforcement officers pertaining to victims' rights (Iowa Code CH 915.11). A victim, the victim's family, or other interested person may register with the automated victim notification system established pursuant to Iowa Code section 915.10A by filing a request for registration through written, telephonic, or electronic means. Notwithstanding Chapter 22 or any other contrary provision of law, the registration of a victim, victim's family, or other interested person shall be strictly maintained in a separate confidential file or other confidential medium, and shall be available only to the offices, agencies, and departments required to provide information according to state law.
- II. **POLICY:** Officers investigating criminal incidents must advise victims of their rights under the law and provide them with the necessary resources to register as victims. Peace officers shall advise a victim of the right to register with the county attorney, and shall provide a Victim Rights Registration form to each victim. Department personnel shall also provide a telephone number and website to each victim to register with the automated victim notification system established pursuant to Iowa Code section 915.10A.
- III. **PROCEDURE:**
 - a. The reporting officer must provide a **Crime Victim Registration** form and information to victims of all crimes classified as a *serious misdemeanor and above*.
 - i. Arrest or suspect information is not needed if there is no one arrested or there is not a named suspect at the time of initial investigation.
 - ii. The form is to be distributed at the time of the initial investigation.
 - iii. The investigating officer will note in his/her report whether or not the form has been provided to the victim ("CVR given").
 - iv. The officer is to complete the bottom portion of the crime information section of the form before giving it to the victim.
 - b. **Registered victims** are entitled to be informed of the progress of the investigation when no arrest has been made.



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- i. Information on the progress of an investigation can be given, upon request, if it will not impede or compromise the investigation.
 - ii. The County Attorney's office should be consulted before giving any information regarding a case of a sensitive or critical nature.
- c. **Registered victims** can request to be notified when offenders are to be released from custody.
- d. **Crime Reports Taken Over the Phone**
 - i. When a report is taken over the phone, the victim of the crime must be told of the right to register as a victim.
 - ii. The Victim Rights Registration form may be read, emailed, or mailed to the victim in this circumstance. This information may also be accessed by the victim on the City's website.
- e. **Registration Forms**
 - i. All officers will carry a supply of registration rights forms. Registration information will also be available at the front desk of City Hall or through a coordinator at the Restorative Justice Center within the Polk County Attorney's Office.



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3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

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I. **PURPOSE:** The purpose of this section is to establish the procedural guidelines for the inspection, operation, maintenance, organization, management and administration of the Windsor Heights Police Department Temporary Holding Facility.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure that persons incarcerated by the Department shall be treated safely and humanely in accordance with local, state, and federal law. The holding facility shall be secure, safe, and free from hazardous or unsanitary conditions.

III. DEFINITIONS

- a. **Temporary Holding Facility.** A temporary detention facility for which custodial authority is less than two (2) hours and where detainees are held pending transfer to another facility. Trained staff of the agency must be available to respond, render aid to, or release the detainee in the event of a life-endangering emergency.
- b. **Strip Search.** A strip search means having the arrestee remove or arrange some or all of his/her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. *Note: No search of any body cavity other than the mouth, ears or nose will be conducted without a duly executed search warrant.*

IV. PROCEDURE:

a. Training of Matrons, Patrons, and Staff

- i. All non-sworn members serving in the position of matron/patron shall receive training immediately upon assignment to include such duties as physical restraint techniques, search techniques, policies and procedures of the Windsor Heights Police Department and applicable laws governing operation of the facility and prisoner handling.
- ii. All members of the Windsor Heights Police Department, regardless of position, shall receive at a minimum, an orientation on the operation of the custodial facility. Their immediate supervisor or designee will conduct this orientation.



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b. Access of Non-Essential Persons

- i. In order to not impede the operation of the holding facility, and/or to not violate prisoner's rights, all non-essential persons, (i.e. persons who are not directly involved in the processing or required movement of prisoners) are prohibited from entering the custodial facility while prisoners are present. Interns and civilian observers may enter, if first approved by a sworn officer and/or supervisor.
- ii. Any authorized party entering the facility is subject to search and should be searched prior to entering.
- iii. Attorneys shall be allowed, under certain parameters, to consult with their client(s). The temporary holding facility will honor an individual's right to a confidential consultation and an attorney's request for a private, barrier-free meeting space.
 1. Attorneys wishing to meet with their clients in the facility will have all of their personal belongings removed from them with the exception of those relative to a consultation (i.e. notepad, writing utensil, eye glasses, digital recorder, PBT, etc.). Each item maintained is subject to inspection before and after consultation.
 2. Upon request for meetings in confidence, video and audio recordings will be turned off. Prior to facilitating this request, the attorney shall be advised that they are doing so at their own risk, and agency personnel cannot be accountable for his/her safety. However, if there is suspicion of an individualized safety or security risk, physical separation may be required and/or visual monitoring of the interview room be necessary.
 3. The attorney and client will then be allowed into the interview room. Upon completion of the consultation, both parties shall be searched again.



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4. In matters of alcohol testing, the parties involved in consultation should be advised that this consultation shall not interfere with time restrictions imposed for implied consent. Interference of this time limit will constitute a refusal.
- iv. Contracted workers are authorized access only during those times that the custodial facility does not house a prisoner. Maintenance and janitorial personnel are authorized access to the cells only when they do not house a prisoner.
- c. **Detainee Records Security.** The security and privacy of criminal records and individual criminal histories utilized in processing shall be governed by Chapter 692 of the Code of Iowa and by Title 28 of the Code of Federal Regulations.
 - i. An arrest transaction booking number is assigned by the arresting officer, through use of the Polk County Communications Center issued case number, for each person taken into custody.
 - ii. All records pertaining to in-custody prisoners such as arrest reports, juvenile lockup records, etc. shall be maintained in such a manner as to safeguard them from unauthorized disclosure.
 1. The Department's Records division maintains such records.
 2. Juvenile lock-up records (i.e. Juvenile Detention Survey spreadsheet) shall be securely maintained in the booking/processing area.
 3. Upon a prisoner's release or transfer, all records pertaining to the prisoner shall be forwarded to the Records division. Any release of information or requests for information shall be handled in accordance with the Freedom of Information Act and applicable Department regulations.



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d. Fire Prevention Measures

i. All personnel will adhere to the following fire safety measures:

1. No smoking will be permitted in or around the facility.
2. Lighters, matches and any other similar materials will be removed from prisoners or authorized visitors prior to placing them into a cell.
3. Officers will remain aware of the location and use of firefighting equipment.

e. Prisoner Evacuation/Operational Procedures

i. Emergency situations that may require evacuation of prisoners include, but are not limited to fire, natural disaster, suicide attempt, or disturbance.

1. Authority and Responsibility for Evacuation of Prisoners:

- a. A supervisor shall be immediately notified of any of the above situations and will determine when evacuation is appropriate, if time allows.
- b. Patrol or investigative personnel shall remove detainees when safety needs dictate.
- c. In the event of a life-threatening situation, any department member may take necessary action to ensure safety of the prisoners. Staff will be responsible for the prompt release of detainees in the event of a life-threatening situation and the detainees removal from their cells will be guaranteed to the best of each employee's ability. If such a situation manifests itself, command staff will be notified and constantly advised of the on-going evacuation activities.



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- d. The nearest available on duty sworn officers shall report to the custodial facility, secure and evacuate the prisoners to a non-threatened area.

2. Evacuation Procedure:

- a. In the event of an evacuation, the closest and safest exit, which is clearly marked, will be utilized.
- b. When uninjured adult prisoners are being evacuated, officers shall handcuff them. Depending on the nature of the emergency, it shall be the officer's responsibility to determine the disposition location of the prisoner(s). Prisoners will remain handcuffed and under guard at all times.
- c. If the prisoners must be removed from the building, they shall be placed inside available patrol vehicles.
- d. A supervisor shall make necessary assignments as to security after evacuation, with the Polk County Jail being the primary resource for an alternate facility.

f. Security and Control of Facility

- i. No officer will enter any part of the prisoner processing area when prisoners are being housed without having first secured all firearms in one of the available weapons storage boxes.
 1. A locked storage unit is provided on the wall near the employee entrance for officer use. This is for firearm storage and is secured by a key-locking device. After placing the handcuffed prisoner in a cell, the officer shall place his/her weapon in this unit and lock it, retaining the key in his/her possession. Except in an emergency situation, no firearms, chemical control agents, flashlights or other dangerous weapons will be allowed in an occupied cell.



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2. No officer shall enter an occupied cell alone, except to aid or ensure the well-being and safety or security of a prisoner, unless another officer is monitoring them. Officers entering a cell for the above purposes shall notify another officer that entry is going to be made and the reason.
3. When prisoner(s) are present, the occupied cell(s) will be secured.
4. Prior to placing a prisoner into a cell, and immediately after removing a prisoner from the cell for release or transfer, the attending officers will search each cell for weapons and contraband. In the event that contraband/weapons are found, appropriate charges will be filed.
5. Officers shall control the noise level in the custodial facility so that it will not become distracting and uncomfortable for either the staff or the detainees.
6. All incidents that threaten the facility require a written report to be submitted and maintained in the internal affairs files [and relevant case file] for a period of two (2) years unless otherwise specified. These may include but are not limited to: deaths, suicides or attempted suicides, use of force, escapes or attempts to escape, fires, occurrences of infection or exposure to infectious disease, assaults including sexual assault, injuries occurring within the facility (record must be maintained for five (5) years), or bomb threats.

g. Prisoner Escape

- i. In the event that a prisoner escapes from the custodial facility, the following procedures are to be put into effect.
 1. The officer(s) from whom the person escaped will immediately notify Communications and a supervisor.
 2. The officer(s) will provide Communications with an offender description for immediate broadcast, which shall include all pertinent offender information.



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3. The supervisor will initiate a regional broadcast of the escape through Iowa/NCIC and coordinate all search efforts.
4. The supervisor will ensure that command staff is notified of the escape as soon as possible.
5. If the escapee is apprehended, the supervisor will initiate all notifications (i.e. dispatch, Iowa/NCIC, and command staff) for termination of the alert.
6. If the escapee is not recaptured and is a misdemeanor, the supervisor will ensure completion of all reports, preparation of arrest warrants and obtain correspondence from the involved officer(s) detailing the circumstances surrounding the escape.
7. If the escapee was detained in "felony status," consideration will be given as to the type of felony (i.e. any crime where death or serious injury was involved or wherein a threat to the welfare of the public appears eminent), and command staff shall determine the appropriateness of a house-to-house search.
8. Requests for assistance from other law enforcement agencies potentially affected by such an escape shall be made at the direction of command staff.
9. Use of force in the apprehension of an escapee is determined by the Department's Use of Force policy (5.01).
10. Command staff shall determine the appropriateness of immediate media notification.



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V. Detainee Regulations

a. Detainee Processing

- i. Prior to being placed in any type of cell, detainees will be searched. All pockets shall be emptied, belt and shoes removed, jewelry removed and all items of property inventoried in an itemized manner and held outside the cell.
- ii. Searching of any detainee will be done by an employee of the same sex or witnessed by another officer, whenever possible. If additional personnel are not available, officers will ensure the duration of the search is video recorded.
- iii. Officers collecting a urine sample of a detainee shall be of the same sex or a matron/patron shall be utilized. If a same sex officer or matron/patron is not available, regulations set forth in subsection (V)(d)(ii) of this policy shall be followed.
- iv. A person arrested for a scheduled traffic violation or a simple misdemeanor shall not be subjected to a strip search unless there is reasonable articulable suspicion to believe the person is concealing a weapon or contraband. A strip search shall not be conducted except when all of the following conditions are met:
 1. Authorization by a supervisor is obtained.
 2. The search is conducted in a place where persons not conducting the search cannot observe.
 3. A person of the same sex conducts the search, unless conducted by a physician.
 4. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose of the arrested/detained person.



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5. A visual search or probing of any body cavity will be done in privacy and under sanitary conditions. Only a licensed physician at a medical facility shall perform a physical probe of any body cavity other than the mouth, ears or nose.
 6. Subsequent to a strip search, a written report shall be prepared which includes the names of the person(s) conducting the search, the time, date and place of the search and, if required, a copy of the search warrant authorizing the search.
- v. The following classes of detainees will be kept separate to the degree specified:
1. Juveniles and adults must be kept separated by a means that bars visual *and* auditory contact.
 2. The following groups/classes must be kept physically separated:
 - a. Males from females;
 - b. Felons from misdemeanants;
 - c. Pre-trial detainees from sentenced persons;
 - d. Witnesses from arrestee;
 - e. Persons from which a violent reaction could be anticipated if allowed to co-mingle;
 - f. Persons who are a health risk;
 - g. Persons who are accused of or believed to participate in sexually deviant behavior.
 3. Except in emergency situations, officers will not house more than one detainee in each cell.



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vi. At the time of booking, an attempt shall be made (either by observation or direct questioning of the detainee) to determine if the detainee is suicidal or violent.

1. The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation:

- a. Does the detainee show signs of depression?
- b. Does the detainee appear overly anxious, afraid or angry?
- c. Does the detainee appear unusually embarrassed or ashamed?
- d. Is the detainee acting or talking in a strange manner?
- e. Does the detainee appear to be under the influence of alcohol or drugs?
- f. Does the detainee have any scars or marks which indicate a previous suicide attempt?

2. If any of the above questions are yes, the following will be asked of the detainee:

- a. Have you ever tried to hurt yourself?
- b. Have you attempted to kill yourself?
- c. Are you thinking of hurting yourself?



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vii. Prisoner Safety: If any prisoner displays behaviors or physical characteristics consistent with signs of being under the influence of alcohol or other drugs, or violence or self-destruction, the following should ensue:

1. For the protection and safety of the prisoner, a determination should be made by the officer as to the necessity of: clothing removal; contacting EMS personnel or Mobile Crisis for medical assessment; continuous observation of the prisoner's mental/physical behavior and the subsequent transfer of the prisoner to Polk County Jail for more intensive supervision or to Broadlawns Medical Center for additional medical attention.
2. All observations relative to the prisoner's behavior shall be recorded in an incident report.
3. Decisions to transfer the prisoner to other facilities shall be made by a supervisor in coordination with Polk County Jail intake services.

viii. The custodial facility may be used by outside agencies for detention of prisoners pending transfer or release.

1. Any individual presenting a prisoner for detention in the Windsor Heights holding facility must be positively identified as a law enforcement official. Positive identification may include presentation of police identification, verification through phone calls, or any other means that ensures that person's right to commit an individual into the custodial facility.
2. Any prisoner housed in the holding facility from an outside agency will be handled in accordance with all aspects of this regulation. If an outside agency wishes to house a detainee, they must provide staff to supervise the detainee or the request for holding the detainee should be denied.
3. Outside agencies wishing to use the Datamaster without placing the detainee in a cell will be permitted to do so and does not require additional documentation.



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- ix. In the event of a mass arrest, the lead officer will determine whether the number of prisoners will exceed the custodial facilities capacity. If so, prisoners will be taken directly to the Polk County Jail for processing and incarceration.
- x. Cash bonds will not normally be received at the Windsor Heights Temporary Holding Facility. Detainees should be transferred to Polk County Jail where they may be allowed to bond out.

b. Booking and Fingerprint Protocols

- i. All inventoried property will be listed on the WHPD Ident Form.
- ii. The Ident Form includes sections for arrest information and apparent physical condition. These must be filled out for each prisoner processed into the holding facility.
- iii. Persons processed into the holding facility shall be asked health related questions provided on the Ident Form.
- iv. All offenders, whether adult or juvenile, being charged with a serious misdemeanor or above shall be fingerprinted. Exceptions to this rule are for 321 or 321A violations. 321J.21 and 321.561 offenders shall be fingerprinted. Two red FBI cards shall be completed for each offender.
- v. All adult offenders being charged under state code with simple misdemeanor crimes enhanceable for second or subsequent offenses shall also be fingerprinted. These include:
 - 1. Theft 5th;
 - 2. Harassment 3rd;
 - 3. Domestic abuse (simple);
 - 4. Public intoxication (upon second offense - 123.91);
 - 5. Criminal trespass (under certain circumstances – 716.8).



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- vi. Booking photographs shall be taken at the time of fingerprint processing of adult individuals not being transferred to Polk County Jail. Juveniles shall have their photos taken after being charged with a serious misdemeanor or above. Consult Iowa Code 232.148 for complete regulations on juvenile fingerprinting and photographs. Other juvenile regulations shall apply according to the Juvenile Enforcement policy (6.04).

c. Detainee Rights

- i. Officers shall not discriminate as to the availability of services on an equitable basis. Detainees' opportunity to exercise their rights under Iowa Code 804.20 to make a phone call, will not be denied.
- ii. All officers shall ensure staff and detainees are not subject to discriminatory treatment based on any individual characteristic (i.e. race, religion, nationality, mental or physical disability, gender, age, etc.).
- iii. Communication and correspondence afforded to detainees:
 - 1. Telephone calls by detainees will be permitted to their family, attorney, or both without unnecessary delay, as required by the Iowa Code.
 - 2. Attorneys will be permitted to visit detainees upon reasonable request. A visit shall be denied if a reasonable suspicion exists that the visit might endanger the security of the facility. A written record will be made of such denial and reasons therefore.
 - 3. All visitors will be recorded within an incident report when permitted to visit any detainee.
 - 4. All persons entering the custodial facility may be searched for contraband. Notice to this effect is conspicuously posted. Persons may be denied entry to the custodial facility if they refuse to consent to a required search.



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5. When non-U.S. citizens are detained, they shall be advised of their right to have their consular officials notified. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance.

iv. Detainees will be provided, at their request, access to the courts consistent with their constitutional rights and the Polk County process for intake of new prisoners into temporary holding facilities.

v. No detainee will be released or transferred from confinement without appropriate process.

d. Supervision of Detainees and Juveniles

i. Each arresting officer is responsible for maintaining supervision of all detainees confined in the temporary holding facility and for monitoring custodial facility conditions.

1. Individuals who are in the custody of the Windsor Heights Police Department, and not detained in a holding cell, will not be left unattended or unsupervised by Department members at any time.

2. Arresting officers will physically check detainees every fifteen (15) minutes. In the event a detainee requires additional attention due to a mental or physical condition, the arresting officer will increase the frequency as appropriate.

ii. When a person of the opposite sex is arrested, the following procedures will be followed when an officer of that sex is not available to assist with processing:

1. The arresting officer will be responsible for making the decision as to whether a matron/patron should be called out and maintaining written record of the hours worked.



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2. During the booking process, or when a detainee of the opposite sex is confined in the custodial facility, there will be a staff person on the premises who will be utilized as a matron/patron. If this is not possible due to the callout list being exhausted, two officers shall be present at all times during processing.
3. The matron/patron will conduct a thorough search of the detainee and be present during the booking process of the prisoner.
- iii. No employee or visitor may enter a cell occupied by a detainee of the opposite sex unless advance notice has been given. Exception to this may be in times of emergency.
- iv. No person employed by this Department will transact any business with any detainee or any member of a detainee's family, nor shall any employee arrange through another party any business transaction with a detainee.
- v. Due to the temporary nature of the detention of a prisoner, no personal items such as mail, money, checks, money orders, food, prescription medication, smoking materials or other personal items will be accepted for delivery to any prisoner.
- vi. For qualified detention of **juveniles** in a locking cell, all of the following shall apply:
 1. Adequate staff must be available to supervise and monitor the child's activities at all times. Any juvenile placed in any cell cannot be allowed to come into contact with any adult detainee, *either by sight or sound*.
 2. The child is fourteen (14) years of age or older.
 3. There is probable cause to believe that the juvenile has committed a delinquent act which, if committed by an adult, would be a felony, aggravated assault, aggravated sexual assault, first or second offense operating while intoxicated (OWI), or public intoxication.
 4. The juvenile poses a serious risk to others or to the property of others.



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5. A short-term juvenile detention facility is not available.
6. All juveniles in custody, who are in a state of intoxication, shall be personally observed on a continuous basis throughout the period of detention. CCTV/video monitoring is not acceptable.
7. If a child is to be detained for a violation of section 123.46 or section 321J.2, placement into the custodial facility shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility (i.e. YESS).

e. Detainee Medical and Health Assistance Procedures

- i. Any time a prisoner is in need of medical and health services, the following procedures are to be followed:
 1. During booking, detainees should be questioned as to their current health, medications taken and their behavior observed, including state of consciousness and mental status. Detainees should be observed for any obvious signs of injury.
 2. The arresting officer will assure detainees the opportunity to receive prompt medical attention for illness and injury.
 3. After initial processing into the holding facility, medical and dental prosthesis will be returned when the health and well-being of a detainee would be adversely affected without them.
- ii. Qualified medical personnel will examine any person who is obviously injured, ill, or unconscious before being admitted to the temporary holding facility. The facility will have a medical resource available for medical consultation, care and treatment of detainees on a twenty-four (24) hour basis through local EMS.



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- iii. At any point during arrest or confinement, any detainee affected by a chemical control agent or electronic control device will be offered a medical examination and appropriate treatment immediately after secure control has been gained.
- iv. Detainees suspected of having a contagious or communicable disease will be isolated from other detainees and, if necessary, examined by qualified medical personnel as soon as possible.
- v. The emergency room at Broadlawns Medical Center will be the Department's designated medical facility for inmates in police custody.
 1. Prisoners who are taken for immediate treatment should be closely monitored. Opportunities for escape, suicide, or assault on hospital personnel or the transporting officer should be guarded against and will be more prevalent if the prisoner is unrestrained or under supervised.
 2. A supervisor will coordinate with medical and security staff at the medical facility, to ensure that an administrative hold is placed on a person of interest for those individuals that are admitted and do not require constant police supervision due to not being arrested.
 3. Prisoners who are admitted to the medical facility are to be supervised on twenty-four (24) hour basis by Windsor Heights Police Department members, unless other arrangements are authorized by command staff. Adequate security coverage cannot be provided by medical facility security staff; however, courtesy notification to that department should occur.
 4. When released from medical treatment or evaluation, a prisoner's condition should be carefully recorded with waiver documents from the medical facility. All instructions for future treatment and medication should also be obtained in writing and signed by the attending physician. A copy of this documentation shall be provided to the detainee or placed in his/her property at the jail. An additional copy shall be maintained in the appropriate investigative file. Before removing the prisoner from the medical facility, he/she should be searched and restrained.



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04/01/2012

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- I. **PURPOSE:** To define the procedures for compliance with the American with Disabilities Act (ADA), the Rehabilitation Act, as well as local, state, and federal laws governing contact between hearing-impaired persons and the police.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure a consistently high level of service is provided to all community members, including those who are hearing impaired. The Police Department has specific legal obligations under the Americans with Disabilities Act, the Rehabilitation Act, and chapter 804.31 of the State Code related to hearing impaired individuals.
- III. **DEFINITIONS:**
 - a. **Deaf person** means an individual who uses sign language as the person's primary mode of communication and who may use interpreters to facilitate communication.
 - b. **Hard of hearing person** means an individual who is unable to hear and distinguish sounds within normal conversational range and who needs to use speech reading, assistive listening devices, or oral interpreters to facilitate communication.
- IV. **PROCEDURE:**
 - a. **General Guidelines**
 - i. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided to persons without such disability.
 - ii. People who identify themselves as deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.
 - iii. Supervisors will make every effort to ensure that officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.



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- iv. Effective communication with a person who is deaf or hard of hearing involved in an incident – whether as a victim, witness, suspect, or arrestee - is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- v. In many circumstances, communication aids may be used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or electronics; use of assistive listening devices; other circumstances may require the use of qualified oral or sign language interpreters.
- vi. The type of aid required for effective communication will depend on the individual's usual method of communication and the nature, importance, and duration of the communication at issue.
- vii. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for the individual person. Employees should ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Employees must defer to those expressed choices, unless there is another equally effective way of communicating given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- viii. Employees must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service (TTY).



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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

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- b. **Interpreter Recommended.** In order to ensure effective communication with a person whose primary means of communication is sign language or speech reading, a qualified interpreter is recommended in circumstances where the communication is more lengthy, complex, and important.

For Example:

- i. Custodial arrest
 - ii. Custodial interrogation
 - iii. Issuing implied consent. (Officer may request and administer a preliminary breath test or chemical tests of a body substance prior to the arrival of a qualified interpreter)
- c. **A list of qualified interpreters** and their phone numbers is made available through the Polk County Communications Center.



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Chief Chad McCluskey

Effective Date:

02/01/2014

Revision Date:

07/27/2020

- I. **PURPOSE:** Sworn officers enforce the ordinances of the City of Windsor Heights and the laws and Constitutions of the State of Iowa and the United States.

Members of the Windsor Heights Police Department perform their duties and exercise their authority within the framework of established policies and procedures. Our primary responsibility as a sworn officer starts with the residents of the City of Windsor Heights, recognizing there are occasions in which we may be summoned outside our jurisdiction to protect the residents of another community or execute warrants. It is the purpose of this policy to establish a protocol for responses outside of our community while recognizing the principles and implicit safety of Incident Command.

- II. **POLICY:** State v. Snider, 522 N.W. 2d 815, 817 affirms police powers within its jurisdictional boundaries with some exceptions related to traffic enforcement. It is the policy of this Department to regulate a jurisdictional response and, if called upon by another jurisdiction, to provide sufficient resources to overcome an evolving and active situation while maintaining adequate local service.

III. **MUTUAL AID AND PEACE OFFICER POWERS:**

a. **On Duty**

- i. Windsor Heights police officers may exercise their authority when on duty anywhere outside the City of Windsor Heights and in the State of Iowa when any of the following conditions exist:
 1. Upon the prior written consent of the Sheriff or Chief of Police in whose primary jurisdiction the exercise of authority occurs;
 2. In response to an emergency involving serious threat to human life or immediate threat to property only if requested by the jurisdictional agency;
 3. In response to a request for assistance pursuant to a 28E agreement or mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction;



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4. In direct response to the request of a peace officer with enforcement authority;
5. When a Windsor Heights police officer is transporting a prisoner or returning from same;
6. When an officer is executing an arrest or search warrant pursuant to Iowa Code § 804.4.
7. When the officer is in fresh pursuit. Any peace officer who has statutory authority under Iowa law to make an arrest may proceed in fresh pursuit of a person:
 - a. Who is reasonably believed to have committed a violation of traffic or criminal law pursuant to Iowa Code § 804.7, or;
 - b. For whom such peace officer holds a warrant of arrest.
 - c. When called to assist another agency in a pursuit, the officer may assist in that pursuit even though the pursuit did not begin at the crime scene (State v. Hearn, 797 NW 2d 577, 583.). A Windsor Heights police officer in fresh pursuit shall have the authority to arrest and to hold such person in custody anywhere in the State of Iowa.

b. Off Duty

- i. Windsor Heights police officers may exercise their authority when off duty anywhere outside the City of Windsor Heights and in the State of Iowa when the following circumstances exist:
 1. In response to an emergency involving serious threat to human life or immediate threat to property.
 2. In response to the request of a peace officer making an arrest who summons aid pursuant to Iowa Code § 804.17.



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- IV. OTHER POLICE AUTHORITY.** Police authority from other law enforcement agencies may be issued to Windsor Heights police officers when necessary and/or desirable. No Windsor Heights police officer may accept authority from or with another agency without prior notice and permission from the Windsor Heights Police Chief.
- V. ABUSE OF COMMISSION.** Abuse or unjustified use of police authority will result in the withdrawal of permission to serve as a Windsor Heights police officer and/or subject the offending Windsor Heights police officer to disciplinary action.
- VI. TASK FORCE INVOLVEMENT.** Task force or interagency involvement by a Windsor Heights police officer may be governed by a written memorandum of understanding (MOU) or a 28E agreement which should address operational objectives and control, participation levels, qualifications, and personnel policies.
- VII. ASSISTING OFFICERS FROM OTHER AGENCIES.** Windsor Heights police officers may assist a law enforcement officer from another Iowa State jurisdiction who has or is attempting to invoke his/her authority to enforce State law. If this occurs, the Windsor Heights police officer shall ensure that the arrest is lawful and if so, shall assist the officer in the accomplishment of the objective.
- VIII. REPORTING REQUIREMENTS.** Windsor Heights police officers are required to submit a report in writing, through the chain of command, to the Chief of Police whenever they exercise authority outside the City of Windsor Heights. Windsor Heights officers are also required to report in a timely manner to the agency with primary territorial jurisdiction and comply with reasonable reporting procedures established by that jurisdiction.
- IX. PROTOCOLS FOR JURISDICTIONAL CALLS FOR ASSISTANCE.** The following protocols shall be followed normally after permission has been granted by a supervisor or OIC:
- Windsor Heights police officers shall refrain from exercising extraterritorial authority when the offense is minor and/or when other options, such as acting as an observer and notifying local authorities, are reasonable.
 - Windsor Heights police officers exercising extraterritorial authority shall normally make prior contact with the agency holding primary territorial jurisdiction so as to observe



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professional courtesy and to minimize confrontation between peace officers of various jurisdictions.

- c. Windsor Heights police officers who are conducting an investigation or serving a warrant in another jurisdiction shall, whenever possible, make prior arrangements to be accompanied and aided by an officer from the jurisdiction in which the investigation is being conducted or the warrant served. Minimally, advance notification to the jurisdiction prior to the execution of a warrant is recommended in all cases.
- d. Windsor Heights police officers are cautioned against acting unless it is necessary, especially when they do not have access to radio systems, local protocols or established local policies designed to ensure their safety.
- e. Windsor Heights police officers are prohibited from making any sort of vehicle stop or pursuit when they are in a private or non-police vehicle.
- f. Windsor Heights police officers shall refrain from exercising off-duty or extraterritorial authority when they have consumed alcoholic beverages or prescription medications which may impair reflexes, performance, and/or judgment when exercising police authority.
- g. Windsor Heights police officers who exercise extraterritorial authority shall accomplish this action in a way that improves interagency relations, enhances the image and professionalism of law enforcement, and better serves the public.
- h. Windsor Heights police officers who exercise extraterritorial authority shall comply with all Windsor Heights Police Department policies including vehicle operations, arrest management, and use of force.
- i. Windsor Heights police officers who respond to a request into another jurisdiction shall not order equipment, resources or additional personnel to the stricken agency/municipality. It is the responsibility of the requesting agency, under a system of Incident Command, to manage their scene and summon incoming personnel and resources. This does not prohibit a Windsor Heights police officer from summoning medical personnel whenever needed.



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- j. Windsor Heights police officers shall only respond if requested by a stricken agency and only after advising the dispatcher of the response. In situations where the Department has available personnel, the supervisor should advise the dispatcher of our resources and availability and await a formal request from the stricken agency prior to responding outside of our jurisdiction.
- k. Normally the supervisor or officer in charge should not leave the City of Windsor Heights to assist another agency. The supervisor or OIC shall send an officer or sufficient number of officers only after considering local staffing levels, our ability to manage calls within our jurisdiction, and the amount of travel time needed to recall allocated agency personnel.

X. LIABILITY

- a. Officers who leave the City of Windsor Heights without permission from a supervisor and without a formal request from the other jurisdiction may unnecessarily expose themselves to personal liability and discipline.
- b. Refer also to Policy 2.01 Authority of the Windsor Heights Police Department.



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Approved by:

Chief Chad McCluskey

Effective Date:

10/13/2020

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I. **PURPOSE:** To establish procedures for response to calls for service, and handling calls for service, related to domestic violence and domestic abuse cases.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to respond to domestic violence incidents in a safe, effective, and efficient manner. The Windsor Heights Police Department takes domestic violence very seriously and works with victims of domestic violence to provide resources and vigorously prosecute abusers.

III. DEFINITIONS:

a. **Domestic Abuse**, according to Iowa Code 236.2, means committing assault as defined in Iowa Code section 708.1 under any of the following circumstances:

- i. The assault is between family or household members who reside together at the time of the assault.
- ii. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assaults.
- iii. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- iv. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.
- v. The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:

1. The duration of the relationship.
2. The frequency of interaction.
3. Whether the relationship has been terminated.



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4. The nature of the relationship characterized by either party's expectation of sexual or romantic involvement.

vi. A person may be involved in an intimate relationship with more than one person at a time.

b. **Emergency Shelter Services** include but are not limited to secure crisis shelters or housing for victims of domestic abuse.

c. **Family or Household Members** means spouses, persons cohabitating, parents, or other persons related by consanguinity or affinity.

i. Family or Household Members *does not* include children under the age of eighteen of persons listed in paragraph (a)(i) of this policy.

d. **Intimate Relationship** means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

e. **Plaintiff** includes a person filing an action on behalf of an unemancipated minor.

f. **Pro Se** means a person proceeding on the person's own behalf without legal representation

g. **Probable Cause** is evidence, facts, and/or circumstances of a reasonably trustworthy nature which would warrant a law enforcement officer to believe that a person committed or is committing a criminal offense. The probable cause standard applied to domestic abuse is no different than that applied to any other crime.

h. **Support Services** include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.



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IV. PROCEDURE:

- a. On-scene Investigation: After arriving at the scene, if told officer's assistance is not needed and officers are not allowed into the residence, officers will still need to ensure the safety of the residents. In cases where the original call came from the disturbance location, the officers will make contact with the complaining party and ensure that the officer's assistance is not needed. The officer should speak with the complainant privately in a location away from the other parties to ensure that the complaint is free from coercive influences. The purpose of any on-scene investigation is to establish "probable cause" through: interviewing of all parties, recording statements, preserving the crime scene, and the collection of evidence. The probable cause standard applied to domestic abuse crimes is no different from the standard applied to other crimes.
- b. When responding to domestic violence calls, the officers will:
 - i. Restore order by separating the parties and calming them down; however, officers should make every attempt to remain in view of each other at all times;
 - ii. Officers should check location for other victims, especially children;
 - iii. Assess the need for medical attention and call for medical personnel, if needed;
 - iv. Interview all parties separately (the victim, suspect, and witnesses) using supportive interviewing techniques; (children should be interviewed in a manner appropriate for their age);
 - v. After each party has been interviewed separately, confer as a team to decide if an arrest should be made and/or other action taken;
 - vi. When appropriate, take photographs of the injuries and property damage; additional photos of injuries should be taken at a later time to demonstrate further development of the injuries, i.e., black eye, other bruises, etc.;
 - vii. Collect and record evidence;



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- viii. An offense report shall be completed on all domestic abuse incidents regardless of whether an arrest is made. *If the suspect has left the scene and a crime has been committed, the officers shall also;
- ix. Conduct a search of the immediate area;
- x. Obtain information from the victim(s), and witnesses as to where the suspect might be (i.e., at work, a relative's or friend's home, etc.);
- xi. If appropriate, refer the case to the investigations division.
- xii. Inform the parties that domestic violence is a crime that, without intervention, it often will increase in frequency and severity;
- xiii. Inform the victim(s) of available domestic violence programs and other agencies, which provide victim services.
- xiv. If possible, the officer should attempt to obtain a handwritten and signed statement from the victim and the witnesses.
- xv. Pursuant to Iowa Code 236.12, when a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic abuse, as defined by Iowa Code, has been committed and one of the following set of facts exist, the officer shall, without undue delay, arrest the person whom the officer believes to be the primary physical aggressor, if such person's actions were not an act of defense of oneself or another from any actual or imminent use of unlawful force in accordance with Iowa Code 704.3.
 - 1. Any domestic assault committed which resulted in the alleged victim's suffering a bodily injury;
 - 2. Any domestic assault committed with the intent to inflict a serious injury.



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3. Any domestic assault committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of another person.

4. Any domestic assault committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of another person, and causing bodily injury.

xvi. **REMINDER:** Officers shall fully document their response to every domestic abuse call in an offense report, regardless of whether or not a crime has been committed or an arrest has been made. In those instances where probable cause exists and no arrest has been made, the officers must document their reasons for not making an arrest.

c. If an arrest is not made, an explanation of why such action was not taken shall be included in the reporting officer's offense report. Officers should inform the victim of available domestic violence programs and other resources which provide victim services. In many domestic violence cases involving two participants BOTH will accuse the other of an act or acts of domestic violence. In these situations, it is up to the responding officer(s) to determine whether only one or both is to be arrested. Officer should refer to the section on probable cause to establish whether one of the parties can be labeled the "primary physical aggressor" who causes the other to commit a defensive combative action, only or whether both participants instigated the domestic violence. The accusations of each party (including instances in which there are more than two participants) should be evaluated independently, probable cause determined and appropriate action taken. No officer investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of any party for the purpose of discouraging requests for law enforcement intervention by any party.

d. If an officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse, including but not limited to the following:

i. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but



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not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

- ii. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.
- iii. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the person to read the document; and asking whether the person understands the rights:

1. You have the right to ask the court for the following help on a temporary basis:

- a. Keeping your attacker away from you, your home and your place of work.
- b. The right to stay at your home without interference from your attacker.
- c. Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.
- d. Professional counseling for you, the children who are members of the household, and the defendant.
- e. You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.



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- f. You have the right to file criminal charges for threats, assaults, or other related crimes.
- g. You have the right to seek restitution against your attacker for harm to yourself or your property.
- h. If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.
- i. If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured. (Iowa Code 236.12)



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10/13/2020

Approved by:

Chief Chad McCluskey

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- I. **PURPOSE:** To provide guidance for incidents involving persons with mental illness or in mental health crisis and ensure those experiencing mental health issues are afforded the same rights, dignity, respect and access to services provided to all citizens.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to provide the highest level of service and protection to everyone with whom we come into contact, including those experiencing mental health issues. The Americans with Disabilities Act (ADA) requires equal treatment for people with disabilities in all state and local government services, including law enforcement. The ADA requires law enforcement agencies to make reasonable adjustments and modifications in policies, practices, or procedures. If a person exhibits symptoms of mental illness, personnel may need to modify routine practices and procedures by taking more time and showing more sensitivity to extend services or protections. This policy is intended to address the most common types of interactions with mentally ill persons and provide guidance to department personnel when dealing with such individuals.
- III. **GUIDELINES**
 - a. The terms "mental illness," "emotional illness," and "psychological illness," describes varying levels of a group of disabilities causing disturbances in thinking, feeling, and relating.
 - b. Mental Illness is the impairment of an individual's normal cognitive, emotional, or behavioral functioning caused by social, psychological, biochemical, genetic, or other factors such as infection or brain injury.
 - c. Many people with mental illness manage symptoms successfully with the proper use of medications, while others may experience psychiatric difficulties when they do not have access to mental health services, fail to take their medications, or simply do not recognize that they are ill.
 - d. Officers and civilian employees must ensure that people with mental illness receive the necessary assistance to access services. This requires time and patience beyond what is normally provided.



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- e. Individuals with a mental illness may be detained or arrested and require transport, and processing. Officers must familiarize themselves with the proper methods of transport, arrest, and detention to ensure officer safety while providing all reasonable support for the person's mental illness.

IV. COMMON SYMPTOMS/ENCOUNTERS

- a. Symptoms of mental illness may vary but mentally ill persons have thoughts, feelings, or behavioral characteristics which may result in an inability to cope with the ordinary demands of life. While a single symptom or isolated event does not necessarily indicate mental illness, professional help should be sought if symptoms persist or worsen. The following may prove useful in recognizing signs of mental illness:
- i. Social withdrawal
 - ii. Withdrawal from family, friends; abnormal self-centeredness
 - iii. Dropping out of activities such as occupations and hobbies
 - iv. Decline in academic or athletic performance
 - v. Loss of interest in once pleasurable activities
 - vi. Expression of hopelessness, helplessness, inadequacy
 - vii. Changes in appetite, weight loss or gain
 - viii. Behaviors unrelated to events or circumstances
 - ix. Excessive fatigue or inability to sleep
 - x. Pessimism and perceiving the world as "dead"
 - xi. Thinking or talking about suicide
 - xii. Inability to concentrate or cope with minor problems



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- xiii. Irrational statements, poor reasoning, memory, judgment
 - xiv. Expressing ideas of being harassed or threatened
 - xv. Nonsensical speech, word repetition, extremely slow speech
 - xvi. Argumentative, belligerent or hostile behavior
 - xvii. Inability to cry or excessive crying
 - xviii. Nonverbal expressions of sadness or grief
 - xix. Hyperactivity or inactivity
 - xx. Deterioration in personal hygiene and appearance
 - xxi. Drug or alcohol abuse
 - xxii. Forgetfulness or loss of valuable possessions
 - xxiii. Inappropriate use of household items, e.g. aluminum foil covering windows
 - xxiv. Hoarding: accumulation of trash, newspapers, etc.
 - xxv. Disorientation in time, place
 - xxvi. Inability to find way in familiar settings
- b. The degree to which these symptoms exist varies from person to person. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but many are noticeable in conversation with the person.
- c. Officers and agency personnel must recognize that responses from people with certain mental illnesses may resemble those of people who have abused substances such as alcohol or drugs. Individuals may exhibit signs that they are intoxicated when in fact they have not taken their prescribed medications.



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- d. Officers should be prepared to encounter a person with a mental illness at any time. Common situations in which officers may encounter such individuals include but are not limited to the following:
- i. Wandering aimlessly or engaged in repetitive or bizarre behaviors in public places.
 - ii. Mentally ill persons are more subject to seizures and may be found in medical emergency situations.
 - iii. Disturbances when caregivers are unable to maintain control over mentally ill persons engaging in self-destructive behaviors.

V. PROCEDURE:

- a. Family members or friends are of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment.
- b. The following guidelines detail how to approach and interact with people who may have mental illness and who may be a crime victim, witness, or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. While protecting their own safety, the safety of the person with mental illness and others at the scene, the officer should:
- i. Speak calmly as loud, stern tones will likely have either no effect or a negative effect on the individual.
 - ii. Use non-threatening body language and if possible keep your hands by your sides.
 - iii. Eliminate to the degree possible, all loud sounds, bright lights, sirens, and crowds and attempt to move the individual to a calm environment.
 - iv. Keep animals away as persons with mental illnesses are often alarmed by barking dogs and other large animals.



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- v. Look for personal identification or medical tags which often provide a contact name and telephone number.
 - vi. Contact the caregiver. They are often the best resource for specific advice on calming the person and ensuring officer's safety until they can arrive.
 - vii. Unless there is an emergency, allow time to interact with mentally ill persons. If they are rushed they may quickly become overloaded.
 - viii. Repeat short, direct phrases to eliminate confusion and distractions.
 - ix. Mentally ill persons have sensory impairments that make it difficult to process information. Officers should avoid touching the person unless absolutely necessary; use soft gestures, avoid quick movements and do not automatically interpret odd behavior as belligerent.
 - x. Be conscious of different forms of communication as mentally ill persons often use signals or gestures instead of words to communicate.
 - xi. Maintain calmness and patience.
 - xii. Maintain a safe distance.
 - xiii. Memory impaired persons who are reported missing should be handled following these guidelines and similar to any other missing person.
- c. Once sufficient information is collected about the nature of the incident and the situation is stabilized, officers may exercise a wide range of options when selecting an appropriate disposition. Options include:
- i. Release of the person.
 - ii. Contact the Mobile Crisis Response Team (MCRT) for on scene assistance.
 - iii. Refer or transport the person for medical attention if injured or abused.
 - iv. Release to care of family, caregiver, or mental health provider.



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- v. Refer or transport to substance abuse services.
- vi. Assist in arranging voluntary admission to a mental health facility.
- vii. Transport for involuntary emergency psychiatric evaluation if the person's behavior is a danger to themselves or others.

d. Interview and Interrogation Procedures

- i. Officers attempting to conduct an interview or interrogation with a person that is obviously mentally ill should consider consultation with the Polk County Attorney's office to determine a course of action.
- ii. If the mentally ill person is a witness, officers should:
 - 1. Not interpret lack of eye contact or strange actions as indicative of deceit.
 - 2. Use simple and straightforward language.
 - 3. Be prepared to alter common interview techniques. Do not suggest answers or attempt to complete thoughts of persons slow to respond.
 - 4. Recognize that the mentally ill persons might be easily manipulated and highly suggestible.

e. Detention Procedures

- i. If an individual with a mental, emotional, or psychological illness is detained, officers shall make reasonable efforts to use the least restraint possible to protect the subject and others from injury. The overall circumstances and the person's potential for violence will determine if handcuffs should be used as a temporary measure to prevent injury to the person or the officer. Officers may consider transport by Fire/Rescue personnel as an alternative if the subject does not pose any risk to first responders.



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- ii. In minor incidents where a person is suffering from mental illness, officers should seek non-arrest resolutions. The most desired resolution is voluntary admission to an appropriate mental health facility or treatment. When public safety is at issue, officers shall be responsible for ensuring the person is detained for an involuntary emergency evaluation.
- iii. When a person suffering from mental illness is detained in the Windsor Heights Police Department Holding Facility, special care shall be administered to ensure they do not harm themselves and the situation is not escalated.
- iv. When a mentally ill person is being transferred to another agency or facility (such as the Polk County Jail), the transporting officer shall be responsible for notifying the agency or facility of the risk in advance of their arrival. This will allow the agency or facility to make needed preparations for accepting the detainee.

f. Voluntary Admissions

- i. The following scenarios would indicate minimal officer involvement:
 - 1. Persons who appear to be in need of psychiatric evaluation and do not appear to pose an imminent danger to themselves or others should be referred to the MCRT or a mental health facility. (A family member or other responsible person is often available to assist the disturbed person in seeking such treatment and should be provided with the information and assistance necessary to secure the needed help).
 - 2. When possible, persons who have been or are under the care of a private physician should be referred to the physician. The MCRT may assist in making contact with the appropriate physician.
 - 3. Persons who voluntarily agree to psychiatric evaluation shall be taken to hospital or another appropriate facility. Again, the MCRT may assist with this process.
 - 4. When necessary, the department should assist with transportation of mentally ill persons.



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Chief Chad McCluskey

Effective Date:

10/13/2020

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g. Involuntary Admissions

i. A higher level of law enforcement intervention is required when officers encounter the following scenarios:

1. The person is an imminently dangerous to self or others.
2. The person is unable to care for self (unable or refuses to accept intervention which would meet minimum needs for food, clothes, shelter or physical well-being).
3. The person is suffering substantial physical deterioration and shows an inability to function if not treated immediately.
4. Officers can respond with the most appropriate of the following alternatives for involuntary admission for psychiatric care:
 - a. When the person in question poses no apparent immediate threat to themselves or others, a relative, caregiver, or a Mobile Crisis Response Team member may petition a judge to order the detention and a hearing for the person who is believed to be in need of psychiatric hospitalization.
 - b. Officers who personally observe the actions of the individual and have reason to believe that the person is in clear and imminent danger of causing personal harm to himself or others should be transported to a hospital or other appropriate facility. Once at the hospital or facility, trained staff shall be informed of the situation by the officer and conduct their own evaluation. When situations warrant, hospital staff or other trained professionals shall petition the court for an involuntary committal for psychiatric care.
 - c. The officer shall complete an incident report detailing circumstances of the event which led to the involuntary committal.



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h. Additional Available Resources

i. There are several community mental health resources available to the Department, including:

1. Mobile Crisis Response Team (MCRT): The MCRT is designed to assist police officers on calls related to mental health issues. MCRT is a collaborative effort where registered psychiatric nurses and mental health professionals are dispatched at the request of law enforcement to complete assessments and stabilize situations with on-site crisis counseling, provide one time medication management and referral for services, and assist with psychiatric hospitalizations. The assistance of the Mobile Crisis Response Team provides the following benefits:
 - a. Saves police time, allowing officers to quickly return to the street.
 - b. People with mental health issues avoid unnecessary incarcerations and hospitalizations.
 - c. Most importantly, MCRT facilitates appropriate treatment and follow up to address the mental health needs of clients.
 - d. Program staff assists police officers on calls related to mental health; therefore the police make the final determination when MCRT is dispatched to a scene. MCRT works with all police departments within Polk County. There is no charge for the assistance of the Mobile Crisis Response Team.
 - e. There are no direct referrals to MCRT because staff is dispatched through individual police departments at each of the three Polk County dispatch centers. MCRT responds when requested by the police and responds to all calls with the assistance of police.
2. Area hospitals: The officer can utilize this resource for voluntary or involuntary admissions. Broadlawns is the preferred hospital;



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3. National Alliance for the Mentally III (NAMI) of Greater Des Moines: NAMI offers support and education for families dealing with mental illness and advocates for needed services.



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Approved by:

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I. PURPOSE: To provide a process for collection of animals running at large, temporary boarding of such animals, and transfer of care of such animals to organizations contracted through the City for such services.

II. POLICY: It is the policy of the Windsor Heights Police Department to provide community care taking functions to the City of Windsor Heights, in addition to law enforcement services. Part of such community caretaking functions include animal control services and responding to animal control related concerns. The Windsor Heights Police Department makes every effort to reunite at-large animals with their owners; however, in some instances this process is problematic or not practical. The Windsor Heights Police Department will take custody of animals which can be safely captured, and cannot be quickly reunited with their owners. Impounded animals will be cared for by the organization contracted through the City for such care until the owner can reclaim the animal or for a period of seven (7) days. Should an animal not be claimed after seven (7) days, per Iowa State Code, the animal shelter may identify alternative dispositions for the animal.

III. DEFINITIONS

- a. **Animal** shall mean a nonhuman vertebrate, not including livestock and/or wildlife as defined below.
- b. **Animal Shelter** shall refer to the approved animal boarding location based on current agreements in effect.
- c. **Bite Animal** shall mean an Animal which has bitten a human, provided the bite punctured the skin, without provocation.
- d. **Cat** shall mean an Animal fitting the scientific description *felis catus*.
- e. **Dog** shall mean any Animal fitting the scientific description *canis lupus familiaris*.
- f. **Holding Period** shall mean seven (7) days, or longer if so required by any State, County, or Municipal law, ordinance, rule or regulation applicable within the jurisdictional limits of the City. For any animal held for rabies observation, the "holding period" will be held 10-days.



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- g. **Livestock** shall mean an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus, farm deer as defined in Iowa Code §170.1, or poultry.
- h. **Wildlife** shall mean Animals not domesticated or tamed, which are usually living in a natural environment without support from humans, including both game and nongame species. Wildlife includes deer, fox, coyote, mountain lions, rabbits, squirrels, opossums, raccoons and other such animals. Wildlife shall not be considered inclusive of the term "Animals" throughout this policy, unless specifically outlined within the policy.

IV. PROCEDURE

a. At-Large Animals

- i. Officers dispatched to, or initiating contact with, animals running at large should attempt to determine if the animal is docile and if the animal presents any danger to the officer and/or the community.
- ii. Animals which an officer determines *may* pose a risk to the safety of the officer and/or community if cornered/captured should be monitored, and the officer should request the assistance of animal control officers/specialists to contain and capture the animal through dispatch.
- iii. Any Animal defined by Windsor Heights City Code Chapter 56 as a "Dangerous Dog" shall be handled in accordance with the provisions of Chapter 56.



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- iv. If an officer determines any animal/livestock/wildlife poses an immediate danger to the safety of the officer and/or the community, or in the case of any animal/livestock/wildlife which is sick or injured in such a way the officer feels there is no opportunity for recovery and the animal is suffering, the officer may take necessary action to prevent injury to any human or continued suffering of any animal/livestock/wildlife. Immediate danger includes the suspicion of any animal/livestock/wildlife showing signs and symptoms of Rabies infection. Any discharge of a weapon against an animal or wildlife shall be consistent with Chapter 5 of the Windsor Heights Police Department policy, and any discharge of a weapon shall be documented.
- v. Animals determined docile by an officer should be captured (if possible) and officers should attempt to identify the owner for the animal. These efforts may include talking to neighbors, scanning the animal for a microchip, examining the animal for identification tags, etc.
- vi. Owners readily identifiable should be contacted to reclaim their animals. Officers may choose to issue a citation for any violations of City Code and/or State Law.
- vii. If an owner is not readily identifiable, officers should transport the animal to the Public Safety facility where the animal will be placed in temporary holding.
 - 1. Officers will contact dispatch and request animal control officers/specialists respond to take custody of any captured animal for which an owner is not readily identifiable as soon as officers determine the need to impound the animal.
 - 2. The officer who originally took custody of the animal shall be responsible for the animal, and the temporary holding facility, until such time as the animal is transferred to the custody of animal control. Transfer of any animal in temporary holding at the Public Safety facility to animal control shall occur as quickly as practical to reduce the amount of time animals are kept in temporary holding.



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3. Animal control will take custody of the animal and transport such animal to the appropriate animal shelter based on current, existing agreements in place.
4. Officers contacted by owners of impounded animals will instruct the owner on the process to retrieve their animal (i.e. contact Animal Shelter).
 - a. Owners will be responsible for reclaiming their pet from the shelter and paying any boarding fees required by the shelter.
 - b. Nothing herein precludes officers from issuing citations for any violation of City Code and/or State Law.

b. **Animal Bites**

- i. Bite Animals shall be quarantined for a period of ten (10) days. If the owner can provide immediate proof of current vaccinations/registration and provide assurance the animal will be contained away from any public interaction, officers may allow the animal to be quarantined within the owner's property. Animals which are not current on vaccinations and/or which cannot be properly quarantined from public interaction may need to be quarantined by the animal shelter. In such cases, officers will request animal control take custody of the bite animal and such animal shall be transported to the animal shelter with instructions for bite animal quarantine needed.
- ii. Any animal which is already quarantined and is again found at-large and/or interacting with the public shall be impounded at the animal shelter for the remaining quarantine timeframe.



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CH 7

Evidence and Property



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7.01 Evidence and Property Handling Procedures

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3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** To define the duties and responsibilities of the Property Custodian and establish guidelines for peace officers in proper handling, storage, return, and destruction of evidence and found property.
- II. **POLICY:** It shall be the policy of the Windsor Heights Police Department to comply with the Code of Iowa, regarding matters of evidence and property. It is the policy of this agency to ensure that property in our custody can be properly secured, stored, readily retrieved, and that any changes in custody have been properly documented. It is also the policy of this agency to dispose of property in a timely and organized manner.
- III. **DEFINITIONS:**
 - a. **Property** is anything of value, whether publicly or privately owned. The term includes both tangible and intangible property, labor, and services. The term includes all "real property" and "personal property."
 - b. **Evidence** is seizable property as defined by IA Code 809.1.
 - c. **Personal Property** is material, articles, substances, or items found or seized by, turned in to, or otherwise lawfully coming into the possession of the Department of which the Department does not own.
 - d. **Real Property** is lands, tenements, hereditaments, and all rights thereto and interests therein, equitable as well as legal.
 - e. **Property/Evidence Custodian** are those officers specifically assigned to receive, process, track, and dispose of evidence and property.
 - f. **Seizable Property** is any of the following:
 - i. Property which is relevant in a criminal prosecution or investigation;
 - ii. Property defined by law to be forfeitable property;
 - iii. Property which, if not seized by the government, poses an imminent danger to a person's health, safety, or welfare.



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- g. **Seized Property** means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody.
- h. **Safe Keeping** is property taken into custody with the consent of the owner or the person who had possession at the time of the taking.

IV. PROCEDURE:

a. Processing Property

- i. Any member of this agency who has property to be placed in secure storage, whether seizable property, found property or property for safekeeping, shall make an inventory of that property at the location it was found or seized. In cases where it is not practical or safe to inventory said property at the location of recovery, the property shall be inventoried upon its arrival at the police station. The officer shall include the following information for all items:
1. Description of the item (including make, model number, and serial number, if any);
 2. Source (from whom and/or location obtained);
 3. Name of person primarily responsible for collecting the item or items;
 4. Any case number assigned to the incident during which the property was collected;
 5. The date and time from which the property was seized.
- ii. The impounding officer shall properly handle, mark, and package the property, and transport all physical property to the evidence storage area or other authorized secure location as soon as practical, to include evidence lockers, authorized storage area or large items evidence garage.



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- iii. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with hazardous materials regulations. Such substances include, but are not limited to, items which may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products. Where appropriate, the custodian will pre-authorize and make arrangements to assume responsibility for storage and control of such substances or for offsite disposal.
- iv. Neither explosives nor any type of combustible material will be seized for evidence to be stored in the evidence room. A photograph of such materials will be taken and kept in the case file as evidence of the crime. Exceptions to this rule will be at the discretion of the Chief of Police or designee. Any exceptions to this rule must provide for a safe storage facility for such materials - away from the evidence room.
- v. Vehicles impounded containing personal property or property held as evidence, in order to protect both the owner's property from loss and the Police Department from unjust loss claims, shall require a property inventory list. When possible, the inventory shall include the vehicle's interior, glove compartment, trunk, engine compartment and all containers in the vehicle, locked or otherwise.

b. Drug Evidence

- i. Drug evidence shall be turned over to the custodian so that it may be logged and secured in a double locked manner to protect it until such time that it is used in court proceedings or cleared for destruction.
- ii. Prior to evidence being secured in a locker, the impounding officer(s) shall list each drug by:
 - 1. Suspected type;
 - 2. Include approximate weight on the Property Control Sheet;
 - 3. Quantity, if applicable.



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iii. The custodian(s) shall remove the property from the evidence locker and complete the processing of the drug evidence by:

1. Logging the evidence on the maintained Property Control Sheet;
2. Weighing the narcotics evidence, and/or quantifying and comparing that to the weight/quantity listed by the entering officer; and
3. Securing the evidence in a locked cabinet inside the locked evidence room.

iv. Drugs removed from storage for court, or for any other lawful purpose, are to be treated as any other evidence in terms of chain of custody.

c. Handling and Counting of Currency

i. A strict chain of custody shall be maintained at all times for matters involving currency taken by officers. To that end, officers of this Department shall take the following steps to ensure that currency is handled properly:

1. Money shall be counted only with two officers present.
2. If money is seized from an arrestee, that money shall be counted individually but jointly by two officers in the presence of said arrestee when possible.
3. A receipt shall be issued for any currency seized and held from any suspect or arrestee.
4. An evidence custodian shall be contacted to place the properly packaged currency in the evidence safe and make arrangements for deposit into the appropriate holding account when applicable.



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5. Funds not retained in evidence will require CFO coordination for deposits into the appropriate holding account. S/he will be present to verify the accuracy of the original count, provide additional reliability when large amounts of money are being removed from the station, and note any differences between the count taken at the station and at the bank when the funds were deposited into a pre-forfeiture/safekeeping account.

- ii. For funds not retained in evidence, the CFO will verify the deposit took place and provide the property custodian with a copy of the deposit slip to be placed into the evidence log and copied to the case file.
- iii. For funds not retained in evidence, the custodian and/or CFO shall also give notice to the police chief of the date and amount of the deposit into the pre-forfeiture account.

d. Lost [Found] Property

- i. A seizing officer, when recovering lost/found property that holds an estimated value of greater than \$5.00 as described in Iowa Code 556F(6), shall exercise the following process:
 - 1. Determine if the finder of such property requests to be vested in the title upon disposition or make claim for such property to include compensation from the owner, as described in Iowa Code Chapter 556F.
 - 2. The officer shall have the finder attest by affidavit and signature that s/he will comply with the provisions of Chapter 556F to make claim for such property. The finder shall also complete a Found Property Affidavit attesting to:
 - a. A detailed description of the property;
 - b. State when and where it was found;
 - c. Attest to any alterations since being found;
 - d. Approximate the value of the property.



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3. The officer shall then seize the property, verify accuracy and completion of the finder's Affidavit, prepare the necessary case documentation, log the item(s) on a Property Control Sheet and secure the item(s) in secure property holding.
 - ii. The property custodian shall then be responsible for sending a copy of the signed affidavit and Property Control Sheet to the Polk County Auditor.
 - iii. The Auditor shall enter a description of the property and the value of the property in the auditor's lost property book.
 - iv. The finder or auditor's office shall be responsible for posting the necessary public notices and/or making publication as applicable.
 - v. If no person appears to claim and prove ownership to said goods, money, bank notes, or other things within twelve months (366 days) of the date when proof of said publication and posting is filed in the office of the county auditor, the right to such property shall irrevocably vest in the finder. Exceptions to the twelve month period shall be in accordance with regulations set forth in Iowa Code Chapter 556F.

e. Safekeeping

- i. Items will only be taken into custody for safekeeping with the consent of the owner or person having the right to be in possession of the property.
- ii. The owner, consenting to the release and control, shall be properly listed on the Property Control Sheet and incident report.
- iii. If consent to the taking of property was given by the person in possession of the property, as reflected on the Property Control Sheet or incident report and later withdrawn or found to be insufficient, the property shall then be returned.
- iv. If property of safekeeping is not returned, it shall be deemed seized as of the time of demand or refusal in accordance with Iowa Code 809.



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V. DUTIES OF PROPERTY CUSTODIAN:

a. Appointment of Custodian

- i. At all times, in order to properly process, store, and maintain evidence and property for this Department, there shall be a minimum of two (2) property/evidence custodians.
- ii. Custodians shall be sworn officers employed full-time with the Windsor Heights Police Department, and their appointment as evidence custodians shall be at the discretion of the Chief of Police.
- iii. The Chief of Police shall have the authority at any time to remove an officer from the duties of property/evidence custodian. The removal need not follow any disciplinary procedures, as evidence custodians are not listed as an official job description for the City.

b. Impounding Property

- i. The custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all property.
- ii. Property shall be properly deposited with the custodian or in an approved holding area, and the impounding officer shall complete a Property Control Sheet. The Property Control Sheet shall include all information necessary to both document and ensure the integrity of the chain of custody. All drugs shall be weighed and quantified; all monies counted and categorized by denomination.
- iii. The custodian shall be responsible for developing and maintaining a master file of all Property Control Sheets and documents completed. This file may be either manual or automated and shall be cross-indexed with case file information.



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c. Storage of Property

- i. The custodian shall assign a storage location to each item of property and record this information in the custodian's log.
- ii. Perishable items shall be stored appropriately.

d. Right to Refuse Certain Property

- i. The custodian will have the right to refuse any property for processing and storage for any of the following reasons but not limited to these alone:
 1. Improper packaging;
 2. Improper paperwork accompanying evidence;
 3. Especially dangerous or hazardous material;
 4. Improperly labeled evidence.
- ii. Any refusal on certain items by a custodian must be accompanied by a written and/or oral explanation for the refusal provided to the entering officer. The response will state the reasons for the refusal, as well as the corrective action needed for the property to be accepted. The Chief of Police or designee has the authority to override a refusal by the custodian.
- iii. Exceptions to refusals shall be drugs, currency, and firearms. In the cases of these categories or property, the material will be secured immediately by the custodian then s/he will assist the impounding officer to correct the processing problem.

e. Storage of Keys for Access to Evidence Areas

- i. The evidence custodian shall be responsible for safeguarding the keys and/or code to access property lockers, property storage areas, and other property related matters. Keys shall be stored in a safe and shall be used only when matters of property require them.



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- ii. Each custodian will have access to a key to this safe, and shall be granted the combination to the safe for access to the evidence keys.
- iii. Should any property locker or property storage area require a code, a copy of the current access code shall be scribed and signed sealed by both custodians to be stored by the Chief of Police or designee.
- iv. Custodians shall not keep, store or share any code, combination or means of access to a property storage area in a manner that will expose it to unauthorized personnel.
- v. A log shall be maintained by the evidence custodians noting all entries to the safe to access keys for evidence processing, destruction, transfer, and other matters. All log entries shall include the date and time the safe was accessed, the name of the evidence custodian entering, and the purpose for which the safe was opened by the custodian. These records shall be subject to supervisory audit at any point in time.

f. Evidence Safe

- i. Smaller articles of evidence with higher value shall be stored in a safe, which may include but are not limited to:
 - 1. Jewelry;
 - 2. Wallets;
 - 3. Watches;
 - 4. Precious metals;
 - 5. Currency.
- ii. In the event that there is no custodian on duty, currency may be secured in the evidence lockers as temporary holding.



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1. A custodian shall be notified of currency in the lockers at the earliest convenient time. The custodian shall secure the currency in the safe if seized for evidence, or until it can be deposited into the appropriate holding account if the currency is to be deposited.
2. The currency shall be counted in the manner detailed in section g below and deposited in accordance with this agency's Fiscal Management policy (2.07) as appropriate.
3. Currency may be held in the safe for extended periods of time contrary to policy 2.07 when being held for pending trial-court purposes, pending Ion Scan, or for other specified purposes of the Polk County Attorney's Office.

g. Recording Transfers of Custody

- i. The evidence custodian shall be responsible for documenting all changes in custody of physical evidence. This documentation shall be capable of readily identifying the individual or organization currently maintaining custody of the evidence.
- ii. A written record, including signatures of responsible parties, of all transfers of physical evidence shall be maintained.
- iii. Members of this law enforcement agency who assume custody of property bear full responsibility for ensuring its security, proper storage and maintenance, and for the return of such property upon completion of evaluation or court proceedings.

VI. DISPOSITION OF SEIZED PROPERTY:

a. Parameters for Return of Seized Property

- i. Seized property shall be returned to the owner if:



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1. The property is no longer required as evidence or the property has been photographed and the photograph will be used as evidence in lieu of the property, or
 2. If the property is no longer required for use in an investigation, or
 3. If the owner's possession is not prohibited by law, and
 4. If a forfeiture claim has not been filed on behalf of the state.
- ii. If the aggregate fair market value is more than \$500, the agency shall serve notice by personal service or by restricted certified mail, return receipt requested, to the last known address of any person having ownership or possessory right in the property. Refusal of restricted certified mail, return receipt requested, shall be construed as receipt of the notice.
 - iii. If the aggregate fair market value of the property is equal to or less than \$500, the seizing agency shall serve notice by personal service or by sending notice by regular mail to the last known address of any person having an ownership or possessory right in the property.
 - iv. A person having ownership or right in the property must file a written claim for the property with the seizing agency within 30 days from the date of receipt of the notice and must take possession of the property within 30 days of the expiration time period for filing a written claim. If no written claim is filed within 30 days from the date of receipt of the notice, or if a written claim is filed but the claimant does not take possession of the property within thirty (30) days of the expiration of the period of time for filing the written claim, the property shall be deemed abandoned and shall be disposed of accordingly.
 - v. The notice served or sent shall inform the recipient of the filing and possession requirements of the previous subsection.
 - vi. In the event there is more than one claim filed for the return of property, at the expiration of the period for filing claims, the agency shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under Iowa Code Chapter 809.3.



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- vii. If the owner is unable to be located or the property is deemed abandoned the following shall apply:
1. If the value of the property is greater than \$500, forfeiture proceedings shall be initiated pursuant to the provisions of Iowa Code Chapter 809A. If the court does not order the property forfeited to the state, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner.
 2. If the value of the property is equal to or less than \$500, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner.
 3. Notwithstanding subparagraph 2., firearms or ammunition with an aggregate fair market value equal to or less than \$500 shall be deposited with the Iowa Department of Public Safety.
- viii. Upon the filing of a claim and following a hearing by the court, property which has been seized shall be returned to the person who demonstrates a right to possession, unless one or more of the following is true:
1. The possession of the property by the claimant is prohibited by law.
 2. There is a forfeiture notice on file and not disposed of in favor of the claimant prior to or in the same hearing.
 3. The government has demonstrated that the evidence is needed in a criminal investigation or prosecution.
- ix. The court shall, subject to any unresolved forfeiture hearing, make orders appropriate to the final disposition of the property, including but not limited to, the destruction of contraband once it is no longer needed in an investigation or prosecution.



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b. Disposing of Seized Property – General Regulations

i. In such cases where this agency may dispose of any seized property in a reasonable manner, the following may apply:

1. Selling the property at public auction with the proceeds, less Department expenses, going to the general fund of the City if sold by the city agency; however, the Department shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction. Funds from forfeited property associated with Policy 7.02 shall have the proceeds transferred to the appropriate holding account.
2. Retaining the property for the Department's own use.
3. Giving the property to another agency of government.
4. Giving the property to an appropriate charitable organization.
5. Destroying the property.

ii. Active or Suspended Case: Seized property of a suspect or victim, recovered stolen or seized as seizable property, may be released if a photograph that clearly shows the item and its serial number has been taken for the case file and any of the following occur:

1. Written authorization of the prosecuting attorney;
2. Written authorization from the case investigator;
3. Forfeiture order;
4. Cases in which the investigator has written a supplemental report showing that s/he has closed the case due to lack of cooperation by the victim or complainant.
5. Property may be released to the victim's insurance company (if a claim has been paid) when one of the above criteria are met.



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iii. Closed Case: Seized property may be determined no longer required as evidence of a case when any of the following occur:

1. Sixty (60) days after sentencing of all parties involved, to allow for the filing of appeals (if warrants remain active the case is not closed).

2. If no charges are filed and the statute of limitations has passed:

a. One (1) year for simple misdemeanors.

b. Three (3) years for indictable misdemeanors and felonies, except:

i. Sex abuse adult victim is fifteen (15) years.

ii. Sex abuse juvenile victim is time to reach age 18 plus ten(10) more years.

iii. Murder has no statute of limitations.

c. **Note:** when a person leaves the state, no period during which the party was not publicly a resident within the state is part of the limitation.

3. Fatality crashes or accidental deaths shall be held for two (2) years then review for civil filings.

4. Photographs in death cases held indefinitely.

5. DNA samples and evidence shall be maintained for three (3) years beyond the limitation for the commencement of criminal actions as stated in Iowa Code 81.10.

iv. Safekeeping: Items taken for safekeeping will be held for a total of thirty (30) days and will be returned to the owner unless extenuating circumstances exist.



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- v. **Firearm:** While being held as personal property, a firearm shall only be released back to the owner after a criminal history check was completed to insure the owner has no prior felony convictions or domestic abuse convictions on file.
- vi. **Lost/Found Property:** If the finder of such property requests to be vested in the title upon disposition or makes claim for such property to include compensation from the owner as required in this policy, and if no person appears to claim and prove ownership, the Department will release such property to the finder if all of the following are completed:
 - 1. Signed affidavit from the finder is on file with the Department attesting to the interest in the title of said property.
 - 2. Twelve (12) months from the date when proof of said publication and posting is filed with the county auditor.

c. **Disposing of Seized Firearms**

- i. The property custodian will prepare a list of all firearms that are to be turned over to the DCI. The list will show the case numbers, makes, descriptions, and serial numbers of the weapons.
 - 1. All firearms will be checked by the property custodian to ensure they are not entered as stolen before being turned over to the DCI.
 - 2. The inventory will be signed by the property custodian, the Support Services Commander, and the DCI representative accepting the firearms.
 - 3. Copies of the signed inventory will be given to the DCI representative and the Support Services Commander. The property custodian will file one copy in the custodian's log.

d. **Disposing of Seized Drug Items**

- i. In such cases where this agency may dispose of any seized drug evidence in a reasonable manner the following shall apply:



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1. Found drugs and drugs held in concluded criminal proceedings are destroyed at an approved incineration facility. The term "drugs" may also include drug paraphernalia.
 2. Found Drugs or drugs held in concluded criminal proceedings may be court ordered to the Department for the sole purpose of canine training in accordance with Iowa Code Chapter 124.506(3).
 3. The property custodian will prepare a list of property to be destroyed. The list will identify the specific items, weights and/or quantity of each item, and the agency case number.
 4. The listing will be turned over to the county attorney's office in order to obtain a court order to proceed with the disposal which shall be completed within thirty (30) days from the date of the order.
 5. The property custodian will make arrangement with the burn facility and a Division of Criminal Investigation agent, setting a convenient time for the drug burn.
- ii. An evidence custodian shall monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process.
 - iii. At the conclusion of the drug burn all copies of the drug listing will be verified by the Support Services Commander and signed by the property custodian, the DCI agent, and all other independent witnesses.
 - iv. The custodian or Support Services Commander will complete an affidavit of verification and return it to the court having ordered the destruction.
 - v. After the completion of the destruction process, the evidence custodian shall submit a written report to the Support Services Commander maintaining a copy of the destruction records for not less than ten (10) years.
 - vi. Records will include, at a minimum:



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1. The date, time, and location of the destruction;
2. An inventory of items destroyed;
3. A list of all witnesses to the destruction;
4. Court order for destruction;
5. Affidavit of verification for destruction.

VII. QUALITY CONTROL

a. The following documented inspections, inventories, and audits shall be completed:

- i. Semi-annual inspections to determine adherence to property control procedures shall be conducted by the Support Services Commander, if necessary done in conjunction with an outside official.
 1. Initially, five (5) random cases will be selected for verification of items of evidence, location, weight/quantity, and status.
 2. If these cases do not pass in full compliance, an audit of twenty-five (25) single items of property/evidence from separate pending cases held by the Department shall be examined. A comprehensive report will be written by the Support Services Commander to advise of the discrepancies and to make recommendations on how to alleviate further error and, where applicable, request a full inventory of the property room and possible personnel reassignment(s).
 3. The Support Services Commander shall be the individual responsible for identifying which cases will be examined and will rotate these audit procedure methods as necessary.
- ii. An inventory of property should occur whenever a property custodian is assigned to and/or transferred from a custodian position. The inventory will be conducted with the remaining custodian, the new designee, and a designee as assigned by the Chief of Police.



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- iii. Unannounced inspections of property storage areas, to include secured areas within the storage area, are conducted as directed by the Chief of Police or Support Services Commander.



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7.02 Forfeiture of Property

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- I. PURPOSE:** To set forth guidelines for the proper inventory and report of all seized property for forfeiture. Further, to set forth guidelines for the proper seizure and inventory of vehicles, vessels, and aircraft believed to be used or to be intended for use to deliver, import or export controlled substances and for other violations in compliance with state statute.
- II. POLICY:** The seizure and forfeiture of cash and property assets gained as a result of illicit conduct is one potential means by which law enforcement can deter illegal criminal behavior. The proper application of these measures can deny profits from criminals, who would otherwise prosper at the expense of others, while at the same time provide additional resources to law enforcement. Therefore, it is the policy of the Windsor Heights Police Department to comply with local, state, and federal laws, and case law, regarding the seizure and forfeiture of property.
- III. DEFINITIONS:**
- a. **Evidence** is seizable property as defined by Iowa Code 809.1.
 - b. **Forfeitable Property** is property which is illegally possessed; property which has been used or is intended to be used to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense; property which is acquired from the proceeds of a criminal offense; or property offered or given to another as inducement for the commission of a criminal offense.
 - c. **Personal Property** is material, articles, substances, or items found or seized by, turned in to, or otherwise lawfully coming into the possession of the Department of which the Department does not own.
 - d. **Property / Evidence Custodian** are those officers specifically assigned to receive, process, track, and dispose of evidence and property.
 - e. **Seizable Property** means any of the following:
 - i. Property which is relevant in a criminal prosecution or investigation;
 - ii. Property defined by law to be forfeitable property;



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- iii. Property, which if not seized by the government, poses an imminent danger to a person's health, safety, or welfare

- f. **Seized Property** means means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal (Iowa Code 809.1).

IV. LEGAL REFERENCES:

- a. *State Law* - The applicable state law regarding the seizure and forfeiture of property is found in Iowa Code Chapter 809, "Disposition of Seized Property" and Iowa Code Chapter 809A, "Forfeiture Reform Act."
- b. *Federal Law* - The applicable federal law regarding the seizure and forfeiture of property is found within the Comprehensive Crime Control Act of 1984 which authorized federal officials to implement a national asset forfeiture program as a tool to target criminals and assist anti-crime measures. This legislation authorizes the sharing of forfeited funds with cooperating law enforcement agencies. The Department of Justice (DOJ) has since produced a *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, to serve to promote and maintain the integrity of the equitable sharing program so that it can continue to merit public confidence and support. This guide sets forth specific regulations as prescribed by federal law, and in accordance with the Office of the Attorney General, that assures the legal transfer of property and seized assets in matters of administrative or judicial forfeiture. The sole responsibility for administration, regulation, and reporting of this program within local jurisdictions lies with the chief law enforcement officer of that jurisdiction. For the City of Windsor Heights, this official shall be the Chief of Police.



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V. PROCEDURE:

a. Responsibility of the Chief of Police

- i. The Chief of Police shall designate a representative from the Police Department to coordinate the disposition of property that is seized for forfeiture. This representative shall be referred to herein as the "Forfeiture Coordinator" and shall normally be the Support Services Commander.
- ii. The disbursement of forfeited funds requires the approval of the Chief of Police. Forfeited funds may be disbursed for equipment, projects, or other lawful purposes, which will benefit law enforcement. Regulations for control of funds shall be administered in conjunction with the Chief Financial Officer and the Special Operations Funds policy (2.06) where applicable.

b. Responsibility of Seizing Officer

- i. The officer taking possession of seized property shall make a written inventory of the property and deliver a copy of the inventory to the person from whom it was seized. The inventory shall include:
 1. The name of the person from whom the property is being seized, and
 2. The name of the person taking custody of the seized property, and
 3. The date and time of seizure, and
 4. The law enforcement agency seizing the property.
 5. Other property/evidence regulations shall be held in accordance with the Evidence and Property Handling Procedures policy (7.01).
- ii. Non-evidentiary or forfeitable items of property found during the inventory of a seized vehicle, vessel, or aircraft should normally be removed for safekeeping and afforded adequate security or turned over to the owner.



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- iii. The officer requesting forfeiture proceeding be initiated shall forward a copy of the report, a copy of the inventory of seized property, and a request to review for forfeiture indicating the property to be forfeited to the Forfeiture Coordinator within 24 hours of the seizure.

c. Responsibility of Forfeiture Coordinator

- i. Review reports to ensure that the seizure of property conforms to State and Federal law.
- ii. Research the ownership of property to ensure that any other claims of ownership are addressed.
- iii. Determine if the value of the property being seized is sufficient to offset any liens against the property and/or any administrative costs associated with the seizing of the property.
- iv. Return property that does not meet the criteria set forth by State and Federal law, Department policy, or the county attorney's office regarding seized property.
- v. Once property has been authorized for forfeiture, a Notice of Seizure for Forfeiture form shall be filled out and served on any parties with property interest.
- vi. A request for forfeiture shall then be made through the county attorney's office according to procedures established by state law, the county attorney's office, and the Windsor Heights Police Department.
- vii. Maintain a document file regarding pending forfeiture action to track progress as it is processed through the court system. Maintain this file for five (5) years.
- viii. Provide access to the Chief of Police of all forfeiture documents. The Chief shall also maintain a separate file of any pending currency that has been seized, is intended to be forfeited, and is held separately in a pre-forfeiture account or in the Department's safe.



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- ix. The forfeiture hearing process will then be completed and, if successful, a court order issued allowing the property to be disposed of with transfer of ownership ordered to the appropriate government entity. After the 30-day window for appeals has expired, the property shall be titled to the City if applicable and a final determination made if it will be auctioned or maintained for agency use.
- x. Maintain accurate records of all property sold and the selling price of each piece of property.
- xi. Turn over to the Chief proceeds from forfeited property that has been sold to be credited to the proper forfeiture account.

d. Permissible Uses of Forfeited Equipment

- i. The Forfeiture Coordinator shall receive all written requests for property to be converted to departmental use and forward to the Chief of Police for approval.
- ii. The Forfeiture Coordinator shall maintain a file of all approved requests and the disbursement of property.
- iii. The Department will maintain property that has been converted to departmental use until the property is no longer useful. This property will then be returned to the Forfeiture Coordinator to be disposed of through agency protocols. Any funds received for the ultimate disposition of this property will be placed in the appropriate forfeiture account. Accurate records will be maintained in order to ensure accountability of this property.
- iv. At no time will a Department employee individually benefit from any sale of property that has been forfeited. The Forfeiture Coordinator will ensure that disposal of property is conducted in a manner that does not bring the integrity of the Department into question.



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e. Permissible Use of Forfeiture Funds

- i. United States Department of Justice (DOJ) policy requires forfeited monies and property to be used for law enforcement purposes. Further, forfeited resources shall not be used to replace or supplant appropriated resources. In determining whether supplanting has occurred, the Department of Justice will examine the law enforcement agency's budget as a whole and allow agencies to use equitable sharing funds for any permissible purpose as long as shared funds increase the entire law enforcement budget. The following list of expenses is generally approved for expenditure of funds. Each category listed has specified parameters for qualification and may have some exclusions.
- ii. The Guide and/or the Windsor Heights Police Chief should be consulted for questions regarding qualifying expenditures in these categories. Preapproval from the DOJ of a listed expenditure may be required.
- iii. In general, priority shall be given to supporting community policing activities, training, and law enforcement operations. The following categories are typically permissible:
 1. Law enforcement investigations;
 2. Law enforcement training;
 3. Law enforcement and detention facilities;
 4. Law enforcement equipment;
 5. Law enforcement travel and transportation;
 6. Law enforcement awards and memorials;
 7. Drug and gang education and awareness programs;
 8. Matching funds for federal law enforcement grants;
 9. Pro rata funding for multi-agency items or facilities;



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10. Asset accounting and tracking of forfeiture funds;
11. Language assistance services for law enforcement activities;
12. Transfers to other law enforcement agencies;
13. Support of community-based programs with a law enforcement initiative.



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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** To establish policy and guidelines regarding the seizure and use of forfeited vehicles.
- II. **POLICY:** It shall be the policy of the Windsor Heights Police Department to comply with State and Federal law regarding the seizure and forfeiture of property when seizing a vehicle. The applicable State law regarding the seizure and forfeiture of property is found in Chapter 809, Disposition of Seized Property, and Chapter 809A, Forfeiture Reform Act. The Support Services Division commander shall normally be the Forfeiture Coordinator.
- III. **PROCEDURE:**
 - a. Property seized for forfeiture will be processed through normal evidence handling procedures as determined by Department protocols. After seizure of an automobile in which an officer has indicated a potential value to forfeit, command staff must make a determination whether or not to authorize application for seizure of the vehicle. Consideration will be weighed by evaluating the vehicle's real market value, mechanical condition, and outstanding liens. The Chief of Police has final authority in determining authorization of forfeited property.
 - b. Once a vehicle has been authorized for forfeiture, a Notice of Seizure for Forfeiture form shall be filled out and served on any parties with property interest in the automobile.
 - c. A request for forfeiture of the vehicle shall then be made through the County Attorney's Office according to procedures established by State law, the County Attorney's Office, and the Windsor Heights Police Department.
 - d. The forfeiture hearing process will then be completed and, if successful, a court order will be issued allowing the vehicle to be disposed of. After a 30-day window for appeals has expired, the vehicle will transfer ownership as ordered to the State of Iowa which, in turn, assigns further transfer to the City of Windsor Heights. It shall then be titled to the City and a final determination made if it will be auctioned or maintained for agency use. If the vehicle will be repurposed for agency use, the vehicle shall be insured through the City's insurance carrier. Coordination of this effort will be handled through the Chief Financial Officer (CFO). The CFO shall also maintain the original copy of the vehicle's title.



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- e. For guidelines to dispose of property within forfeited vehicles and processing dispositions of evidence/property related to contents of forfeited vehicles, see also policies on Forfeiture of Property (7.02) and Evidence and Property Handling Procedures (7.01).
- f. Use of Forfeited Vehicles
 - i. Use of forfeited vehicles is not permitted until the title transfer process is complete and the vehicle is insured.
 - ii. Requests to use forfeited vehicles for special assignments shall be made to a command officer.
 - iii. Usage of a forfeited vehicle on shift for a specific purpose shall not require pre-authorization from a command officer, but consultation should occur with any on duty supervisor to coordinate impromptu initiatives and address any staffing concerns.
 - iv. Officers utilizing any forfeited vehicle are responsible for care, fueling, and reporting any maintenance concerns prior to the end of their shift, as with any other city owned vehicle.
 - v. Department policy regulating motor vehicle operations and care of equipment shall also apply to operating forfeited vehicles.
- g. At the conclusion of the use of a forfeited vehicle for Department use, the vehicle shall be disposed of according to State law regulating the disposal of forfeited property. At no time will a Windsor Heights Police Department employee personally benefit from the sale of a forfeited vehicle.



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Professional Standards



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8.01 Authority to Regulate Conduct; Notifications

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Replaces: Rule #1, 11/01/2003

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 02/01/2014

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- I. **PURPOSE:** The purpose of this policy is to establish terms for which administration shall have the authority to regulate conduct of Department employees. This policy further delineates general provisions for required notifications to be made to the Chief of Police or other command officials.
- II. **POLICY:** It shall be the policy of the Windsor Heights Police Department to empower its peace officers with law enforcement authority 24 hours a day. With this authority, officers also bear the responsibility for conducting themselves properly 24 hours a day. While case law has established this fulltime empowerment specifically for sworn officers, civilian employees will also be expected to demonstrate responsible conduct at all times, which is in line with the concept of this Department's integrity and professionalism.
- III. **PROCEDURE:**
 - a. **Correspondence or Complaint** - Any official correspondence or complaint pertaining to Department matters or employees, by or about an employee, will be sent through the chain of command.
 - b. **Chain of Command, Use of** - The Chain of Command will be observed unless it is clear that by observing it, the police purpose or the reputation of the Department will be jeopardized. All orders and reports will move downward and upward through the chain of command with mutual consideration by all employees concerned. The Chief of Police reserves the right to circumvent the chain of command if necessary. Chain of command does not need to be utilized to speak to the Chief on personal matters or as exercised with the Chief's commitment to an "open door" policy. However, in some cases appointments may need to be scheduled to discuss time consuming matters.
 - c. **General Performance of Duty Procedures**
 - i. Employees on duty shall devote their entire time and energies to the duties and responsibilities of their rank, grade, and position to which they are assigned.
 - ii. Personnel are responsible for duties as outlined in their job description, other duties as assigned or special assignments, and as specified during orientation, training, counsel, discipline, or performance improvement measures.



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Approved by: Chief Chad McCluskey

Effective Date:

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- iii. Employees of this Department will interact with professionalism and in the best interests of the City in all duty related matters. Officers will coordinate efforts with like counterparts in outside departments. Special requests for assistance should be routed through the chain of command.

d. Ethical Decisions and Professional Conduct

- i. Department Members' decisions, actions and conduct will be both ethical and professional. Department Members' decisions, actions, and conduct will be based upon sound judgment and not upon personal feelings, personal relationships, prejudices, animosities or friendships. Department Members shall perform all assigned tasks, exercising sound judgment, consistent with existing laws, ordinances, Departmental policies and procedures and accepted procedures. If a member is confronted with an unusual situation, guidance will be sought from a supervisor. Members shall strive toward the highest professional conduct as stated in the "Code of Ethics."
 - ii. To maintain the integrity of the agency, members shall always provide truthful, credible and accurate testimony when questioned related to his or her actions in any incident whether on or off duty. When completing necessary paperwork, the member of the department shall be truthful, credible, and accurate in the documentation of any incident.
 - iii. Officers shall conduct themselves in a professional and civil manner, always displaying service-orientation facilitating cooperation. Officers shall treat victims, suspects and perpetrators with respect and courtesy, and avoid using an overbearing attitude or language which may escalate friction and unnecessarily interfere with the performance of their duty. Recognizing the need to balance authority and control over criminal suspects and prisoners, officers shall adhere to all of the Windsor Heights Police Department's use-of-force policies and shall observe the civil rights and protect the well-being of those with whom they interact.
- e. **Attendance** - Unless otherwise directed, employees must report on time for scheduled shifts, trainings, or special assignments at the designated time and place and remain on duty until properly relieved or dismissed.



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Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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- i. Absent of emergency operations as designated by the Police Chief or City Administrator, officers shall not exceed the following maximum duty hours:
 1. 16 hours within a 24-hour timeframe
 2. 32 hours within a 48-hour timeframe
 3. 84 hours within a seven (7) day timeframe
- ii. Officers shall normally have an eight (8) hour rest period between regular assigned shifts.
- iii. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

f. Incapacity / Illness

- i. If an employee is incapacitated and unable to work, he/she must notify a supervisor at least two hours before the scheduled reporting time, stating the nature of the illness and the expected period of absence.
- ii. If unable to remain on duty for any reason, immediate notification of a supervisor is necessary so that he/she may arrange for proper coverage of the shift assignment.
- iii. While absent from duty due to sickness or injury, employees must notify the Chief of Police through contact with a supervisor, of any change in medical status, pending physician, or treatment appointments. Also, employees must avoid any activities that could prolong their absence or aggravate their illness or injury.
- iv. Employees shall not feign sickness or injury, or deceive any Department or City representative as to their condition. Written medical certification of illness may be required by the Chief for excused absences of any length when abuse of leave is suspected.



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Replaces: Rule #1, 11/01/2003

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Approved by: Chief Chad McCluskey

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g. Identification

- i. Officers should carry their official credentials on their person at all times, except when impractical or potentially hazardous to their safety. Should these be lost, misplaced, or stolen, immediate oral and written notification to command staff is required.
- ii. Additionally, officers shall furnish their name and identification number to anyone who asks for it when exercising police authority, except when doing so is impractical, potentially hazardous to their safety, or would put them in a physically threatening situation.

h. **Residence and Telephone** - Officers must notify the Department, in writing, within 24 hours of any change of address or phone number. Although the number may be unlisted, officers must maintain a working telephone in their home. Cell phones are acceptable sources of a home number as long as they are powered on and readily accessible when in the home. The Department will protect employee phone numbers and addresses to the best of its ability as part of an employee's right to privacy.

i. **Notifying the Chief in Emergencies** - It is necessary that the Chief of Police account for police activity. Major emergency cases require large amounts of staff hours and the Department must keep the City Administrator, Mayor, other elected officials, and the community informed of the status of such emergencies. Officers shall notify the Chief through the chain of command. In the event notice to the Chief cannot be made at the time of an emergency, notification will be made as soon as practical or offered by dispatch at the request of the senior officer/commander on-scene. Notification shall be made in the following incidents that occur within the city limits:

i. *Crimes Against Persons*

1. All violent, suspicious, or unnatural deaths;
2. All robberies involving a weapon or injury;
3. All business or residential break-ins involving personal injury;
4. Any other felony crimes against persons with unusual significance;



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5. All crimes or traffic crashes which involve life-threatening injuries.

ii. *Homeland Security*

1. All major fires, floods, or natural disasters;
2. Bomb threats, CBRNE incidents, or other acts of terrorism;
3. Any substantiated report of a kidnapping, taking of a hostage, or barricaded individual(s);
4. Incidents which threaten city infrastructure or cause major property damage to City/Department assets.

iii. *Officer Involved Incidents*

1. All incidents involving a police officer discharging a firearm in an enforcement capacity;
2. All incidents that involve the health and welfare of a police officer or city staff member.

iv. *Notification to Public and Officials*

1. Any incident in which an assailant is considered at-large and poses a real predatory threat to the community;
2. Any high visibility actions taken by members of the Department in which community members may inquire to the Chief, city management team, or elected officials prior to the next business day as to the nature of the incident and/or actions taken during police intervention.



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3. Prior to any scheduled on camera media interviews or subject to real time incidents in which video footage, interviews, or other case specific information is reasonably expected to be reported by a local media outlet. The Chief of Police shall authorize any media release prior to the release being completed. No member of the department is permitted to make official statements to the media without such authorization.
 4. Any other situations which may require the attention of the Chief or rise to the level of requiring notification to elected city officials.
- j. **Personnel Files** - Personnel files shall be maintained in a secure area at City Hall. The employee shall have access to his/her personnel file during the normal working hours of City Hall, after receiving authorization for viewing. Appointments to view personnel files shall be coordinated with the Chief of Police. Requests to remove any item from the file must be submitted in writing to the Chief. Unauthorized alteration of file documentation may result in discipline, up to and including termination. No items shall be placed in an employee's personnel file without offering or allowing a copy of the document(s) to the affected employee.
- k. **Departure from Service** - Whenever an employee departs from service the employee shall:
- i. Deliver all clothing, Department manuals, and any equipment issued by the Department or purchased through his/her clothing allowance to a division commander. Sworn officers will be allowed to retain items purchased with their uniform allowance as outlined in the current bargaining unit contract. Failure to do so will result in the employee's final check being withheld or adjusted for replacement of the missing equipment.
 - ii. An exit interview shall also be offered prior to the employee's separation of service.
 - iii. The Chief shall notify the Iowa Law Enforcement Academy of the employment status change within ten (10) days.
 - iv. Support Services Commander shall notify the Department of Public Safety within thirty (30) days of the employment status change.



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8.02 Rules of Conduct

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Replaces: Rule #3, 11/01/2003

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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I. **PURPOSE:** To establish comprehensive and consistent standards by which Department employees shall conduct themselves.

II. **POLICY:** Members of the Windsor Heights Police Department represent the primary objectives of protection, service, education, and enforcement to the community. The citizens they serve consider them a member of this Department whether on duty or off duty. To meet those expectations, employees must present themselves to the public and to fellow Department members in a respectable and courteous manner.

The Department's policies and procedures that govern conduct are not designed to restrict rights or privileges but to ensure the rights and safety of all employees and to provide working guidelines to maintain the Department's professionalism and pride. In adhering to the provisions of this manual, in observing all laws and ordinances, and in general attitude and personal conduct, all employees are expected to serve the community with enthusiasm, courage, discretion, and loyalty.

III. **PROCEDURE:**

a. **Conduct On Duty**

- i. *Response to Calls.* Officers must respond without delay to all calls for law enforcement assistance from citizens and other peace officers, in a manner consistent with normal safety precautions and driving laws.
- ii. *Public Service.* No officer shall fail to provide prompt and courteous service to the public.
- iii. *Neglect of Duty.* Employees may be considered in neglect if they intentionally: fail to comply, by act or omission, with any law, order, directive, memorandum, policy, procedure, rule, or regulation of the Department; fail to perform their official duties; and/or perform their official duties in a manner which could bring discredit upon the Department or any employee of the City.
- iv. *Supervision.* No supervisory officer shall fail to properly supervise subordinates, or to initiate disciplinary charges, or to take other appropriate corrective/disciplinary action.



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- v. *Sleeping On Duty.* Officers must be alert throughout their tour of duty. Sleeping on duty is forbidden, except with a supervisor's permission when officers have been working prolonged hours in response to an emergency or disaster.
- vi. *Meal and Coffee Breaks.* Personnel are entitled to a break schedule as defined by their union contract; breaks are not to be combined without approval of a supervisor. While on break, officers shall remain available to handle calls as they occur. When necessary, officers shall notify the communications center of the location that they are at during their break and whether they are available by radio or telephone.
- vii. *Shopping While On Duty.* Officers shall not shop, barter, or trade while on duty, nor devote any on duty time to any activity that is not work related, without a supervisor's permission.
- viii. *Loitering.* Officers on duty shall not loiter in public places. This is not to be construed to interfere with scheduled breaks, investigations, or community relation's projects.
- ix. *Reporting Disobedience.* For the good of the Department, employees must report disobedience of orders by other employees in which they have knowledge or which may come to their attention.
- x. *Truthfulness.* Officers shall not knowingly make a false report, either oral or written, nor knowingly or willingly enter or cause to be entered into any Department document any inaccurate, false, or improper information or material matter; nor make a verbal or written statement to a supervisor or city official that is known to be not truthful.
- xi. *Withholding Evidence.* Employees shall not fabricate, withhold, or destroy evidence of any kind.
- xii. *Official Business.* Employees will treat the Department's official business as confidential. Employees shall not inform anyone, except authorized law enforcement personnel, concerning matters arising from operations, activities, or performance of duties, except as required or approved by the Chief of Police or designee, or under due process of law and on a need to know basis.



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- xiii. *Political Activity.* No employee will engage in any political activity whatsoever while on duty or in uniform. No employee will use his/her position with the Department to aid any political candidate. None of these prohibitions will deny an employee any Constitutional rights, including the right to vote.
- xiv. *Gifts, Gratuities, and Rewards.* No compensation, reward or other consideration from private sources shall be solicited or accepted by an employee without the permission of the Chief of Police, except as prescribed by the Code of Iowa under Chapter 68B.22. Employees shall be firm in refusing gifts, favors or gratuities, large or small, which can in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.
- xv. *Language.* No officer shall unnecessarily use indecent or profane language while on duty in public view or where the public can hear the language.

b. Rules of Conduct

- i. Employees shall not place themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given.
- ii. No officer shall fail to report an offered bribe or gratuity for the permitting of an illegal act.
- iii. Employees shall not show badges or credentials for the purpose of gaining personal advantages, nor for the purpose of warding off the consequences of any illegal acts that may have been performed.
- iv. Legal services should not be accepted without charge unless arranged through the Police Department, City Attorney's Office, collective bargaining unit, or city insurance provider.
- v. Officers shall promptly and willingly obey all lawful orders and directives issued to them by competent authority. The willful disobedience of any order lawfully issued by a superior officer or any disrespectful, mutinous, insolent or abusive language toward a superior officer shall constitute insubordination.



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vi. Alcohol/drug consumption:

1. No officer shall be under the influence of alcohol, liquor, or drugs, nor shall use any kind of intoxicant or illegal substance while on duty or in uniform.
2. No alcohol shall be consumed four hours prior to a scheduled shift, and all officers will report for duty with a 0.00% blood alcohol concentration (BAC).
3. Special assignments where alcohol has been consumed by an officer contrary to these parameters are at the discretion of command staff and shall be documented if approved.
4. If need for callout of personnel arises due to emergency operations or special circumstances and an officer has been consuming minor amounts of alcohol, the employee may be directed to cease consumption and be put on standby until s/he can report for duty with 0.00% BAC.

vii. Employees will not frequent any establishment whereby the employee's presence could create embarrassment or discredit to the Department.

viii. No officer shall fail to report his/her involvement in any incident or dispute he/she becomes involved in while off duty where the officer exercises official police powers. Additionally, any officers engaged in activities while in an off duty capacity in which they become the subject of a police investigation shall report such incidents immediately. Reports are to be made without undue delay to the Chief of Police through use of the chain of command.

ix. No officer shall be in a tavern or private club when in uniform or with identifying police equipment visible except in the line of duty.



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- x. Officers will at all times, on or off duty, conduct and/or present themselves in a manner which does not bring discredit to the individual officer, the Department or the City. Officers will at all times conduct themselves in a manner consistent with the Law Enforcement Code of Ethics.
- xi. Except in the discharge of official duties, officers should not associate, fraternize, transact any business of an illegal nature or have any dealings with known criminals or persons engaged in unlawful activities.



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8.03 Discipline

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Replaces: Rule #5, 11/01/2003

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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I. **PURPOSE:** To establish comprehensive protocols for corrective action/discipline against Windsor Heights Police employees.

II. **POLICY:** The Internal Affairs function is important for the maintenance of professional conduct; therefore, it is the policy of the Windsor Heights Police Department to thoroughly investigate any and all formal complaints on Police Department employees.

III. DEFINITIONS:

a. **Corrective Action/Discipline:** Failure to comply with any municipal, state, or federal law, Department policy, rule and regulation, procedural instruction, or any gross unjustifiable deviation from operational procedures as given in Department memorandums, manuals and/or training will result in corrective or disciplinary action as set forth in this policy. For the purpose of this policy, corrective actions may include coaching, counseling/caution, verbal warning and written reprimands. Disciplinary actions may include suspension, demotion, and/or discharge. All actions shall be promptly and consistently administered and thoroughly documented appropriate to the infraction committed.

IV. REGULATIONS:

a. This manual is made part of each member's equipment, and each member will be familiar with these policies, rules and regulations, and procedural instructions. Ignorance is not an excuse.

b. Any employee who commits an offense contrary to law, who acts unethically, violates the rules or policies of the Department, who is incompetent to perform an assigned duty, or who demonstrates unsuitability for further services as a police officer, is subject to appropriate disciplinary action up to and including termination.

c. **Violations of Standards** - A violation of any Department policy, rule or regulation, procedural instruction, order or directive may result in a penalty of:

i. *Oral Reprimand/Warning:* Formal verbal warnings will be documented and placed in the employee's personnel file. If no further actions result, employees may request the removal of a documented verbal warning after one year.



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- ii. *Written Reprimand/Warning:* The Chief of Police or supervisory designee, and in their absence the City Administrator, may formally reprimand the employee in writing. Such reprimand shall become part of the employee's personnel records and a copy of the reprimand shall be given to the employee. The employee shall be required to sign the written reprimand acknowledging receipt. One copy shall be placed in the employee's personnel file. The employee shall have the right to enter into his/her personnel file a written response to any critical comments or reprimands placed in the file.
- iii. *Suspension:* Upon an infraction as listed herein, or if the employees work habits, attitudes, production, or ability to handle the duties of the position fall below the desired standards for continued employment, the Chief of Police or supervisory designee, and in their absence the City Administrator, may suspend the employee. The length of the suspension shall be based on the nature of the offense and the number and length of previous suspensions. Notification of a suspension shall be in writing to the employee and shall become part of the employee's personnel file.
- iv. *Demotion:* The permanent removal from a position of supervisory authority for cause or due to agency restructuring.
- v. *Termination:* Termination is the permanent removal from the job and may occur at any point in the discipline process.
- vi. Any officer who is suspended or terminated will deliver his/her badge, weapon(s) issued by the Department, and his/her police identification card to the Office of the Chief immediately upon notification of the intended action.
- vii. The disciplinary process is not contractual, and nothing contained herein shall require progressive discipline. A violation may result in disciplinary action being imposed at any level of severity. In all cases Department processes will be in compliance with Chapter 80F of the Code of Iowa.



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d. **Causes for Disciplinary Action** - The seriousness of an offense will often vary with the circumstances prevailing at the time it occurred and the motives prompting it. Related and mitigating factors shall be considered when determining the appropriate action to take. Each of the following violations may be cause for discipline. The list of offenses presented herein does not purport to be all-inclusive. Additional causes for corrective action/discipline are outlined in policies 8.01 and 8.02 and throughout this manual. Causes for disciplinary action may include, but are not limited to:

- i. Obtain materials or leave time based on fraudulent information, dishonestly, stealing and/or other criminal acts.
- ii. Involvement in a felony, or in a misdemeanor involving moral turpitude, casting doubt on the ability to perform the job effectively.
- iii. Conduct unbecoming on the part of a certified professional that is contrary to the interests of the public served or which harms the standing of the profession in the eyes of the public.
- iv. Unreasonable, abusive treatment of a client, citizen, fellow officer, or city employee, including verbal or nonverbal harassment.
- v. Violation of any lawful and reasonable Department policy, or refusal or inability to carry out a city rule, regulation, directive or instruction, in whole or in part, as may be expected of the employee in his/her service to the City.
- vi. Non-compliance with or inaction regarding rules, policies, assignments, procedures (provided the individual has been instructed or given access to knowledge of proper systems) in what is expected.
- vii. Destruction or loss of City property, including the abuse of equipment and/or allotments.
- viii. Absence from duty without permission, proper notice, or satisfactory reason.
- ix. Falsifying records, knowingly giving inaccurate information or unnecessarily withholding information.



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- x. Being under the influence of narcotics, alcohol or other impairing or illegal substances on the job.
- xi. Disregard to the City's Equal Employment Opportunity Policy prohibiting discrimination on the basis of race, creed, color, marital status, sexual orientation, national origin, religion, sex/gender, age, handicap, political affiliation or ancestry.
- xii. Incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.
- xiii. Failure to pay or make reasonable provisions for payment of debts to such an extent that such failure causes continued contact by the employee's creditors and disrupting City business.
- xiv. Disregard for safety policies, procedures, reporting requirements, and/or improper or non-use of safety gear, clothing or equipment.
- xv. Involvement in vehicular or personal crashes indicating an unacceptable pattern of incidents, whether or not added costs to the City result.
- xvi. Solicitation or acceptance of money or anything of value to influence decisions in public matters or as a reward for such decisions.
- xvii. Engaging in personal business/other employment while on duty, or using City vehicles, property or equipment for personal use except as such use may be in conjunction with a specific program, specific assignment or with permission.
- xviii. An attendance record which demonstrates a consistent or continual lack of availability for work to the extent that ineffectiveness or inefficiency of services results.
- xix. Engaging in activities or habits which interfere with the individual's or any other employee's performance on the job.
- xx. Physical or emotional inability to perform duties of position.



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- xxi. Misuse or unauthorized modification of the Department's computerized network to include unauthorized access to documents, drives, or misuse of the electronic mail system.
- xxii. Misuse, breach of confidentiality, other improper access or dissemination of department information or law enforcement database, records, or intelligence information for purposes unrelated to professional responsibilities or actions that may reflect poorly on the corporate image of the City.
- xxiii. A computer security violation that results in the disclosure of sensitive or classified information; secondary release of any IOWA System data to an unauthorized individual(s); unauthorized modification or destruction of system data including but not limited to unauthorized modification or cancellations of IOWA System entries, logs or any other storage medium; activities or actions that result in the loss of the agency's computer/IOWA System processing capability. Theft, loss due to carelessness, or intentional unauthorized destruction of any computer system media including: Chip ROM memory, optical or magnetic storage medium, hard copy printout, etc.
- xxiv. Negligent conduct in the handling and treatment of individual(s) in police custody or detention, whereas the officer knows or reasonably should know that any disregard to health, safety, or supervision may create an excessive risk to an individual's welfare, not excluding an officer's failure to alleviate a significant risk that may potentially cause serious harm.
- xxv. Deliberate indifference in the handling and treatment of individual(s) in police custody by knowing of and disregarding an excessive risk to one's health or safety. Whereas the officer is aware of facts from which the inference could be drawn that a substantial risk of serious harm exists and draws the inference.
- xxvi. Items listed in the City Personnel Policy Manual that have not already been listed.



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8.04 Complaint Procedures

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Replaces: Rule #5, 11/01/2003

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3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

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- I. **PURPOSE:** The purpose of this section is to establish guidelines and procedures for receiving, reporting, investigating, and adjudicating allegations of Department employee misconduct and to establish consistent procedures for the investigation of complaints against Windsor Heights Police employees.
- II. **POLICY:** It is essential that the entire community have confidence in the administration that supervises the exercise of police authority. This requires procedures for adequate and expedient processing of allegations of misconduct by Department employees. The Internal Affairs function is designed to address these concerns and is important for the maintenance of professional conduct. Therefore, it is the policy of the Windsor Heights Police Department to thoroughly investigate formal complaints on Police Department employees.
- III. **DEFINITIONS:**
 - a. **Complaint:** A complaint will be defined as any negative concern, inquiry, or obvious circumstance brought to the attention of a departmental employee which will require a supervisor to take some form of action (check a file, interview an employee, verify information, etc.) and respond back to the complainant. If someone calls, writes, or personally comes in wanting no more than to "let us know" that an employee did or said something of a non-serious or inconsequential nature, it may be handled informally outside of this process. If the receiving supervisor determines the complaint should be reviewed by superiors, he/she will forward a completed written statement up the chain of command. Prior to any action, all written complaints will be forwarded to the Chief's Office for acceptance, classification, distribution, and/or for final disposition. On all formal complaints that reach the Chief's Office, it shall be the Chief who determines whether an investigation is called for and what type of investigation will be conducted.
 - b. **Line Investigation:** Line investigations surround matters of internal operations and policy compliance such as alleged rudeness on the part of the officer, tardiness, or insubordination.
 - c. **Internal Affairs Investigation:** An internal investigation is for potentially serious violations of law, for example, allegations of corruption, brutality, misuse of force, breach of civil rights, or criminal misconduct.



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IV. PROCEDURES:

- a. All employees will comply with Department rules, regulations, directives, and orders. All employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals. At the same time, Department employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Prompt, thorough investigations will be conducted into allegations of misconduct to establish facts that can absolve the innocent and identify the guilty.
- b. The Chief of Police is charged with this responsibility and has the authority to maintain discipline within the Department. Consequently, s/he must ensure that internal investigations are conducted according to the fundamental principles of fairness, and that Department employees are afforded all of their rights.
- c. **Internal Affairs Function** - The Chief's Executive Officers (Division Commanders), are responsible for the administration of the Department's internal affairs functions. Due to the sensitivity and impact of internal affair matters, it is imperative that the Chief of Police receive all pertinent information directly. If the need arises, the Chief may establish a special unit to assist a Division Commander in the performance of these duties. These functions include:
 - i. Receiving, documenting, and maintaining confidential files on all information pertaining to allegations of employee misconduct. These files will be maintained in a secure area.
 - ii. Supervising and controlling the investigation of alleged or suspected misconduct within the agency.
 - iii. The agency will compile annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees upon request.
 - iv. The Chief's Office will make available information to the public on procedures to be followed in registering complaints against the agency or its employees.



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- v. All complaints against Department employees lodged by other Department employees that involve allegations of misconduct shall be recorded and investigated in the same manner as complaints received from a citizen. Exceptions to this would be minor infractions and disputes pertaining to policy or practice that can be disposed of satisfactorily at the division level.
- d. **Misconduct Not Based Upon a Complaint** - Instances where an improper or illegal act was either observed or learned of internally without an external complaint may be investigated at the discretion of the Chief of Police. These instances will be investigated with either a line or internal investigation with one of the six findings found in subsection K of this policy.
- e. **Corruption Prevention** - It is the policy of this Department to establish proactive procedures to prevent, investigate, and prosecute corruption to the full extent of the law when reported or identified. Whenever there is suspicion that a complaint or an investigation will result in a charge of corruption, the Chief of Police will be notified immediately. The Chief of Police will immediately notify the appropriate city officials and will be the only agent of this Department releasing information to the public, as necessary.
- f. **After Receipt of a Complaint**
 - i. All complaints will be submitted in writing with a signature requested. The written complaint will then go directly to the Chief of Police. After reviewing a complaint, the Chief will make a determination as to the type of investigative follow-up that will be done (line investigation or formal internal affairs investigation).
 - ii. Once a determination is made as to the type of investigation to be conducted, a letter will be sent to the complainant verifying receipt of the complaint, an explanation of the investigative process, the expected time-line for completion, and the assurance that s/he will receive another letter as to the results upon conclusion of the investigation. This letter shall be completed and sent immediately upon the initiation of an investigation.



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iii. All Department employees will be required to accept and forward to a supervisor any formal complaint that comes to their attention. An attempt should be made to refer all complaining persons and related correspondence to a command officer. If the complainant will not talk to anyone else or write the complaint down and the complaint is of a serious nature, the receiving employee will tell his/her supervisor of the complaint and request follow-up or complete and forward a written statement.

g. **Administrative Leave with Pay** - Any command officer has the authority to impose an emergency suspension upon a subordinate when it appears that such action is in the best interests of the Department. An emergency suspension shall last until the next regular work day for the Chief of Police. The involved commander may require the subordinate to relinquish his/her badge and other official police credentials. The commander imposing such a suspension shall submit a written report to the Chief of Police as to the incident and cause for the action. A member receiving an emergency suspension shall be required to report to the Chief's Office upon request on the next business day unless otherwise directed by competent authority.

h. **Notifying the Affected Employee(s)** - All employees who are being investigated for a line and/or internal investigation will be notified in writing of:

i. the allegations

ii. the employee's rights:

1. Under the circumstances in which an employee of the Department is questioned about matters that potentially could result in criminal prosecution against him/her and no decision has been made whether to use the member's testimony in any subsequent criminal prosecution, the member shall not be compelled to make statements that might be self-incriminating, and he/she may not be disciplined for invoking his/her rights against self-incrimination. In such cases, Miranda Warnings shall be given.



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2. Under circumstances in which an employee of the Department is questioned about possible criminal matters and it has been determined that any self-incriminating statements the member makes will not be used against him/her in criminal prosecution, the member may be ordered to answer questions, and s/he may be disciplined if s/he refuses to answer fully and truthfully. In such cases, the Garrity Warning shall be given.
 3. When the Miranda and/or Garrity Warnings are given, a written record shall be kept of which warning was given, and witnesses who were present.
 4. Employee responsibilities relative to the investigation shall be listed on the Notice of Investigation.
 5. Employees shall also be afforded all rights given to them under law according to the Iowa Peace Officers Bill of Rights.
- iii. The affected employee(s) will be notified in writing as to the disposition of the investigation upon completion or any need for investigative extensions and delays.
- i. **Employees Suspected of Criminal Behavior** - Whenever a Department employee is under internal investigation, and is subject to criminal interrogation for any reason which could lead to disciplinary action, demotion or dismissal, such interrogation will be conducted under the following conditions:
 - i. The interrogation will be conducted at a reasonable hour, preferably at a time when the employee is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
 - ii. The interrogation will normally be conducted either at the Windsor Heights Police Department or at the police department in whose jurisdiction the incident allegedly occurred, as designated by the investigating officer.
 - iii. The employee under investigation will be informed of the nature of the investigation prior to any interrogation.



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Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 10/25/2019

- iv. Interrogating sessions will be for reasonable periods and will be timed to allow for such personal necessities and rest periods as are reasonably necessary.
- v. If the employee under interrogation is under arrest or is likely to be placed under arrest as a result of the interrogation, s/he will be completely informed of all appropriate rights prior to the commencement of the interrogation.
- vi. At the request of any employee under investigation, s/he will have the right to be represented by counsel or a union representative when the employee reasonably believes that discipline or other adverse consequences may be a result of the investigation.
- vii. No employee under interrogation or investigation will be ordered, required, or asked to submit to polygraph detection deception tests, commonly known as lie detector tests, or to questioning under the effects of thiopental sodium.
- viii. An employee under investigation may request, at his/her expense, a Datamaster, blood, urine, psychological, or medical examination if it is believed that it would be beneficial to his/her defense. Also, the Department may require drug or alcohol examinations as outlined in this manual.
- ix. An employee may be required to submit to having a photograph taken when his/her identity is in question. Additionally, employees may be asked to participate in a live line-up.
- x. A financial disclosure statement may be requested of an employee or otherwise obtained by way of subpoena from the appropriate court.
- xi. Property belonging to the Department is subject to inspection where the Department has reasonable suspicion that evidence of work-related misconduct will be found therein.
- xii. An employee will not be ordered to appear before, or be questioned by, any agency not affiliated with the City of Windsor Heights for the purpose of responding to only internal charges or allegations which have been or may be brought against that employee, unless otherwise waived by that employee.



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8.04 Complaint Procedures

Page(s):

8

Replaces: Rule #5, 11/01/2003

Issue Date:

3/1/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 10/25/2019

j. **Scope of Investigation** - Should an investigation uncover information of possible criminal activity, the investigator shall immediately advise the Chief of Police.

- i. If a Department employee is alleged to have been involved in any criminal activity that constitutes a felony, the Chief of Police or his/her designee shall contact the Polk County Attorney's Office for consultation. This contact may be for notification and/or legal advice, or assistance in case preparation.
- ii. The Chief of Police may also contact the Iowa Division of Criminal Investigation for assistance in investigating a criminal allegation against an employee of the Department.
- iii. Should allegations or information include both criminal and administrative violations, the Chief of Police may order separate investigations by different investigators or agencies or s/he may order an all encompassing investigation by the investigator(s).

k. **Tracking a Complaint Investigation**

- i. It shall be the responsibility of the assigned Division Commander to track the status of each investigation and ensure that it is proceeding as quickly as possible to avoid undue delay. All investigations should be completed within 30 days of receipt. If this is not possible, the Chief of Police, officer(s) involved, and the complainant will be notified in writing of the extension.
- ii. Upon completion of an investigation, the Division Commander will forward a written summary of the investigative findings to the Chief of Police. The memo shall include a summary of the incident, the allegation(s) made, a general summary of the investigation that was conducted, the associated policy and legal issues, and the final determination of the investigation with one of six possible findings:
 1. *Exonerated* - meaning the officer acted properly;
 2. *Unfounded* - where the incident in question did not occur as stated by the complainant;



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Effective Date:

04/01/2012

Revision Date: 10/25/2019

3. *Sustained* - where the act did occur as alleged by the complainant;
 4. *Policy Failure* - where the officer acted within established policy but policy needs to be re-evaluated;
 5. *Withdrawn* - investigation began but complainant withdrew complaint or became uncooperative prior to the completion of the investigation.
- iii. Upon completion of an investigation, the Chief or designee will author a letter to the complainant summarizing the investigative findings and the final determination. No mention will be made of any disciplinary action. The affected employee(s) will be notified in writing as to the disposition of the investigation, and if applicable, the correspondence may be combined with any corrective/disciplinary action to be taken.



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8.05 Bias-Based Policing

Page(s):

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Replaces:

Issue Date:

03/01/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

04/17/2019

I. **PURPOSE:** The purpose of this policy is to prohibit bias-based policing and emphasize the Windsor Heights Police Department's commitment to unbiased, equitable treatment of all persons in enforcing Federal, State, and local laws, while providing law enforcement services, and implement a style of policing that promotes positive interactions between police officers and all citizens.

II. **POLICY:** It is the policy of the Windsor Heights Police Department to prevent and strictly prohibit the practice of bias-based policing, and any other discriminatory practice by any member of the Department.

III. **DEFINITION:**

a. **Bias-Based Policing/Profiling/Discriminatory Practices:** Bias-based policing/profiling/discriminatory practices include the detention or other disparate treatment of an individual based on race, color, ethnicity, age, religion, gender and/or sexual orientation. This definition does not include actions taken by an officer based on reliable, articulable, factual witness accounts or other descriptions of a person involved in an incident where one of these traits, used in combination with other factors, is part of the identification process to assist in locating and identifying the subject(s).

IV. **PROCEDURE:**

a. **Bias-Based Policing Prohibited**

i. Absent investigative authority, personal traits including race, color, ethnicity, national origin, citizenship, age, religion, gender and/or sexual orientation of an individual shall not be a factor in determining the existence of probable cause to detain or arrest an individual, or in constituting a reasonable or articulated suspicion that an offense has been, or is being committed so as to justify the stop or detention of an individual, or the investigative stop of a motor vehicle.

b. **Stopping and Detaining Prohibited**

i. The stopping and detaining of any individual not based on factors related to an investigation of a violation of Federal law, Iowa Statute, Windsor Heights City ordinance, or any combination thereof is prohibited.



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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

04/17/2019

- ii. No officer shall stop, detain, or search any person where such action is motivated by personal traits including race, color, ethnicity, national origin, citizenship, age, religion, gender and/or sexual orientation - unless the officer is seeking an individual with one or more of those identified attributes in connection with an investigation.

c. Reporting Requirements

- i. Failure to report any observed or known violations of this order by any Department employee shall result in disciplinary action.
- ii. The assigned division commander shall conduct an investigation of any formal complaint of bias-based policing or discriminatory practice.
- iii. The Support Services Division Commander shall prepare an annual report of bias-based motivated internal affairs investigations, if applicable, and forward such report to the Public Safety Director / Chief of Police to include, but not limited to:
 1. Listing of each complaint;
 2. Explaining action(s) taken through investigation;
 3. Recommending training needs;
 4. Recommending policy changes.

d. Training

- i. Training regarding biased-based policing will be included in new officer orientation training administered during the Field Training program.
- ii. All officers shall attend, and successfully complete, continuing bias-based policing training as determined by the Windsor Heights Police Department training schedule.



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Effective Date:

04/01/2012

Revision Date:

04/17/2019

- iii. Additional diversity and sensitivity training shall be designated for employees with sustained bias-based policing or other sustained discrimination complaints filed against them.

e. Disciplinary Procedures

- i. Personnel who are determined to be in violation of this policy are subject to discipline as outlined in the City of Windsor Heights Personnel Policies Manual, and the Windsor Heights Police Department Policy Manual, up to and including termination,



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8.06 Personnel Early Warning System

Page(s):

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

10/25/2019

- I. **PURPOSE:** To help identify and assist employees who display behavior inconsistent with the Department's performance standards.
- II. **POLICY:** A Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential issues that could challenge an employee's performance and a menu of remedial actions can increase the agency's accountability, offer employees a better opportunity to change undesirable behavior, meet the Department's Mission Statement and adhere to the policies and procedures of the Department.
- III. **PROCEDURES:**
 - a. **Support Services Division Commander**
 - i. Will, at a minimum, record the following information on the log sheet for annual Internal Affairs documents:
 1. Line investigations/internal affairs complaints,
 2. On duty traffic crashes,
 3. Sick leave abuse incidents.
 - ii. If the Support Services Commander observes a pattern of behavior in the collected material from current and previous years that leads him/her to believe that an employee may be in need of assistance or intervention, s/he shall notify the Chief of Police and provide documentation to support his/her belief.
 - b. **Follow-Up**
 - i. When an employee has been identified as requiring intervention the Chief of Police and the employee's immediate supervisor will develop an individual course of assistance called a Performance Improvement Plan (PIP).



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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

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ii. This course of assistance may include, but is not limited to the following:

1. Counseling
2. A physical examination
3. A psychological examination
4. Participation into an Employee Assistance Program
5. Remedial training
6. A change of duty assignment
7. Itemized goals and objectives for improvement
8. Weekly and/or monthly performance reviews (i.e. Work/Performance Improvement Plan)

iii. The employee's supervisor will coordinate the logistics of the employee's participation in the course of assistance and ensure that the employee completes the approved plan.

c. Documentation

- i. The employee's supervisor will monitor and verify the employee's participation in the approved assistance plan and document defined benchmarks over the time allotted for improvement.
- ii. The employee's supervisor will prepare and forward to the Chief of Police a report documenting the employee's progress and final status within five (5) days of the employee's completion of the assistance plan.
- iii. If the employee does not participate or complete the approved assistance plan, further administrative action will be taken in the form of remedial action, Department discipline, or otherwise as deemed appropriate to ensure compliance with Department standards or removal from duty.



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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2014

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d. Review

- i. The Chief of Police will review the Early Warning System process periodically to determine whether adjustments should be made.
- ii. The Chief shall direct support staff to conduct an annual review of the driver's license status and history of each department employee.
- iii. Additionally, at the direction of the Police Chief or City Administrator, periodic administrative reviews of employees with or without cause may occur that include: searches involving employee arrest records, local/regional law enforcement database searches, Iowa Courts Online profile searches, field interviews, work product audits, or any other action taken to update background history statements since becoming employed by the City. These updated background checks may also include other formal inquiries that directly correlate to the character of the employee (on or off duty) as his/her actions impact the well-being of the corporate image of the City.



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8.07 Performance Evaluations

Page(s):

3

Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

10/25/2019

- I. **PURPOSE:** Annual performance reviews will occur to present every employee with an honest, straightforward reflection of his/her job performance; to advise the employee of strengths and weaknesses that affect job performance; to assist management in reviewing the overall effectiveness of its operation and to identify areas in which training could be beneficial; to create a forum for discussion to exchange career related communications between superiors and subordinates; and to provide a vehicle to document employee successes and areas of improvement on a regular basis.
- II. **POLICY:** All employees of the Windsor Heights Police Department will receive an annual performance review on or near their anniversary date of hire. Employees will also be provided the opportunity to thoroughly discuss their progress towards professional growth or career advancement and be given the chance to evaluate themselves.
- III. **PROCEDURES:**
 - a. **Completing the Evaluation**
 - i. Evaluations should be completed and signed by the employee's division commander who is familiar with the employee's performance.
 - ii. Evaluations are to normally be completed annually within thirty days of the employee's date of hire anniversary, using current performance evaluation forms and instructions prepared and issued by the Chief of Police.
 - iii. The command officer should complete and review the performance evaluation form before it is presented to the employee. This review is to ensure consistency in the use of the form and provide insight and consultation for developing a fair and concise follow-up conference. The employee should be working on his/her self-evaluation during this time frame.
 - iv. Upon completion of the evaluation form, a conference should be conducted with the employee.
 1. To discuss the evaluation and produce direction for the employee's future performance.



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Approved by:

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Effective Date:

04/01/2012

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10/25/2019

2. To create goals and objectives to be discussed and written out by the employee. These goals and objectives are to be used to assist the employee to achieve his/her own personal performance goals. The employee must assist in supplying his/her own goals and objectives for the coming year.
3. At the completion of the conference the employee is asked to sign the performance evaluation form as a record that he/she has been advised of its contents. The employee may file a written statement outlining any areas of disagreement.
4. Distribution of the performance evaluation includes a copy for the employee, one for Department administrative files, and the original for the employee's personnel file (after review by the Chief of Police and City Administrator).
- v. The performance evaluation, supporting documents, and discussions relating to the evaluation process will be treated in a confidential manner.

b. Command Officers

- i. It will be the responsibility of the employee's supervisor to develop his/her personnel management skills in such a manner that this annual evaluation is a culmination of a systematic documentation of counseling efforts and positive reinforcement/recognition that has been consistently applied throughout the employee's work year.

c. Unsatisfactory Performance

- i. If an employee demonstrates a repeated pattern of unsatisfactory performance, s/he may be subject to formal intervention through use of a Performance Improvement Plan (PIP). During this process troubled employees may be required to participate in a cumulative review of performance and ordered to complete a self-evaluation.
- ii. Employees on a PIP may be "recycled" through the field training program or other specialized training measures.



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Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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10/25/2019

- iii. Failure to successfully demonstrate skills as outlined in a PIP will result in referral to the formal discipline process with action up to and including termination.



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8.08 Abuse of Position

Page(s):

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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

I. PURPOSE: The purpose of this policy is to establish clear expectations for professional standard of conduct by members of the Windsor Heights Police Department when encountering certain situations which may place them, and this department, in a potentially compromising position or appearance of impropriety.

II. POLICY: All members of this department shall decline any special privileges or exemptions for themselves or for any:

- a. Spouse
- b. Child
- c. Parent
- d. Other family member or relative
- e. Friend
- f. Acquaintance
- g. Non-acquaintance

III. DEFINITIONS

- a. *Authoritative Position:* All members have a position of great authority that is afforded by society. Because of this authority, members are in a position to influence citizens within a community. With this authority comes grave responsibilities.
- b. *Conflict of Interest:* A situation for which a person may have more than one specific self interest in the outcome.

IV. PROCEDURE:

a. Conflict of Interest Regarding Abuse of Position

- i. All members of this department must avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present. If a member responds to a call for which a conflict of interest presents itself, the member must control the situation, request a supervisor to respond, and cease any further involvement in the situation after being properly relieved.



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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

b. Financial Gain Regarding Abuse of Position

- i. Unless prior approval is acquired from the Chief of Police, members of this department shall not attempt financial gain, while in their official capacity, and must NEVER:
 1. Accept payment, cash, or property for services delivered in their official capacity. Any member confronted with such a situation must immediately complete a report to be forwarded to their supervisor;
 2. Accept any gift or gratuity from a subordinate, unless approved by the Chief of Police;
 3. Attempt to negotiate any payment of cash or property from another person or institution in their capacity of official law enforcement business. Any abuse of this authority is subject to disciplinary action;
 4. Give testimony or use their name or photograph regarding commercial advertising, unless approved by the Chief of Police;
 5. Seek personal publicity, either directly or indirectly, in the course of their employment;
 6. Solicit subscriptions; or
 7. Sell books, papers, tickets, merchandise, or any other items of value for personal gain. The sale of such items related to a charity or non-profit in relation to a department sponsored event may be allowed with prior approval of the Chief of Police.
- ii. Except as otherwise authorized pursuant to Iowa Code 68B.22, no member of this department shall accept any cash, property, services or other forms gratuity in relation to their official capacity.



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8.09 Sexual Misconduct

Page(s):

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Replaces:

Issue Date:

03/24/2021

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2021

Revision Date:

I. PURPOSE: Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When an officer abuses this authority for sexual purposes, and violates another person, the officer not only commits a crime against the victim, but also damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is to caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.

II. POLICY: It is the policy of the Windsor Heights Police Department to train all officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.

III. DEFINITIONS:

- a. *Criminal Sexual Misconduct:* The abuse of authority by a law enforcement officer for sexual purposes that violates the law.
- b. *Sexual Misconduct:* Any sexual activity while on-duty, or stemming from official duty. Sexual misconduct includes, but is not limited to, use of official position and official resources to obtain information for purposes of pursuing sexual conduct or viewing images of an intimate nature outside the scope of an investigation.
- c. *Intimate Part:* Genital area, inner thigh, groin, buttocks, or breasts of a person.
- d. *Actor:* The person accused of sexual assault.
- e. *Sexual Contact:* Any contact for the purpose of sexual gratification of the actor with the intimate parts of another person.

IV. PROCEDURES:

- a. Sexual activity and/or contact, of any nature, while on duty is prohibited.
- b. Any use of official position and/or official resources to obtain information for purposes of pursuing sexual conduct is prohibited.



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Replaces:

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Approved by:

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Effective Date:

04/01/2021

Revision Date:

- c. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.
- d. Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.
- e. An employee shall not engage in any sexual contact with another person who is in custody and/or under an officer's control while acting in any official capacity.
- f. Training: All employees of this department, including supervisors, will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.
- g. Reporting Requirements: Any employee of this Department who is made aware of any violation of this policy is required to report the violation to their supervisor. The supervisor will immediately contact the Chief of Police who will immediately facilitate an investigation in accordance with established investigative policy. The investigation may be conducted by an outside agency, at the request of the Chief of Police, and any forensic evidence identified will be protected and processed immediately. The accused employee's supervisor will not attempt to resolve a complaint of this nature with the complainant.

V. DISCIPLINE

- a. Any employee found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges where established.
- b. Any employee having knowledge of a violation of this policy and who fails to report said violation shall also be disciplined up to and including dismissal and criminal charges, if appropriate. If the violation involves supervisory personnel, the reporting officer will notify the Chief of Police and he/she will not be strictly held to his or her chain of command.



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CH 9

Special Situations



Windsor Heights Police Department Policy and Procedure Manual

9.01 Barricaded Persons and Hostage Situations

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

12/18/2019

- I. **PURPOSE:** To establish guidelines involving barricaded or hostage situations which maximize the safety of all persons involved.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to manage a barricaded or hostage situations so as to attempt to safeguard the lives of [in order of priority] hostages, citizens, police officers, and hostage takers/suspects.
- III. **DEFINITIONS:**

- a. **High Risk Situations:** Any situation requiring a police response involving a high probability of serious bodily injury and/or death to anyone. Examples of high-risk situations include but are not limited to the following: hostage situations, trapped/barricaded suspect(s), armed person(s), armed domestic situations, political/terrorist situations, sniper attack.

Although certain planned events (i.e., drug/felony warrant execution raids) may be classified as high risk situations, the operational requirements and strategy used in such events would be determined by intended outcome and strategy during pre-planning. If Metro STAR is utilized, the operational requirements will be determined by the appropriate commander.

- b. **Hostage Incident:** A situation in which a person(s) hold another person against his/her will by force, or threat of force, and law enforcement officials present at the scene are attempting to obtain a safe release of the person/hostage being held.
- c. **Barricaded Incident:** A situation in which a person, while in a place of cover, who is armed or believed to be armed, resists being taken into custody. Armed persons threatening suicide are also considered to be barricaded persons.
- d. **Sniper:** An armed suspect(s), commanding a "kill zone," usually barricaded, possibly concealed, who has either used a firearm or demonstrated an intent to do so, holding an area rather than a person as his/her hostage.
- e. **Terrorist:** A situation in which a person(s) commits or threatens to commit a serious criminal offense for political or ideological purposes.



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9.01 Barricaded Persons and Hostage Situations

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Approved by:

Chief Chad McCluskey

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- f. **Incident Commander:** The senior officer on scene until such time as relieved by command staff or Metro STAR commander.
- g. **Inner Perimeter:** The immediate containment area, as designated by the placement of officers, positioned to encircle and secure the actual incident. The size of the inner perimeter will be dictated by terrain features and suspect weaponry.
- h. **Outer Perimeter:** A secondary containment area surrounding the inner perimeter, providing a safe zone for access to the inner perimeter as well as defining the limit of access by unauthorized personnel. All movement within this area is restricted to emergency services personnel and, if necessary, evacuated.
- i. **Command Post:** A secure position within the outer perimeter from which the Incident Commander, Tactical Commander, and other requested support personnel can coordinate all law enforcement efforts of an incident while maintaining regular services. Also used as a conference point for crisis managers.
- j. **Staging Area:** The primary collection point of personnel and material prior to their commitment by the Incident Commander. This area is separate from the command post and point of negotiations.
- k. **Point of Negotiations:** The area, usually within the outer perimeter, where negotiations are taking place. This is a limited access area, controlled by the Negotiations Team Leader. It can be attached to the command post as long as it is isolated and has independent communications, but must be out of sight and sound of the staging area.

IV. PROCEDURES:

- a. **Containment and Control.** Once a barricaded or hostage situation has been identified, responders should attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical and/or hostage negotiation personnel, unless actions by the suspect require an immediate response in order to save the life of a hostage or citizen.



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b. Responsibilities

i. Patrol Officer:

1. The responding patrol officer who believes that a high risk situation exists will advise Communications and request additional patrol units. The responding officer will assume command of the situation until properly relieved (either via radio or in person). After determining the situation is in fact a high risk incident, (hostage situation, barricaded suspect, etc.) officers should not, if at all possible, approach the house, building or site. Officers shall immediately notify command staff of the incident, or instruct dispatch to do so.
2. Officers on-scene should select a position that provides protection and also affords observation of the structure or site.
3. Officers on-scene should direct arriving elements to necessary locations to seal off the house, building, or site and establish an inner perimeter.
4. Officers on-scene should isolate and evacuate the area, if the circumstances require, while ensuring that personnel and citizens with potentially relevant information remain at the scene for debriefing and intelligence gathering purposes.
5. Officers on-scene should evaluate all available information pertaining to the situation.
6. Officers on-scene should direct other officers arriving at the location to specific areas.
7. Officers on-scene should ensure that the isolation and evacuation procedures have been carried out as the event progresses.
8. Officers on-scene should establish inner/outer perimeter.
9. Officers on-scene should request activation of the Metro STAR team if no immediate resolution is apparent.



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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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12/18/2019

10. Officers on-scene should establish a command post at the scene to brief arriving command staff and Metro STAR personnel.
11. Officers on-scene should have the officer manning the command post notify communications by phone of the command post location a direct telephone number to the post.
12. Officers on-scene should request an intelligence officer from the Fusion Center if available.
13. Officers on-scene may establish a staging area.
14. Officers on-scene should cause the notification of sufficient personnel and proper equipment, e.g., ambulance, fire, for the situation and direct them to the staging area by a pre-determined safe route.

ii. Division Commander:

1. The Division Commander should respond and take charge of the scene until relieved by the Chief of Police.
2. The Division Commander should complete patrol officer duties listed above that have not been addressed.
3. The Division Commander should evaluate the situation and assign responding personnel and equipment from the staging area as needed.
4. The Division Commander should coordinate with responding Metro STAR team leaders and establish an effective communications network.
5. The Division Commander may activate a press area where news media personnel will be referred for information.
6. The Division Commander should coordinate with neighboring jurisdictions to establish a secure outer perimeter.



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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

12/18/2019

iii. Incident Commander (normally the Chief of Police):

1. The Incident Commander will be responsible for the incident and its final resolution.
2. The Incident Commander will coordinate with the Division Commander to ensure an effective response to the situation.
3. The Incident Commander has responsibility for authorizing pre-planned use of force and chemical munitions deployment.
4. The Incident Commander will request other support services such as utility companies to respond to a staging area to assist if needed.
5. The Incident Commander will notify additional tactical personnel from other Departments to assist if needed.
6. The Incident Commander will determine extent of evacuations of the area and will cause the evacuation of injured parties if possible.
7. The Incident Commander will manage the incident by coordinating the use of tactical and negotiation options.
8. The Incident Commander will oversee the delegation of responsibility for follow-up investigation and the completion of an after-action report separate from the police report to be used for internal review and training.

iv. Tactical Personnel:

1. Tactical personnel will respond and be responsible to the Incident Commander working to resolve the incident.
2. Tactical personnel will establish a React Team to respond to emergency situations that arise during the incident.



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Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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12/18/2019

3. Tactical personnel will establish Marksman/Observer positions if necessary.
4. Tactical personnel will develop an assault plan to be used if necessary.
5. Tactical personnel will deploy personnel on the inner perimeter if necessary.
6. Tactical personnel will advise the Incident Commander of observations and tactical options for the resolution of the incident.

v. Negotiation Personnel:

1. Negotiation personnel will respond and be responsible to the Incident Commander working to resolve the incident.
2. Negotiation personnel will establish a primary and secondary negotiator position.
3. Negotiation personnel will attempt to establish communication with the suspect(s) and attempt to negotiate a peaceful resolution to the incident.
4. Negotiation personnel will communicate to the Incident Commander and tactical personnel all intelligence and observations gained from negotiations.

- vi. The Department's criminal investigations personnel, with support from the State Division of Criminal Investigation if necessary, will complete the follow-up investigation into the incident and all necessary filings of charges.



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9.02 Response to Active Threat / Shooter Situations

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Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

12/18/2019

- I. **PURPOSE:** To outline the Department's response to an "Active Threat / Shooter" situation.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to protect life by any legal means possible. Officers responding to an active threat/shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active threat/shooter(s) and stop him/her. This may include arrest, containment, or use of deadly force.
- III. **DEFINITIONS:**
- a. **Active Threat/Shooter:** One or more subjects who participate in a random or systematic shooting spree, or other actions whereby they present a clear and immediate danger to the safety people surrounding them, and who demonstrate their intent to continuously harm others. Their overriding objective appears to be that of murder, rather than other criminal conduct, such as robbery, hostage taking, etc.
- For purposes of this policy, the term "active threat/shooter" will also include anyone who uses any other deadly weapon (knife, club, bow and arrow, explosives, etc.) to systematically or randomly inflict death or great bodily harm on people.
- b. **Contact Team:** The first responding officers (ideally numbering four to five, one of which is a designated team leader) who form a team to go in immediate pursuit of the active threat/shooter. The focus is to make contact as soon as possible and stop the active threat/shooter by arrest, containment, or use of deadly force.
- c. **Rescue Team:** A set of officers, one of which is a designated team leader, formed to enter a site and locate and facilitate removal of injured victims, and direct uninjured victims out of the building.
- d. **Incident Commander:** The first supervisor to arrive who is not part of a contact or rescue team, or most senior officer if a supervisor is not available, will assume the role of Incident Commander until relieved by a higher-ranking official.



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04/01/2012

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IV. PROCEDURES:

- a. **Philosophy.** The Windsor Heights Police Department recognizes that the active threat/shooter must be stopped before he/she can affect any more innocent lives. This is the duty and responsibility of the initial responding officers, and they shall use all legal means to accomplish this goal. The prioritization of activities in their order of importance is:
- i. Stop the active threat/shooter,
 - ii. Rescue the victims,
 - iii. Assist in providing medical assistance,
 - iv. Preserve the crime scene.
- b. **Equipment.** A patrol rifle, shotgun, or other authorized shoulder fired weapon, should be deployed with the contact team(s) and rescue team(s) if available. Equipment for entry includes:
- i. Ballistic vest,
 - ii. Radio,
 - iii. Flashlight,
 - iv. Handcuffs,
 - v. Breaching equipment,
 - vi. Visible identification for plain-clothes officers.
- c. **Officer Response.** All law enforcement personnel who are not on an emergency call shall respond to the staging area of an active threat/shooter incident or shall respond to a location as directed by the controlling supervisor/officer.



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Chief Chad McCluskey

Effective Date:

04/01/2012

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12/18/2019

d. **Intelligence Gathering.** An attempt should be made to gather intelligence information about the situation by contacting persons who have the necessary information to better enable the officers to resolve the incident. If the incident involves a location that has a crisis plan (schools, large retail/commercial industry, etc.) their crisis team should be contacted. Intelligence gathering, while important, should not detract from the primary mission, which is to first protect all innocent life by stopping the actions of the active threat/shooter.

e. **Contact Team**

- i. The first officers who respond to the incident shall form a contact team with a designated team leader and go in immediate pursuit of the active shooter.
- ii. Officers should make entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush.
- iii. If any officer encounters a suspected explosive device, they will not make contact with the device and will mark the location of the device. They will communicate the presence of such device to the Command Post when safe to do so. All care will be taken to isolate the device with the objective of stopping the active shooter taking precedence.
- iv. The team will be subject to 360-degree vulnerability and will not do a thorough clearing. They will continue past victims or harmless distractions.
- v. If the contact team isolates the suspect(s), the tactical response team will relieve them and negotiators will be used to try to effect surrender. The contact team should remain aware of the potential of other involved parties and secondary threats.

f. **Rescue Team.** Rescue Team members should maintain 360-degree coverage as the changing dynamics of the incident may put them in contact with the suspect(s) at which time the above procedures shall apply



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g. **Incident Commander.** The Incident Commander shall determine if additional contact teams are necessary and deploy if needed. The Incident Commander shall then deploy Rescue Teams to facilitate treating the injured and evacuating the building. The Incident Commander shall:

- i. Establish a command post (in his/her squad car if necessary),
- ii. Choose a safe staging area for arriving personnel,
- iii. Order the dispatcher to initiate proper notifications,
- iv. Form additional contact and rescue teams, as necessary,
- v. Call for mutual aid from other agencies, as necessary,
- vi. Establish media staging area,
- vii. Arrange a safe staging area for medical units and treatment of the injured,
- viii. Post additional responding officers to guard perimeters,
- ix. Call for resources to bring the incident to conclusion,
- x. If the suspect is arrested or incapacitated, regular agency procedure will be followed regarding the investigation and evidence preservation.



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9.03 Bomb Threats, Explosives, and Arson Investigations

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Replaces:

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3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

12/20/2019

- I. **PURPOSE:** To ensure Police Department and Fire Department personnel, and equipment, are utilized in a unified, efficient, and effective response to bomb threats, incidents involving explosive devices, as well as suspicious fires or fires determined to be the result of arson.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to coordinate the criminal investigations of bomb threats, incidents involving explosive devices, suspicious fires, and arson fires when any of the following circumstances are suspected:
 - a. Fires where death or serious injury has occurred, or is likely to occur, or there is significant financial loss due to damage.
 - b. All bombings, explosives, or bomb threats, when a suspicious device is located or when a supervisor has determined there is cause to believe that the threat is real.
 - c. Incidents in which the Fire Marshall requests the assistance of the Windsor Heights Police Department.
- III. **PROCEDURES:**
 - a. **Bomb Threat Crime Scenes**
 - i. When calls are received involving bomb threats or explosive devices, Communications will immediately dispatch available police and fire personnel. The Police Department shall have incident command of the scene.
 - ii. First arriving officers shall identify the recipient of any messages and/or phone calls and separate these witnesses from other witnesses. Each individual who received communication with regards to the threat should be asked to complete the Windsor Heights Police Department Bomb Threat Information Report Form (Attached).
 - iii. A supervisor will contact the person in charge of the premises. It will be left to the discretion of the person in charge of the premises whether or not the building will be evacuated and/or searched. The decision maker's name will be recorded to the call log.



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1. 1000 feet minimum standoff distance is recommended from any known, suspected, or threatened explosive device. Evacuees and non-vital personnel groupings, as well as incident command, should not enter this perimeter.
 2. Radios, pagers, cell phones, or other electronic devices should not be used or activated within the inner perimeter.
 3. All personnel should be alert for secondary devices placed outside the suspected hot zone or in addition to the initial threatened device.
- iv. If the premises are to be searched, the police supervisor, along with approved fire personnel, will ask for adequate elements to make a quick and thorough search calling for whatever support is deemed necessary.
 - v. If an explosive or suspicious device is found, the Incident Commander will notify Communications to dispatch the Des Moines Police Department's Bomb Squad personnel. The premises and potential blast zone will be immediately evacuated. The Des Moines Fire Department's HazMat team will also be given notification if appropriate.
 - vi. In all incidents involving explosives, the protection of human life will be the key point dictating the procedure to be followed.
 - vii. Upon arrival, the DMPD Bomb Squad will assume command of the scene. They will maintain command until the incident or device is neutralized. Windsor Heights Police Department criminal investigators will assume responsibility for the crime scene once the incident or device is neutralized.
 - viii. If an explosive device is triggered, unified incident command will be set up between Windsor Heights Police and Fire Departments to account for medical and crime scene activities. Additional mutual aid from neighboring organizations should be requested to the scene as necessary.



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b. Incidents of Arson or Suspected Arson

- i. It is the responsibility of the Fire Department to determine the cause and origin of all fires.
- ii. The commanding fire officer will immediately notify the Police Department of any arson or suspected arson incident.
- iii. Arson investigations conducted by the Windsor Heights Police Department will be coordinated with fire investigators and/or the State Fire Marshal's Office/State Department of Criminal Investigation, as necessary.

c. Criminal Investigations Responsibilities

- i. The Support Services Division shall be responsible for all fire investigations where death or injury are likely to occur; where a fire bomb is used to conceal or commit an additional crime; or fires sharing similar methods of operation or significant financial loss occurs.
- ii. The Support Services Commander will retain this authority throughout the investigation regardless of requests for assistance from outside agencies throughout the investigation.
- iii. The Police Department and Fire Department shall work as a team as primary investigators and be responsible for the following:
 1. Crime scene security
 2. Evidence processing (locating, photographing, collecting, and evidence packaging)
 3. Information gathering/canvass
 4. Witness/suspect interviews
 5. Any additional follow-up necessary



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- iv. It shall be the presiding Support Services Commander's responsibility to coordinate the investigation and prepare the case for the County Attorney.



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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

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- I. **PURPOSE:** To provide guidance to respond effectively to a possible weapon of mass destruction (WMD) or chemical, biological, radiological, or nuclear (CBRN) incident(s) using available resources.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure the safety of the public and our personnel in situations involving the use or threatened use of chemical, biologic, radiological, or nuclear (CBRN) devices that could cause death or injury, damage to property, or are intended to alarm citizens. Additionally, officers will utilize proper protocols when encountering any suspected clandestine laboratories or byproducts used in the manufacture of illicit materials.
- III. **PROCEDURES:**
 - a. A police department's responsibilities to citizens in times of suspected terrorist attacks, isolated CBRN incidents, or accidental exposures are essentially the same as daily operations. Individual responsibilities of personnel will change in relation to the type of emergency, the magnitude of the suspected exposure, and the belief of associated criminal activity.
 - i. Department personnel will be required to coordinate their operations with other responding agencies.
 - ii. WHPD personnel must remember they do not have the equipment necessary to expose themselves to CBRN threats. Activities where exposure is likely should only be completed by specially trained and equipped personnel.
 - b. Officers need to remain focused on their role as trained observers and data/intelligence gatherers. Critical thinking skills and expedient isolation of affected areas will be key in isolating the incident and minimizing further exposure.
 - i. When searching for CBRN or explosive devices, employees should suspect anything that looks unusual and safely report it to command personnel arriving to the scene. Trained technicians will determine what is or is not a threat. These devices can be assembled to look like almost anything and can be placed or delivered in any number of ways. The probability of finding one that looks like the stereotypical bomb is almost nonexistent.



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Chief Chad McCluskey

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- ii. Devices may be homemade or designed to blend in with surroundings and are limited in their design only by the imagination of, and resources available to, the maker.
- c. First officers on scene have the responsibility to investigate and substantiate the reported threat. If determined to be a potential WMD incident, officers shall implement a unified command post for a multi-disciplined response and assume command of the incident until relieved by a senior command officer. Command staff will be immediately notified of the situation and will respond to perform the duties of the incident commander.

d. WMD Hazard Response

- i. The initial detection of a WMD attack will likely occur at the local level by either first responders or private entities. This policy is not intended to be all-inclusive of the different types of devices employees or citizens may be subjected to, but are meant to provide guidance to the more common scenarios. An understanding that these same response protocols may provide guidance to any given set of circumstances involving the threatened use of CBRN or explosive devices is also valuable. Other potential terrorist activities and law enforcement responses are covered in Chapter nine (9) of this manual.
 - 1. First responders will be relied upon to identify unusual symptoms, patterns of symptom occurrence, and any additional cases of symptoms as the effects spread throughout the community and beyond.
 - 2. First responders must take protective counter-measures from the hazard prior to treating victims.
 - 3. Detection of biological agents could occur days or weeks after exposed individuals have left the site of the release. The scene may therefore shift to the public health facilities receiving unusual numbers of patients.
- ii. First responders will provide initial assessment or scene surveillance of a hazard caused by an act of WMD. Proper authorities capable of dealing with and containing the hazard are to be alerted. First responders must be able to assess the situation and request the appropriate assistance as quickly as possible.



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e. Types of Hazards/Identification

- i. *Chemical:* Chemical agents are intended to kill, seriously injure, or incapacitate people through physiological effects. An incident involving a chemical agent will demand immediate reaction from emergency responders (fire/paramedics, police, HazMat teams, and emergency room staff) requiring adequate training and equipment.

1. Hazardous chemicals, including industrial chemicals and agents, can be introduced via aerosol devices (munitions, sprayers, or aerosol generators), breaking containers, or covert dissemination.
2. Most chemical attacks will be localized, and their effects will be evident within a few minutes.
3. Persistent chemical agents remain in the affected area for hours, days, or weeks.
4. Non-persistent chemical agents have high evaporation rates, are lighter than air, and disperse rapidly in well ventilated areas.
5. General indicators of possible chemical agent use may include: unusual occurrence of dead or dying animals, lack of insects, dead birds; unexplained human casualties to include: multiple victims, surge of similar 911 calls, serious illnesses, nausea, disorientation, difficulty breathing or convulsions, definite patterns; unusual liquids spray or vapors; unexplained odors; unusual metal debris; abandoned spray devices or unexplained munitions.



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- ii. *Biological:* Recognition of a biological hazard can occur through methods including: identification through a credible threat, discovery of bioterrorism evidence (devices, agents, clandestine lab), diagnosis (identification of a disease caused by an agent identified as a possible bioterrorism agent), and detection (gathering and interpretation of public health surveillance data).
 1. A characteristic of an infectious disease may include a delay between exposure and onset of illness, or an incubation period.
 2. Incubation may range from several hours to a few weeks depending on the level of exposure and the pathogen. Initial response is likely to be made by direct patient care providers and the public health community.
 3. Biological agents could also be employed affecting agricultural commodities over a large area.
 4. Indicators of possible biological agent use include: unusual occurrences of dead or dying animals; unusual human casualties such as unusual illness for a region or area but a definite pattern inconsistent with natural disease; unusual liquids, spray, or vapor and spraying or suspicious devices or packages.
- iii. *Radiological/Nuclear:* The difficulty of responding to a nuclear or radiological incident is compounded by the nature of the radiation itself.
 1. Explosion: radioactive material may or may not be obvious depending on the nature of the explosive device.
 2. Unless confirmed by radiological detection equipment, the presence of a radiation hazard is difficult to ascertain.
 3. Indicators of possible nuclear weapon/radiological agent use include: a stated threat to deploy a nuclear or radiological device; the presence of nuclear or radiological equipment (spent fuel canisters or nuclear transport vehicles); nuclear placards or warning materials along with otherwise unexplained casualties.



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f. WMD Incident Command Responsibilities

- i. In the event of a WMD incident, the Incident Command System and the county-wide Comprehensive Emergency Plan initiated.
- ii. Rapid and secure communication is crucial to ensure a prompt and coordinated response. The incident commander should consider the use of interoperability radio channels as soon as practical.
- iii. The local FBI Field Office must be notified of any suspected WMD/CBRN threats or incidents. Federal response will include experts in the identification, containment, and recovery of WMD.
- iv. The operations for response would include the initial identification of the incident as a WMD/CBRN incident, which would include the initial detection of hazardous agents by first responders. The proper local, state, and federal authorities capable of dealing with and containing the hazard should be alerted as quickly as possible.
- v. If additional specialized support is needed, it may be obtained through county, state, or federal resources.
- vi. Federal consequence management response will entail the involvement of FEMA, additional federal response plan departments and agencies, and the American Red Cross as required. Polk County Emergency Management will aid as a liaison in these efforts.

g. Clandestine Laboratories

- i. Clandestine labs are inherently dangerous. Federal and state laws require special handling of hazardous materials by certified personnel.
 1. Components of the lab will be maintained in their discovered location or position until certified personnel respond with the appropriate personal protective equipment.



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2. If an employee develops credible information that indicates a subject is operating or has recently manufactured, he/she shall:

- a. Notify a supervisor, describing the available information in detail along with a request for additional resources needed to safely process the scene.
- b. Exit the hazardous zone immediately evacuating any bystanders present and secure the location if a lab is discovered. If the lab site is in a vehicle, trailer, or residence, open doors to vent the area.
- c. Identify any witnesses or persons with knowledge and gather intelligence on the suspect(s).
- d. Standby until a clandestine lab investigator can make the scene and determine the threat associated with the items located.
- e. Aid in crime scene and follow-up investigations as appropriate.

h. Suspicious Letters/Packages

i. The Department may encounter circumstances in which officers are called to investigate a suspicious letter or package. The following are guidelines put in place as a threat assessment for identified or received suspicious items:

1. If the answer to any of the following questions is "YES", or there is any other reason to believe there is a credible threat, the appropriate specialized HazMat or bomb squad personnel should be requested to the scene and the letter/package should be isolated until further instructed.
 - a. Is there a threat message associated with the letter or parcel (Is there a written threat, threatening phone call, or verbal threat associated with the letter or parcel)?
 - b. Does the letter/parcel appear to contain any substance other than printed material?



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Effective Date:

04/01/2012

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- i. Does there appear to be any powder or granular material in it or on it?
 - ii. Is it lumpy, of uneven thickness or lopsided?
 - iii. Are there any protruding wires?
 - iv. Are there any stains, spots, discolorations or crystallizations on the outside?
 - v. Is there any strange odor associated with the letter/parcel (Do not sniff or smell the letter/package)?
 - vi. Is there any leakage or anything oozing from the letter/parcel?
 - c. Does the return address or originating postmark present any threat potential in and of itself (Letters or parcels from the Middle Eastern countries, Malaysia, Philippines or other overseas locations may present heightened threat potential)?
2. If the answer to all questions is "NO", then advise the reporting party that the letter/parcel should be treated as they would treat any unsolicited junk mail. They can simply throw it away if they do not wish to open it.
3. Open letters/packages containing powders or granular material will be treated as a crime scene with hazardous materials.
 - a. Crime scene procedures and crime scene protection measures shall be implemented.
 - b. A unified command system shall be implemented and appropriate personnel and agencies notified.
 - c. Only personnel wearing the appropriate protective clothing and equipment shall enter the scene.



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- d. Evidence shall be gathered and processed in accordance with FBI and Centers for Disease Control guidelines.
- e. Appropriate decontamination procedures shall be instituted prior to releasing the scene.



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9.05 Child Abduction "Amber Alert" System

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Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

08/01/2013

05/20/2020

- I. **PURPOSE:** The Amber Alert System is an emergency child abduction alert plan in which radio and television stations provide quick police-generated reports on abducted children as a public service.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to participate in both a State of Iowa and a local plan to utilize all resources available to locate and safely return an abducted child and to apprehend the perpetrator(s) of the crime. It is important not to overuse the system. Responding officers and supervisors must carefully evaluate the circumstances of a missing child report before activating the system.
- III. **PROCEDURES:**
 - a. **Criteria for Activation.** All of the following criteria are required before an Amber Alert may be activated.
 - i. The child is under the age of 18, and
 - ii. Law enforcement must confirm that the child has been abducted, and
 - iii. Law enforcement believes the circumstances of the abduction indicate the child is in danger of death or serious bodily harm, and
 - iv. There is enough descriptive information about the child, abductor, or suspect's vehicle to believe an immediate broadcast alert will help, and
 - v. There is probable cause to arrest the abductor and file criminal charges.
 - b. **Responsibility of Responding Officer**
 - i. Determine if incident is a child abduction that meets the parameters provided in this policy.
 - ii. Obtain victim, suspect, vehicle, and any other pertinent information and descriptions to advise dispatch of the information.
 - iii. Advise command staff of the situation immediately.



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Chief Chad McCluskey

Effective Date:

04/01/2012

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- iv. Have the parent/guardian sign the attached "Liability Agreement and Authorization for Release of Juvenile Information" forms contained in "Attachment A."

c. Responsibility of Command Staff

- i. Verify the situation meets the definition of child abduction and proper releases have been signed.
- ii. Initiate State of Iowa Amber Alert Plan by completing the "State of Iowa Amber Alert Notification Plan Facsimile Transmission Packet" (see "Attachment A").
- iii. Call to the State Patrol at the phone number listed on "Attachment A" and advise of the alert (be prepared to articulate why the child is in danger). Fax the completed form to the State Patrol Radio Communications at phone number listed on "Attachment A."
- iv. Notify the Chief of Police to advise of circumstances. The Chief will make appropriate contact with other city officials to coordinate citywide administrative support.
- v. Coordinate with neighboring jurisdictions with technologies to switch technologies over to "Amber Alert" mode of monitoring vehicles.
- vi. Initiate media contact by sending the information out to affiliated resources through Public Information Officer.
- vii. Designate the official to contact for the media for any updated "Amber Alert" information and separate phone number if necessary.
- viii. Make all other notifications as required.



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Effective Date:

04/01/2012

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- d. **Documentation.** The officer/commander sending the alert shall forward the originals of the fax cover sheet, "Amber Alert Child Abduction Notification" form, and fax transmission report to Records along with a supplemental report documenting the alert transmission. The report number should be noted on all documents.
- e. **Cancellation.** When an alert is cancelled a supervisor shall:
- i. Complete the "State of Iowa Amber Alert Notification Plan Cancellation Form" (see "Attachment A"). Include a brief summary of the incident.
 - ii. Call the State Patrol at the phone number listed on "Attachment A" and advise of the cancellation. Fax the completed cancellation form to the State Patrol Radio Communications at the phone number listed on "Attachment A."
 - iii. Prepare a short cancellation press release and ensure distribution of the press release to media outlets.
 - iv. Forward the originals of the fax cover sheet, memorandum, and fax transmission report to Records along with a supplemental report documenting the alert cancellation. Report number should be noted on all documents.



State of Iowa

“AMBER Alert Notification Plan”

Facsimile Transmission Packet

Date: _____

(PRIMARY)

TO: Iowa State Patrol Communications Des Moines
Telephone #: (515) 323-4360
FAX #: (515) 323-4300

(BACK-UP)

Iowa State Patrol Communications Cedar Rapids
Telephone # (319) 396-4414
FAX #: (319)-396-4327

Call State Patrol Communications in Des Moines at 515-323-4360 prior to faxing.

From: (Department) _____

(Contact) _____

Telephone #: _____

Facsimile #: _____

Subject: _____

ALERT

CHILD ENDANGERMENT/ABDUCTION EMERGENCY NOTIFICATION

If you have any questions regarding this transmission, please call the sender at the telephone number listed above.

This facsimile contains CONFIDENTIAL INFORMATION which may also be legally privileged and is intended only for the use of the individual or entity to which it is addressed. Unauthorized disclosure or dissemination may be prohibited by state and federal statutes. If you have received this communication in error, please call us immediately at (515) 323-4360, in the event that this line is not answered, call (319)-396-4414. This is our back-up location.

EMERGENCY NOTIFICATION MESSAGE CRITERIA

The following criteria must be met in order to issue an Amber Alert:

1. Law enforcement must confirm a child has been abducted.
2. The child is under the age of 18.
3. Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.
 - What causes you to believe the child is in danger?
 - When you locate the child and whoever they are with, will you make an arrest And file charges?
4. There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

NOTE: Please complete all bolded items with all available information. If you do not have information for any one of these required fields, mark it with "n/a".*

ABDUCTION INFORMATION

Date Abducted: (mm/dd/yy) _____

Time Abducted: (hh:mm) _____

Location of Abduction: (description) _____

Direction of Travel/Destination:
(City, State, Subdivision) _____

Suspect Vehicle Description: (color, year, make, model, body style, plate and state of Issue)

CHILD INFORMATION (complete an additional page for each additional child abducted)

Name: (first, middle, last) _____

Race: (include all types) _____

Gender: (circle one) Male Female

DOB: (mm/dd/yy or approx. year) _____

Height: (feet, inches) _____

Weight: (lbs.) _____

Hair: (style and color) _____

Eyes: (color) _____

Clothing:

Shirt/Blouse: (type, lng or shrt sleeve, color) _____

Pants/Skirt: (type and color) _____

Shoes: (color and type) _____

Outerwear/headwear: (color and type) _____

Additional Identifiers/Medical Concerns: _____

Obtain a photograph of the child, if available, and e-mail to Iowa State Patrol Communications
(desmoines@dps.state.ia.us) OR cedarrapids@dps.state.ia.us as the back-up.

ABDUCTOR INFORMATION (complete an additional page for each additional abductor)

Name: (last, first, middle) _____

Race: (include all types) _____

Gender: (circle one) Male Female

Age: (Approximate year) _____

Height: (feet, inches) _____

Weight: (lbs.) _____

Hair: (style and color) _____

Eyes: (color) _____

Clothing:

Shirt/Blouse: (type, lng or shrt sleeve, color) _____

Pants/skirt: (color and type) _____

Shoes: (color and type) _____

Outerwear/headwear: (type and color) _____

Additional Identifiers: _____

***** ALL AMBER ALERT ABDUCTORS SHOULD BE CONSIDERED DANGEROUS *****

CONTACT ORGANIZATION:

Sheriff's Office or Police Dept. _____

Contact Person: _____

Telephone Number: _____

Facsimile Number: _____

Media Contact Number: _____

Agency Case Number: _____

Juvenile information waiver signed by parent or legal custodian:

* if yes – attach as page # 4 * if no – attach as page #4 and explain

Liability Waiver signed by parent or legal custodian:

* if yes – attach as page # 5 * if no – attach as page # 5 and explain

Submitted By: _____

Date and Time Submitted: _____

AMBER Alert Authorization: _____

LIABILITY AGREEMENT

I hereby agree the information I have provided to you acting as an agent of the state of Iowa, Iowa State Patrol, Iowa Emergency Management Agency, Iowa Broadcasters Association or any individual or entity assigned by the Iowa State Patrol, to be truthful, factual, and correct.

As the parent/legal custodian, I am aware that in order for the Iowa State Patrol to enter a child as being abducted and endangered the following criteria must be met:

- ✓ Law enforcement confirms a child has been abducted.
- ✓ The child is under the age of 18.
- ✓ Law enforcement believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.
- ✓ There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

I am also aware I may be charged criminally for committing the crime of "Disorderly Conduct" (Iowa Code section 718.6 (filing a false report) if I knowingly provide false information to law enforcement authorities.

Witness

Signature of Parent/Legal Custodian Date
(including maiden name)

PLEASE PRINT OR TYPE

Last Name First Name Middle Initial Maiden Last Name, former
Married name(s) or other
Names used

Current Address

House Number/Box Number Street Name/Rural Route City State Zip Code

AUTHORIZATION FOR RELEASE OF JUVENILE INFORMATION

For a period of one year from the execution of this form, the undersigned authorizes full disclosure of all records concerning my child to any agent of the state of Iowa, Iowa State Patrol, or any individual or entity assigned by the Iowa State Patrol, whether the records are of a public, private, internal, or confidential nature. I direct the release of such information regardless of any agreement I may have made to the contrary with any entity or individual to whom my child's information is released or presented.

The intent of this authorization is to give my consent for full and complete disclosure of confidential juvenile information. Additionally, I understand the duty of the Iowa State Patrol to release any information to the proper authorities and make other reports as may be mandated by law. I also certify that any person(s) who may furnish such information concerning my child shall not be held accountable for giving this information; and I do hereby release such person(s) from any and all liability which may be incurred as a result of furnishing such information. I further release the Iowa State Patrol, Iowa Emergency Management Agency, Iowa Broadcasters Association and its agents, and designees under this release, from any and all liability which may be incurred as a result of furnishing such information.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

I have read and fully understand the contents of this "Authorization for Release of Juvenile Information."

Witness

Signature of Parent/Legal Custodian Date
(including maiden name)

PLEASE PRINT OR TYPE

_____ Last Name	_____ First Name	_____ Middle Initial	_____ Maiden Last Name, former Married name(s) or other Names used
--------------------	---------------------	-------------------------	---

Current Address

_____ House Number/Box Number	_____ Street Name/Rural Route	_____ City	_____ State	_____ Zip Code
----------------------------------	----------------------------------	---------------	----------------	-------------------



State of Iowa

"AMBER Alert Notification Plan" **CANCELLATION FORM**

Date: _____

TO: Iowa State Patrol Communications Des Moines

Telephone #: (515) 323-4360

FAX #: (515) 323-4300

Call State Patrol Communications in Des Moines at 515-323-4360 or send an IOWA System message to IDM2 prior to faxing. Also refer to page one of the paperwork if you need to contact the back-up location in Cedar Rapids.

From: (Department) _____
(Contact) _____

Telephone #: _____

Facsimile #: _____

Subject: _____

ALERT **CHILD ENDANGERMENT/ABDUCTION** **EMERGENCY NOTIFICATION CANCELLATION**

Sin #: _____

NCIC #: _____

Name: _____

DOB: _____

Reason for cancellation: _____

If you have any questions regarding this transmission, please call the sender at the telephone number listed above.

This facsimile contains CONFIDENTIAL INFORMATION which may also be legally privileged and is intended only for the use of the individual or entity to which it is addressed. Unauthorized disclosure or dissemination may be prohibited by state and federal statutes. If you have received this communication in error, please call us immediately at (515) 323-4360



Windsor Heights Police Department Policy and Procedure Manual

9.06 Strikes, Protests, or Civil Disobedience

Page(s):

2

Replaces:

Issue Date:

3/1/2012

Approved by:

Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date:

05/20/2020

- I. **PURPOSE:** To define the Department's policy regarding incidents requiring Department action evolving from strikes, protest or civil disobedience.
- II. **POLICY:** It is the Windsor Heights Police Department's policy to maintain an attitude of strict impartiality in labor/management disputes, protests or other civil controversies and to take prompt, decisive action whenever peace and order, civil rights or life and/or property are threatened.
- III. **PROCEDURES:**
 - a. Command staff will evaluate the situations involving strikes, labor/management disputes or civil disobedience to determine the need to assign officers to the scene and the number of officers required. In making this determination, a meeting with site representatives and protesting officials (either separately or together) should be held, if possible.
 - b. When determined it is necessary to assign officers to the scene, the assignment will be made by Division Commanders. These assignments will be for safety and security of the scene and include behind the scenes investigative efforts, if appropriate. Mutual aid may be requested for large scale protests. Division Commanders will constantly review the situation to determine when a reduction or cancellation of the officers assigned to the scene is appropriate.
 - c. Whenever peace and order, civil rights, or life and property are threatened, prompt and decisive action will be taken by the officers at the scene against the offenders regardless of which side they represent. The minimum amount of force to effectively bring the environment under control shall be utilized so as not to further escalate the situation or cause greater volatility to the scene.
 - d. Use of group irritants, tear gas, smoke canisters or other such tools shall only occur after being pre-approved by the Support Services Division Commander and/or the Chief of Police. The pre-approval requirement shall not affect an officer's ability to utilize individual, officer-carried mace or OC spray when such use falls within the departments Use of Force policy.
 - e. Keeping entries and exits open will be a primary concern to the officers at the scene. Anyone wishing to enter or leave will be able to do so.



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9.06 Strikes, Protests, or Civil Disobedience

Page(s):

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3/1/2012

Approved by:

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Effective Date:

04/01/2012

Revision Date:

05/20/2020

f. The Iowa Criminal Code contains many provisions which may be violated in a protesting situation. Officers should familiarize themselves with these statutes if the possibility of a protest arises:

- i. Assault: 708.1
- ii. False Imprisonment: 710.7
- iii. Criminal Mischief: 716.1
- iv. Criminal Trespass: 716.7
- v. Harassment of Public Officials: 718.4
- vi. Interference with Official Acts: 719.1
- vii. Riot: 723.1
- viii. Unlawful Assembly: 723.2
- ix. Failure to Disperse: 723.3
- x. Disorderly Conduct: 723.4
 1. Abusive epithets: paragraph 3
 2. Obstruction of any street or public way: paragraph 7



Windsor Heights Police Department Policy and Procedure Manual

9.07 Use of Naloxone Hydrochloride (NARCAN™ Nasal Spray)

Page(s):

5

Replaces:

Issue Date:

3/26/2019

Approved by:

Chief Chad McCluskey

Effective Date:

Revision Date:

- I. **PURPOSE:** To provide officers and other designated staff with instructions on when and how to use Naloxone Hydrochloride, (NARCAN™ Nasal Spray), in accordance with Iowa Code §147A.18. The objective of administering Naloxone Hydrochloride is to reduce the chance of death resulting from an opioid or synthetic opioid overdose by reversing the effects including respiratory depression, sedation, and hypotension.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to train officers, and other designated staff, in the use of Naloxone Hydrochloride. Naloxone Hydrochloride will be available to officers and designated staff, and they may administer Naloxone Hydrochloride to persons believed to be suffering from opioid overdose as quickly as possible in an attempt to reverse the effects of the overdose.
- III. **DEFINITIONS:**
 - a. **Mucosal Atomization Device (MAD)** – Intranasal Mucosal Atomization Devices are used to deliver a mist of atomized medication which is absorbed directly into a person's blood stream via the nasal passages.
 - b. **Naloxone (aka NARCAN)** – Naloxone is an opioid antagonist drug. Naloxone is a drug used to counter the effects of opiate overdose, for example heroin or morphine overdoses. Naloxone is specifically used to counteract life-threatening depression of the central nervous system and respiratory system. Naloxone is marketed under various trademarks including NARCAN, Nalone, and Narcanti, and has sometimes been mistakenly called "naltrexate." Naloxone is not to be confused with naltrexone, an opioid receptor antagonist with qualitatively different effects, used for dependence treatment rather than emergency overdose treatment.
 - c. **Opiate** - An opiate is any controlled substance containing or compounded to be a derivative of morphine and morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as natural products in the opium poppy plant *Papaver somniferum*. Commonly encountered opiates in police service include: Heroin, Morphine, Oxycontin, Percocet, Percodan, Fentanyl, Dilaudid, Demerol, Lortab, Methadone, Codeine, Tylox, Vicodin, and Synthetic Analgesics.
 - d. **Opiate-Related Overdose** – An acute condition caused by excessive exposure to opiates, causing fatal respiratory depression.



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Chief Chad McCluskey

Effective Date:

Revision Date:

IV. PROCEDURE:

- a. Only members of the department trained in the use of Naloxone Hydrochloride are authorized to administer Naloxone Hydrochloride.
- b. Biennial training will be conducted on the use of Naloxone Hydrochloride for all department members authorized to administer Naloxone Hydrochloride.
- c. Officers are responsible for maintaining the Naloxone Hydrochloride in their assigned patrol vehicles, to include monitoring expiration dates and requesting replacement of damaged, unusable, expired or used containers through the Patrol Division Commander.
- d. Two doses of Naloxone Hydrochloride will be carried in each patrol vehicle.
- e. Naloxone Hydrochloride may lose effectiveness after repeated or prolonged exposure to extreme temperatures (either hot or cold). The Naloxone Hydrochloride should be removed from patrol units during prolonged periods when the vehicle is not in use. In addition, the Naloxone Hydrochloride should be protected from prolonged, direct sunlight exposure.
- f. **Indications and Use of Naloxone Hydrochloride**
 - i. Iowa Code §147A.18 authorizes first responders, specifically law enforcement, to possess and provide or administer Naloxone Hydrochloride to an individual if the first responder reasonably and in good faith believes that such individual is experiencing an opioid-related overdose. Furthermore, Iowa Code §147A.18(4) provides that law enforcement officers, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist.
 - ii. Members of the Windsor Heights Police Department shall follow protocols outlined in the Naloxone Hydrochloride training when administering the substance to anyone in need.



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- iii. Naloxone Hydrochloride may be used when responding to a call for service involving a suspected overdose, or when an officer reasonably suspects the victim has experienced an overdose, and only after requesting EMS to respond if not already dispatched. Signs and symptoms which may help an officer identify an overdose incident may include:
1. When advised by the dispatcher or a witness on scene the incident involves an overdose;
 2. When observing drugs, drug paraphernalia, or any other drug instrumentalities associated with the victim;
 3. Where the subject is observed to be unresponsive, demonstrates slow, shallow breathing and/or has a weak pulse;
 4. Lack of response following a sternal rub;
 5. Bloodshot eyes;
 6. Pinpoint pupils, even in a darkened room;
 7. Difficulty breathing (labored breathing / shallow breathing)
 8. Bluish lips or nail beds;
- iv. If the victim has no spontaneous breathing and/or no pulse, Naloxone Hydrochloride may be quickly administered, but the administration of Naloxone Hydrochloride should **NOT** delay CPR / AED use.
- v. When deploying Naloxone Hydrochloride, members of the department shall maintain universal precautions against pathogens, and continue to render first aid until relieved by EMS personnel. Once EMS arrives on-scene, patient care will be transferred to EMS personnel.



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Chief Chad McCluskey

Effective Date:

Revision Date:

- vi. Dispatch shall be notified whenever Naloxone Hydrochloride is administered and a case number should be assigned to the incident for proper documentation of the event. In addition, EMS personnel will be briefed on the administration of Naloxone Hydrochloride, the number of doses, and the approximate time of administration.
- vii. Naloxone Hydrochloride will be administered through the nostril via a mist from the Mucosal Atomization Device (MAD) factory container.
- viii. If the victim does not respond or does not seem to be breathing normally within two to three minutes of the first dose, a second dose of Naloxone Hydrochloride may be administered in the opposite nostril as the first dose. Naloxone Hydrochloride may be dosed every three minutes.
- ix. Following the administration of Naloxone Hydrochloride, the victim should be placed in the recovery position (on their side/consistent with training) and closely monitored until EMS arrives, unless CPR is being performed.
- x. Members of the department who administer Naloxone Hydrochloride should use caution prior to and following administration of Naloxone Hydrochloride. Subjects often recover from the effects of an opioid overdose quickly and may become combative and/or agitated.
- xi. Subjects who have experienced an overdose from an opioid and respond to Naloxone Hydrochloride can experience a recurrence of symptoms once the effects of the Naloxone Hydrochloride have diminished. Any subject who is administered Naloxone Hydrochloride shall be evaluated by medical personnel as soon as possible.
- xii. All used Naloxone Hydrochloride and related materials shall be properly disposed of in a manner consistent with policy and procedure related to similar biohazard waste.
- xiii. The Patrol Division Commander shall be notified of any use of Naloxone Hydrochloride to ensure timely replenishment.



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g. Documentation of Use of Naloxone Hydrochloride

- i. Upon completing a medical assist with Naloxone Hydrochloride use, the officer shall submit an Incident Report with an assigned case number detailing the nature of the incident, the care the subject received, and whether the Naloxone Hydrochloride was successful (to the extent possible at the time). In the case of Naloxone use on an employee, the on-call supervisor shall ensure an Incident Report is completed and the Chief shall be notified as soon as practical.

h. Use of Naloxone Hydrochloride on a Police Service Canine (K9)

- i. Naloxone Hydrochloride can be administered to a police service canine if the animal is exposed to an opiate and displaying symptoms of accidental exposure which could be life-threatening.
- ii. After administration of the Naloxone Hydrochloride, the police service canine shall be transported directly to a veterinarian for further evaluation and treatment.
- iii. Any use of Naloxone Hydrochloride on a police service canine shall also be subject to the requirements of section "g" of this policy.



Windsor Heights Police Department
Policy and Procedure Manual

CH 10

Information Management



Windsor Heights Police Department Policy and Procedure Manual

10.01 Open Records Management

Page(s):

9

Replaces: Rule #20, 10/01/2010

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 07/29/2020

- I. **PURPOSE:** To establish procedures for the release of information maintained by the Windsor Heights Police Department.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to establish guidelines for the conduct of all records related functions in accordance with state and federal statutes as well as departmental directives. This policy is to establish procedures for governing records maintenance, access to records, and the release of public information.
- III. **DEFINITIONS:**
 - a. **Child Victim** means any minor under the age of 18 who has been sexually abused or subjected to any other unlawful sexual conduct under Iowa Code §709, 710A, 726 or subject to any forcible felony.
 - b. **Custodian or Records Custodian** means the Chief of Police or designee.
 - c. **DCI** means the Iowa Department of Criminal Investigation.
 - d. **Legal Custodian** means the Chief of Police.
 - e. **NCIC** means the National Crime Information Center.
 - f. **News Media** means a representative(s) of local, national and international news organizations.
 - g. **PIO** means the Public Information Officer.
 - h. **Public Information Request** means any request for information by any citizen or member of the news media.
 - i. **Public Record** means any record, document, tape or other information stored or preserved in any medium pursuant to Iowa Code §22.1.
 - j. **Record** includes all official reports and documents generated during the course of business including tickets, case files, photographs, and any other medium of capture used on a daily basis.



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Replaces: Rule #20, 10/01/2010

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 07/29/2020

IV. PROCEDURE:

- a. The Records Custodian shall be responsible for the administration and maintenance of Department records.
- b. Department records shall be secured, retained, disseminated and purged in accordance with state statutes and Department policies.
- c. All records and documents captured in any medium by employees are the property of the Windsor Heights Police Department and shall remain within the Department's building unless otherwise approved for removal by the Chief of Police or Division Commander. This does not prohibit the use of Department records for court proceedings, or other job related functions so deemed necessary by the Chief of Police.

V. ACCESS AND RELEASE OF PUBLIC RECORDS:

- a. Department records will be accessible to agency personnel as determined by the Records Custodian. Records are permitted to be reproduced, used, and or released to other law enforcement agencies for use in official law enforcement capacities.

i. Examination of Records

1. Requests for public records or the examination of, shall be accepted in person and should be accepted when other forms of legitimate and understandable communication are used to include:
 - a. Written;
 - b. Electronic;
 - c. Telephone / Fax.



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2. The requestor is NOT required to identify themselves for the purpose of requesting and/or examining a public record except when required by law such as:
 - a. Court Orders;
 - b. Autopsy reports §22.7(41);
 - c. DOT accident reports §321.271.
3. Requests will be fulfilled as promptly as circumstances allow, in an impartial and objective manner. Iowa Code §22.8(4) allows for reasonable delay to determine whether a confidential record should be available for inspection.
 - a. A delay shall not exceed 20 calendar days.
 - b. Typically should not exceed 10 business days.
4. Requests for information or public records not clearly identified or accomplished immediately through the normal duties of a records clerk shall be forwarded to a Division Commander for approval utilizing a *Request for Release of Information* form.
5. The examination and request for public records shall take place during normal business hours.
6. All requests for examination of records are permitted without charge to include:
 - a. Taking photographs of a public record(s)
 - b. Making copies of a public record if the examinee has the ability to do so on his/her own accord without removing the record from a supervised location.



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ii. Confidential Public Records

1. Confidential Public records SHALL NOT BE RELEASED or made available for inspection. Public records considered confidential by Iowa Code include, but are not limited to,:

- a. The identity of a child victim, or any information reasonably likely to disclose the identity of a child SHALL NOT be released to the public unless authorized by the court of jurisdiction.
- b. Intelligence data pursuant to Iowa Code §692.8A.
- c. Registered victim information pursuant to Iowa code §915.
- d. Social Security Numbers (Federal Privacy Act).
- e. Identity of a child victim under the age of 12 pursuant to Iowa Code §232.
- f. Iowa DOT accident reports, except:
 - i. Upon the request of any person involved,
 - ii. The person's insurance company or its agent,
 - iii. The attorney for such person.
- g. Pre-sentence investigation reports.
- h. Minutes of evidence.
- i. Investigative reports/autopsy reports of Medical Examiner §22.7(41).
- j. DCI criminal history information pursuant to Iowa Code §692.8A.



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- k. Work products of an attorney, including the City Attorney, pursuant to Iowa Code §22.7.
- l. Peace officers investigative reports pursuant to Iowa Code §22.7(5), including supplemental reports, in-car and interview camera footage, photos, emails, phone records, etc:
 - i. When disclosure would plainly and seriously jeopardize an investigation; or
 - ii. Pose a clear and present danger to the safety of an individual or officer; or
 - iii. Fall into classification of "pending legal action" per the Polk County Attorney's Office opinion of State vs. Neer. NOTE: the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential by this classification. These facts will normally be represented in the incident report which will serve as fulfillment of the open records request for the immediate facts surrounding a case.
 - 1. If no case was created and only a call for service log exists, additional information may need to be gathered to fulfill the open records request.
 - 2. Pending simple misdemeanor cases do not allow for discovery. Releases will only be made with command approval.
 - 3. If no pending legal action while within the statute of limitations and no other parameters for restriction apply, to include pending internal review, the record should be considered an open record and should be released.



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4. Waiver to procedures above requires the Chief's approval.

m. Employees are encouraged to review Iowa Code §22 to determine whether a public record is to be considered confidential prior to its release or permitting the inspection thereof.

iii. Juvenile Detention Records

1. Information pertaining to a child who is at least ten years of age and who is taken into custody for a delinquent act which would be a public offense is a public record and is not confidential under Iowa Code §232.147.
2. Any juvenile record sealed by an order of the Court pursuant to Iowa Code §232.150 shall not be released unless permitted by court order.

iv. Employee Records

1. The following public records will be made available for examination and/or copying:
 - a. Employee compensation.
 - b. Employee sick leave (including hours and days, but not specific reason(s) for sick leave).
 - c. Employee promotion dates and years of service.
 - d. Employee awards and certificate of accomplishments.
 - e. Employee records are confidential in nature. Discretion for their release shall only be approved by the Chief of Police or the City Administrator. Additionally, a written waiver, from the employee, may be required prior to release of this information.



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v. Public Request for Criminal History Information

1. Department regulations for dissemination of criminal history information (state or federal) will follow Policy 10.02 of this manual.
2. Local criminal history records check information retained by this agency shall be released or made available to the public upon request under certain parameters. See Policy 10.02 of this manual.

vi. Public Request for Drivers License Information

1. Information contained in a driver's license record is made available through the Polk County Sheriff's Office for a fee, or a certified copy may be requested, in writing, to the DOT Des Moines office.

vii. Public Request for Motor Vehicle Records

1. Motor vehicle registration information may be made available to fire chiefs or their designees to conduct an investigation pursuant to Iowa Code §100.2 or as needed for a fire/emergency incident report required by section 100.3.
2. An employee may release the name, address and telephone number of a motor vehicle registrant to a person requesting the information by plate number if the officer or employee believes that the release is necessary in the performance of the employee's duties.
3. Individuals, other than those specified above, are able to inspect vehicle registration records, or obtain certified copies upon request, during office hours at the Office of Vehicle Registration, Motor Vehicle Division, Iowa Department of Transportation.

VI. COST OF RECORDS

- a. There is no cost to reproduce a record for another law enforcement agency involved in an investigation with this agency or as a result of intelligence sharing within the law enforcement community.



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- b. Charges for public records requests will follow the current City of Windsor Heights Fee Schedule set by the Windsor Heights City Council. Fees above and beyond those listed in the fee schedule may be charged for actual staff time spent to fulfill the request.

VII. PRESS RELEASES

- a. All requests for public information should be directed to the person responsible for commanding/supervising the incident in absence of an appointed PIO.
- b. Only factual information shall be released and personal opinions should be withheld.
- c. No "off the record" comments shall be made.
- d. Public information should be released as promptly as circumstances allow, in an impartial, courteous, and objective manner.
- e. Information shall not be withheld, delayed, or selectively released to favor any particular news media or agency.
- f. The following information MAY be released in connection with any investigation of a crime or event involving the Windsor Heights Police Department. In the instance where the disclosure of any information listed below could jeopardize an investigation, pose a danger to any person, or is likely to result in further victimization, the information shall not be released.
 - i. The type or nature of event or crime.
 - ii. The date, time, specific location, and immediate facts and circumstances surrounding a crime or incident, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.
 - iii. The agencies participating in the investigation.
- g. The following information SHALL NOT be released in connection with any investigation or event, unless specifically authorized by the Chief of Police or Division Commander:



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Approved by:	Chief Chad McCluskey	Effective Date:	04/01/2012	
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- i. The identity of a suspect prior to arrest, unless such information would potentially aid in the apprehension of the suspect or serve as a warning to the public of potential danger(s).
- ii. The identity of any crime victim or related information which, if divulged, could lead to the identification of victims or witnesses jeopardizing an investigation, or place any person in danger.
- iii. The results of any investigative procedure.
- iv. Information which, if prematurely released, would jeopardize the investigation or interfere with the apprehension of the suspect.
- v. Any information that may hold evidentiary value in criminal proceedings.
- vi. Specific cause of death, unless determined by the Medical Examiner.
- vii. Any information that Iowa law forbids being released.



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10.02 Criminal History Records Check

Page(s):

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Replaces: Rule #13, 11/01/2003

Issue Date:

03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

Revision Date: 07/30/2020

- I. **PURPOSE:** To establish guidelines for dissemination of criminal history records checks conducted by the Windsor Heights Police Department.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to ensure compliance with local, state, and federal laws surrounding open records requests and criminal history records releases. The Windsor Heights Police Department only releases criminal history records requests as outlined in this policy.
- III. **PROCEDURE:**

a. General Limitations on Permitted Disseminations

- i. Police administrative support clerks may disseminate *local "in-house" records checks* to all law enforcement officers. Additionally, release of the local criminal history records check information is permissible with the following requirements:
 1. Requestor will provide valid government issued identification of the requestor.
 2. Requestor will state the name and date of birth, or name and social security number, of the person being queried.
 3. Requestor and requested persons shall be recorded to a Local Criminal History Log.
- ii. Police administrative support clerks may disseminate *state or federal criminal history information (past arrest records)*, other than local records, to:
 1. Law Enforcement Officers;
 2. Reserve Officers on duty ;
 3. City Attorney;
 4. County Attorneys;



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5. Judges;
6. Magistrates;
7. Probation and Parole Officers;
8. Juvenile Court Officers;
9. Jailers;
10. Department of Corrections from any state for:
 - a. Employment background checks.
 - b. Pre-sentencing checks.
11. The United States Postal Inspector for all investigative needs;
12. The State Bar Association for Employment Background Checks;
13. The Federal and State Government for Employment Background Checks;
- iii. Administrative support clerks WILL NOT provide any state or federal criminal history information to the following:
 1. Private Investigators;
 2. Armed Services Recruiters;
 3. Mayors;
 4. City Council Members;
 5. News Media;
 6. Defense Attorneys;



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7. Private Citizens;
8. Lottery Commission;
9. Department of Human Resources;
10. Youth Services Workers;
11. Racing Commission;
12. Federal Office of Personnel Management;
13. Central Intelligence Agency;
14. Department of Defense.

- iv. Use of criminal history record information disseminated to non-criminal justice agencies under these regulations shall be limited to the purposes for which it was given and may not be disseminated further.
 - v. Some individuals or agencies may have access to the data under certain circumstances; however, they cannot receive it legally from local law enforcement.
 - vi. State Troopers, DCI Agents, DOT Officers, DNR Officers and Federal Enforcement Officers requesting criminal history information should be referred to a state commissioned center where their ORI's are assigned.
- b.** State law allows criminal history inquiries on liquor license applicants. Inquiries should be made first to the DCI master name index to check state records only; if a positive response is received, the record can be obtained from CCH.
- c.** Persons wishing to review or challenge their Iowa Criminal History must make their request in person, or through an Attorney, to the DCI.



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IV. Audits

a. Audits of a representative sample of state and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and ensure that appropriate records shall be retained to facilitate such audits. Such records shall include, but are not limited to:

i. The names of all persons or agencies to whom information is disseminated;

ii. The date upon which such information is disseminated.

V. Penalties

a. Records released to any unauthorized party shall be grounds for discipline up to and/or including termination.



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10.03 Mobile Video / Audio Procedures

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Replaces: Rule #17, 09/01/2006

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03/01/2012

Approved by: Chief Chad McCluskey

Effective Date:

04/01/2012

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07/15/2021

- I. PURPOSE:** The purpose of this policy is to provide guidance to all employees of the Windsor Heights Police Department as it pertains to the use of mobile video/audio and body worn camera recording equipment. The Department understands that video/audio footage captured does not necessarily reflect an all encompassing representation of the series of events that has transpired in every circumstance. Footage captured with this equipment shall be utilized as a tool of enforcement and/or evaluation and shall not be the sole representation of the totality of circumstances involved in an incident.
- II. POLICY:** Mobile video/audio recording (MVR) and body worn camera (BWC) equipment has been demonstrated to be of value in the prosecution of traffic, criminal and civil offenses, evaluation of officer performance, as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for MVR and BWC equipment use as set forth in this policy.
- III. DEFINITIONS:**
- a. Evidentiary** - Recordings shall be designated as evidentiary if they contain audio or visual recording of any interaction in which a report was written, an investigation was opened, a charge was filed, an officer engaged in any confrontation or use of force, or activity whereby an Officer stops a person's movement by means intentionally applied. Further, officers should use their discretion to designate a recording as evidentiary if there are circumstances suggesting the destruction of the recording might be considered the destruction of evidence of a crime, a citizen complaint or a citizen complaint about any officer's conduct.
 - b. Non-Evidentiary** - Recordings shall be designated as non-evidentiary if they do not fit the description set out above and there is no reasonable cause to believe the recording will have any evidentiary value with regard to a crime, a citizen complaint of a crime, or a citizen complaint about any officer's conduct.
- IV. PROGRAM OBJECTIVES:**
- a.** The Windsor Heights Police Department has adopted the use of in-car video/audio recording systems and body worn camera systems in order to accomplish several objectives, including but not limited to:



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- i. Accurately document events, actions, conditions, and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence, and testimony in court.
- ii. Enhance opportunities to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.
- iii. Other instances where the use of MVR and BWC equipment may be beneficial in any situation not listed under Section V (Authorized Use) or Section VI (Procedures), where a reasonable person should foresee an incident to be a threat to the safety of an officer(s), involved parties, bystanders, or an elevated potential liability to the officer, Department, or the City of Windsor Heights.

V. AUTHORIZED USE

- a. Training, including but not limited to policy, back-end software, in-car camera integration, and body worn camera equipment is required prior to use.
- b. Officers are responsible for ensuring proper functioning of the equipment and promptly report any malfunction to a supervisor.
- c. Only cameras issued by the department are authorized. The BWC will be positioned on the upper torso with the camera lens aimed forward.
- d. Officers shall not intentionally record other employees during casual conversation outside the scope of law enforcement contact or purpose, administrative discussions, surreptitious circumstances, or in locations with an expectation of privacy such as locker room, restroom, etc.
- e. Officers are not required to inform citizens of the presence of MVR or BWC equipment or recordings.
- f. Mandatory wearing of BWC:
 - i. Officers in uniform and assigned to respond to calls for service are required to wear body cameras for the duration of their shift.



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- ii. Officers in uniform and assigned to special assignments, enforcement projects or as designated by a supervisor.

g. Discretionary wearing of BWC:

- i. Officers in plain clothes or uniform and assigned to investigative, administrative and support functions may wear a BWC while performing their official duties.

VI. PROCEDURE:

a. Officers shall adhere to the following procedures when utilizing MVR/BWC equipment:

- i. MVR and BWC equipment installed in a patrol vehicle or provided for individual use is the responsibility of the officer assigned to that vehicle or equipment, and must be used with reasonable care to ensure proper functionality.
- ii. Officers shall determine whether their MVR or BWC equipment is working satisfactorily at the beginning of their shift and shall bring any problems identified to the attention of their immediate supervisor as soon as possible. This does not to exclude any problem that is identified during the course of an officer's shift.
- iii. MVR or BWC equipment will automatically activate when the vehicle's front and back emergency warning devices are in operation.
- iv. An officer should make a reasonable effort to park the patrol vehicle or maneuver the camera so that the camera views as much as possible of the event location.
- v. Officers will ensure MVR and BWC equipment is utilized on all evidentiary interactions or citizen interactions, including but not limited to:
 - 1. Arrests, Searches, Seizures;
 - 2. Call for service in which citizen contact is made;



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3. Emotional situation (yelling, threats, profanity, etc.);
 4. Consent search;
 5. Incident requiring force;
 6. Interviews; victim, witness or suspect;
 7. Disagreements which may reasonably lead to a complaint or arrest;
 8. Investigative stop (pedestrian, bicycle, etc.);
 9. Law enforcement activities surrounding enforcement efforts and/or citizen contacts initiated by other Officers;
 10. Miranda Warnings, Arrestee Interviews;
 11. "Pat-down" or search of persons;
 12. Prisoner interaction or transport;
 13. Pursuit of person or vehicle;
 14. Traffic stop;
 15. Verbal Witness/Suspect Statements;
- vi. The Department considers it a best practice for officers to activate the MVR and BWC on all traffic stops, calls for service, prisoner transports, and field events with public interaction while acting in an official police capacity, regardless of being a summoned or officer-initiated event.
 - vii. Officers are not expected to jeopardize their safety in order to activate MVR or BWC.
 - viii. Officers should continue recording the interaction until it concludes or enters a location with a separate police recording system.



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- ix. Officer may record routine conversation with citizens unrelated to an official call for service, investigative stop, search, etc.
- x. Officers should document the use of MVR or BWC recordings in written reports.
- xi. Recording exceptions permitted:
 - 1. During a non-confrontational situation if the person says they are unwilling to provide a recorded statement.
 - 2. To interrupt a recording to discuss private/privileged topics such as police strategy or charging decisions and resume when finished.
 - 3. When interviewing a victim of sensitive crimes such as sexual assault, child abuse, etc.
 - 4. When inside a medical facility to prevent sensitive, private, or unnecessary recordings.
 - 5. When interacting with a confidential informant.
 - 6. Exceptions listed above should be explained before or after the interruption occurs.
 - 7. When directing traffic or securing a post (i.e. accident, crime scene, search warrant, monitoring prisoners or witnesses).
 - 8. When there is no evidentiary value.

VII. REVIEW OF RECORDINGS:

- a. Officers may review MVR or BWC recordings to prepare accurate reports. Officers may review other recordings for official purposes only (investigation, court, etc.).
- b. A supervisor may restrict access to a video containing a critical incident (such as a fatal accident, officer involved shooting, AIR involving critical injury, etc.) until the



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officer involved has provided a formal statement. After viewing the video, the officer will be allowed to offer a second formal statement.

- c. Officers accused or involved in less serious allegations, (such as a personnel complaint, administrative review or informal inquiry), may view their own video prior to providing a formal statement.
- d. Supervisors may review video with citizens, family, attorneys, etc. to address inquiries or complaints.
- e. Officers shall not permit citizens, family, attorneys, etc. to view videos in a police vehicle or on a body camera unless deemed necessary by a supervisor.
- f. Individual officers on performance improvement plans, subject to early warning signs, or in the disciplinary review process may be mandated to utilize the MVR and BWC system at all times throughout the course of their shift.

VIII. STORAGE AND RETENTION:

- a. Officers shall securely download all recorded files and metadata periodically, and no later than the end of every scheduled work shift if involved in a case with evidentiary value. Exceptions should be authorized by a supervisor.
- b. Critical information such as the date, time, offense, officer name, subject name, event number, etc., should be verified where applicable to enable efficient searching and retention.
- c. All recorded files and metadata are the legal property of the department and shall be securely stored and retained in accordance with applicable laws and department policy. Retention periods may be extended for training, investigative or prosecution reasons; an officer also may request to extend the retention period through a supervisor.
- d. Personnel shall not attempt to copy, edit, alter, erase, or otherwise modify in any manner recordings except as authorized by state law and department policy.
- e. Accessing, copying, or releasing sounds, images, and associated metadata for non-law enforcement purposes is strictly prohibited.



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- f. Each agency shall maintain and retain all recordings designated **Evidentiary** for a minimum period of 180 days from the date of recording.
- g. Recordings designated as **Non-Evidentiary** shall be retained for a minimum period of 60 days from the date of the recording.
- h. Retention periods may be extended beyond the preliminary designation by the Chief of Police or designee.

IX. SUPERVISOR RESPONSIBILITIES:

- a. Supervisors shall perform random reviews to ensure staff is using MVR and BWC equipment in accordance with department policy.
- b. Supervisors are authorized to review officers' recordings in the following circumstances:
 - i. Evaluate progress during field training or probation;
 - ii. Identify videos for training or instructional purposes;
 - iii. Investigate a specific incident, complaint or identify potential pattern of misconduct;
 - iv. Monitor progress toward agreed-upon corrective action.
- c. Supervisors investigating inquiries, complaints, and use of force incidents shall review relevant videos.

X. RELEASE OF MVR OR BWC RECORDS:

- a. The Support Services Commander will oversee the management of files, access rights, audits, retention, system updates and the appropriate release of recorded data.
- b. Recordings will be released when required by applicable laws, ordinances and court orders or as otherwise deemed appropriate by the Chief of Police or designee.



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- c. The Iowa Open Records Law may require the release of recordings. However, consideration will be given to all its exceptions such as:
- i. Confidential information, such as investigative reporting (Iowa Code Chapter 22.7);
 - ii. Intelligence information (Iowa Code Chapter 692);
 - iii. Juvenile information (Chapter 232 and 915).



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10.04 Electronic Recordings of Custodial Interrogations

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Replaces:	Rule #18, 05/01/2007	Issue Date:	03/01/2012
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- I. **PURPOSE:** The purpose of this policy is to establish guidelines and procedures for the electronic recording of custodial interrogations conducted in detention facilities, other law enforcement agency-controlled buildings, state task force offices, and/or any other off-site building.
- II. **POLICY:** It is the policy of the Windsor Heights Police Department to require the electronic recording of all custodial interrogations conducted by its officers when feasible. Such electronic recordings facilitate the judicial review process of evaluating the integrity and admissibility of the conversation content between suspects and officers, by creating a comprehensive unbiased and impartial evidentiary record of the interrogation process. This policy does not create statutory or constitutional rights, and the Department does not imply that exclusion of evidence is a remedy for any deviation from the purpose of this document.
- III. **DEFINITIONS:**
- a. **Analog Recording:** An electronic recording typically stored on a VHS, cassette, or micro-cassette.
 - b. **Child:** A person under eighteen years of age.
 - c. **Custodial Interrogation:** Questioning, or its functional equivalent, that mandates that law enforcement officers obtain a waiver of Miranda Rights from the party questioned.
 - d. **Detention Facility:** A police station, jail, or similar holding facility where suspects may be detained in connection with criminal charges.
 - e. **Digital Recording:** An electronic recording typically stored on a CD, DVD, or microchip/hard-drive.
 - f. **Electronic Recording:** An analog or digital audio or video recording.
 - g. **Field Custodial Interrogation:** For purposes of this policy, a field custodial interrogation is defined as a custodial interrogation conducted at a location other than a detention facility or law enforcement controlled building.



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- h. Interview:** For purpose of this policy, an interview is defined as questioning of suspects, witnesses, or victims, by law enforcement officers that do not require a waiver of Miranda Rights from the party questioned.
- i. Juvenile:** Same as a child; however, in the interstate compact on juveniles, sections 232.171 and 232.172 (Iowa Code), "juvenile" means a person defined as a juvenile in the law of a state which is a party to the compact.
- j. Recorded Media:** Analog (includes VHS, SVHS, Hi 8mm tapes) and digital (includes CD, DVD, microchip, hard drive, flash drive) audio and/or video signal storage media.

IV. PROCEDURE:

a. General Requirements

- i. Officers should electronically record, in their entirety, custodial interrogations conducted in detention facilities. This includes off-site or other law enforcement agency-controlled buildings or task force offices. Video and audio recording is preferred. Audio-only recordings are acceptable when video capabilities are unavailable.
- ii. If electronic recordings cannot be conducted as described herein, due to reasonable unavailability of equipment, power or equipment failure, the suspect's refusal to answer questions of the conversation if recorded, or for other good cause, the basis for good cause not to record should be documented in the investigative report.
- iii. Volunteered statements are outside the scope of the Miranda warning requirements and do not fall within the requirements of this policy.
- iv. Electronic recordings of juveniles shall be conducted the same as an adult in addition to following all other procedures as specified in this policy and state law with respect to investigations involving juveniles.
- v. Electronic recordings of field custodial interrogations are to follow those recommended guidelines as set forth in Policy 10.03.



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- vi. The Department's Mobile Video/Audio Procedures (policy 10.03) will be independent of this policy.

b. Recordings Protocol in Detention and Law Enforcement Facilities

- i. Custodial interrogations should be recorded in their entirety, specifically including the administration of the Miranda Rights warning and subsequent waiver.
- ii. When commencing the recordings, the primary interrogator may elect to provide the identification of officer(s), suspect(s), other persons present, date, time, and location of the interrogation either in the electronic recording or within the investigative report.
- iii. The recorder should remain in use during all breaks and/or recesses. If there is any reason the recorder is shut off during the course of the interrogation, such reason must be documented either in a resumed recording or in the investigative report.
- iv. All originals and copies of recordings are Department property and shall not be copied or disseminated except as allowed in this manual. The "original" evidentiary recorded media shall be retained by the Department, if necessary, in secure storage for a period of time as defined by agency protocols, state law, or the office of the prosecutor.
- v. When possible and practical, a copy of the original recorded media shall be used by Department personnel and the courts (unless otherwise directed) to preserve the original media in its original and unaltered condition.



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c. Consent and Documentation

- i. As Iowa is a one-party consent state [Iowa Code 808b.2(2)b], suspects (adults and juvenile) do not have to be specifically informed that an interrogation is being recorded. If during the course of the interrogation the suspect objects to the electronic recording, his/her objection should be noted followed by a decision on whether or not the recorded interrogation will be continued or aborted, based on officer discretion, taking into consideration the furtherance of the investigation and/or the suspect's assertion of Miranda Rights. Also keeping in mind:
 1. Lack of consent does not affect the admissibility of a recorded statement.
 2. At the discretion of the officer, the officer may inform the suspect that the interview or interrogation will be or is being recorded. Officers should use, and trust, their discretion about whether the subject may be inhibited by providing a notice of the recordings.
- ii. The recordings of an interview or interrogation shall not alleviate officers from their responsibility to prepare a written report.

d. Attorney-Client Right to Confidential Consultation

- i. An individual's right to a confidential consultation with an attorney shall be allowed according to parameters set forth in Iowa vs. Walker and as defined in Policy 6.14. In such situations, video/audio recordings shall be discontinued in adherence with the parameters set forth in this case (i.e. honoring an attorney's request for a private, barrier-free meeting space to interact with his/her client).