Departmental Manual



Celebrating 250 Years

Metropolitan Nashville Police Department

Nashville, Davidson County, TN

Published: July 4, 2026

Authorization of Manual by Chief of Police

Consistent with the Charter of the City of Nashville, Section 8.203, the Chief of Police hereby establishes The Manual of the Metropolitan Police Department of Nashville-Davidson County, TN and shall hereafter be referred to as "the Department Manual" or herein as the "Manual." It is, and shall be, a composite of current policies, procedures, and rules pertaining to the department, as established under previously existing Department orders, manuals, and approved practices. It describes the Department's organizational structure and lists the responsibilities and functions thereof.

All employees of the Metropolitan Nashville Police Department are responsible for reviewing and following directives and provisions herein contained. All existing manuals, orders, and other regulations which are in conflict with the contents of the Department Manual are hereby revoked, except that the portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of the Department Manual.

It is the policy of the Metropolitan Nashville Police Department that all personnel shall adhere to the provisions in this Manual.

John Drake, Chief of Police

7-4-2026
Date

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Title 1: Department Organization and Function

1.10 Police Department Authority and Jurisdiction

1.10.010 Authority of the Department & Chief of Police

The Chief of Police is the Chief Executive Officer of the Metropolitan Nashville Police Department. The Chief has the authority and responsibility for the management, direction, and control of the operations and administration of the department. The authority of the Police Department is prescribed in the City Charter, Section 8.201, et seq.:

"Sec. 8.201. Created.
There shall be a department of metropolitan police, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.202. Responsibility and powers of department.
The department of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government. The director and other members of the metropolitan police force shall be vested with all the power and authority belonging to the office of constable by the common law and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities.
3. Designation of police department, rather than sheriff as principal conservator of the peace is a valid exercise of power under T.C.A., § 6-3701 et seq. Metropolitan Government v. Poe, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.203. Chief of police as director; his powers and duties.
The department of metropolitan police shall be under the general management and control of a director thereof, who is designated the chief of police. The chief of police shall establish zones and precincts and assign members of the department to their respective posts, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment for their training. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the chief of police or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the chief of police or violations of the rules and regulations made by him with the approval of the metropolitan mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of article 12 of this Charter."

1.10.020 Precedence for Command Authority

A. Should the Chief of Police become incapacitated through illness, injury, death or should the Chief be absent from the City of Nashville for any reason, an Acting Chief of Police shall be designated according to The Charter of Metropolitan Nashville and Davidson County.

B. The Acting Police Chief shall be chosen from one of the current Assistant Chiefs. If for some reason an Assistant Chief is not available, a Deputy Chief shall be designated.

1.10.030 Unity of Command

A. To ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Chief of Police. Employees must be aware of their relative position in the organization, to whom they are immediately responsible, and those persons who are accountable to them. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities. The key principle is to resolve problems and seek answers at the lowest possible level. Absent exigent circumstances or reporting provisions of existing policy, all personnel shall follow the established chain of command.

B. Supervisory personnel are accountable for the performance of employees under their immediate control. This is necessary to achieve effective direction, coordination, and control within the organization. This applies to all levels of supervision.

C. Each employee is accountable to only one supervisor at any given time. When an employee is placed on temporary assignment, they then become accountable to the new supervisor.

D. There will be circumstances when a supervisor will have to give an order to an employee outside of the chain of command. For example: **any supervisor** may give an employee an order when a violation is observed that could be a detriment to the employee of the department.

E. Each organizational component shall be under the direct command of only one supervisor.

F. Command protocol in situations involving personnel of different departmental subdivisions engaged in a single operation will be as follows:

1. Command structure will always follow the chain of command.

2. When personnel of any division or subdivision are at the scene of an on-going investigation, the officer maintaining authority and responsibility will maintain that control until relieved by a higher-ranking officer.

3. When the command structure is distinguishable, but the officer having primary responsibility is of lower rank, the responsibility of command rests with the higher-ranking officer.

1.10.040 Span of Control

A. No supervisor shall supervise more employees than can be effectively directed, controlled, or coordinated.

B. The Chief of Police shall have the final say as to how many employees a supervisor can effectively supervise. The Chief shall consider the type of duties and responsibilities in this determination.

C. Under normal circumstances a supervisor will not supervise more than nine employees at a time, unless an emergency exists.

1.10.050 Lawful Orders

A. Employees shall promptly and fully obey any lawful order, directive, or instruction of an authoritative source. This includes a lawful order relayed from a supervisor by an employee of the same or lesser authority.

B. An employee shall not respond to what is deemed to be an unlawful order, directive, or instruction. Any unlawful order shall be reported to the appropriate command level and the authoritative source that issued it held accountable.

C. If an employee receives an order that conflicts with a previous one, the employee shall follow the most recent order.

1.10.060 Authority and Responsibility of Employees

A. Each employee of this department shall be given the authority to make the decisions necessary for the effective execution of their responsibilities.

B. Each employee of this department having the authority to delegate work will be accountable for the proper delegation of the task and for failure to delegate when this is the proper course of action.

1.10.070 Staff Meetings

A. Staff meetings should be conducted at each level of the department for the purpose of enhancing verbal communications.

B. These staff meetings should be held on a regular basis. Supervisors should make known their meeting schedules, especially within their chain of command, and occasionally invite employees from other levels and functions for the coordination of joint activities and exchange of information.

C. An agenda should be prepared prior to the meeting and input for agenda items should be solicited from all employees who will attend.

1.20 MNPD Department Values & Mission Statement

The department values and mission statement shall be made available to all employees and departmental components. The values and mission statement shall also be maintained on the PDWeb Site and the MNPD public website located on Nashville.gov

The Mission of the Metropolitan Nashville Police Department is to provide community-based police products to the public so they can experience a safe and peaceful Nashville.

In carrying out our mission, members of the department will continue to value:

**organizational excellence & professionalism*
**the impartial enforcement of the law*
**the people we serve and each other*
**problem-solving partnerships*
**open communication*
**ethics and integrity*

1.30 Oath of Office & Law Enforcement Code of Ethics

1.30.010 Policy

All personnel shall be familiar with and abide by the Law Enforcement Officer's Code of Ethics. Prior to assuming sworn status, all police officer trainees shall take and subsequently abide by an oath of office to enforce and uphold all applicable laws.

1.30.020 Oath of Office

A. Every police officer shall be sworn in by the mayor or a representative of the mayor's office.

B. Swearing in Ceremony

1. The oath is as follows:

I do solemnly swear.....

that I will support the Constitution of the United States .....
the Constitution of Tennessee .....
and the Charter and Code of Laws of the Metropolitan

Government .....

and will perform with fidelity the duties imposed on me .....

as a member of the Metropolitan Police Department to the best of my ability ……
that I will serve the Metropolitan Government of Nashville-Davidson

County, Tennessee, honestly and faithfully .....

and I will obey the order of the officials placed over me, according to law .....

2. The mayor responds by saying:

By the authority invested in me as Mayor of Metropolitan Nashville, I hereby commission each of you as a police officer and member of the Metropolitan Police Department and charge you to carry out your duties and responsibilities as stated in the Law Enforcement Code of Ethics and under oath of office as a police officer.

3. In the mayor's absence, the designated representative says:

   By the authority invested in me by the Mayor of Metropolitan Nashville, I hereby commission each of you as a police officer and member of the Metropolitan Police Department and charge you to carry out your duties and responsibilities as stated in the Law Enforcement Code of Ethics and under oath of office as a police officer.

C. Before assuming official duties, the police officer trainee will sign their name and their employee number on a dated copy of the oath.

   1. The original signed and dated oath will be filed in the employee's personnel folder.

   2. If requested, the employee will receive a copy of the signed oath.

1.30.030 Code of Ethics

A. The Code of Ethics

   As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality and justice.

   I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
   I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

   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 police service. I will never engage in acts of corruption or bribery,

nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

B. All sworn employees will sign a copy of the Code of Ethics. The employee will sign their name and their employee number on a dated copy of the oath.

1. The original signed and dated oath will be filed in the employee's personnel folder.

2. If requested, the employee will receive a copy of the signed oath.

C. Before assuming official duties, police officer trainees will sign their name, and their employee number, on a dated copy of the oath.

1. The original signed and dated oath will be filed in the employee's personnel folder.

2. If requested, the employee will receive a copy of the signed oath.

1.30.040 Training

Ethics training shall be conducted for all personnel, at a minimum, biennially (every two years).

1.40 Department Manual Established

Consistent with the Charter of the City of Nashville, Section 8.203, the Chief of Police hereby establishes The Manual of the Metropolitan Police Department of Nashville-Davidson County, TN and shall hereafter be referred to as "the Department Manual" or herein as the “Manual.” It is, and shall be, a composite of current policies, procedures, and rules pertaining to the department, as established under previously existing Department orders, manuals, and approved practices. It describes the Department's organizational structure and lists the responsibilities and functions thereof.

All employees of the Metropolitan Nashville Police Department are responsible for reviewing and following directives and provisions herein contained. All existing manuals, orders, and other regulations which are in conflict with the contents of the Department Manual are hereby revoked, except that the portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of the Department Manual.

The current edition of the Manual, with revision date, shall be posted on the departmental internal website and available to all personnel. Written approval for the Manual, bearing the signature of the Chief of Police, and issued under the authority of the Charter and Code of Laws of the Metropolitan Government shall remain on file in the Office of the Chief of Police.

1.40.010 Transition of Command

In the event of a transfer of MNPD command and/or Executive officer(s), all written directives approved by the previous chief executive officer(s) will remain in effect for all agency personnel until amended, revised, or rescinded by authority of the new administration. This is to ensure continuity of operations for administrative and line functions and to provide consistent performance and service delivery expectations to all agency employees during the transition of command.

1.40.020 Severability

It is agreed that if any provision of this Manual or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of parts of this Manual which can be given effect without the invalid provision or application, and to that end the provisions of this Manual are declared to be severable.

1.40.030 Incorporation by Reference & Inadvertent Omissions

All existing policies, procedures or guidelines rescinded by and at the issuance of this manual are hereby incorporated by reference and shall have the same force and effect as the original. If all, or a portion, of a policy or procedure is inadvertently omitted, any error or omission shall be corrected as soon as discovered.

1.40.040 Numbering System used in Departmental Manual

A modified decimal system is used to number each title, chapter, article, section, subsection, paragraph, part, and sub-part of the Department Manual in order to provide quick reference to all material, to afford an easy means of citing specific subjects, and to maintain the flexibility of format necessary to facilitate expansion and revision of its contents.

A typical reference under the decimal system used in the Department Manual would be "2.40.080(B) (1) (c)." The number “2” indicates that the material is contained in title 2 of the Manual. The entire citation to"2.40.080(B) (1) (c)" conveys several facts:

- First, that the material is in Title 2.
- Next, that it is in Chapter 40 of Title 2.
- Next, that it is in Article 080 of Chapter 40
- Finally, that it is in Section B, sub section 1, paragraph (c).

Title:	designated through the use of Arabic numbers, followed by a decimal point.
Chapter:	designated through the use of Arabic numbers, followed by a decimal point.
Article:	designated through the use of Arabic numbers preceded by a decimal point.
Section:	designated through the use of an upper case letter.
Sub-sections:	designated through the use of Arabic numbers.
Paragraphs:	designated by lower case letters.
Parts:	designated through the use of Arabic numbers encased in parenthesis.
Sub-parts:	designated by lower case letters encased in parenthesis.

1.40.050 General Structure of Manual

A. Italics and Boldface type are used to highlight key words and phrases requiring emphasis.

B. Provisions herein are to be interpreted using the ordinary meaning of the language and plain meaning of the word, unless a provision explicitly defines some of its terms otherwise.

C. Titles and subtitles appearing before the titles, chapters, articles, sections, sub-sections, paragraphs, parts, or sub-parts are placed herein for convenience and are not intended to determine or to restrict the meaning of its provisions.

D. Words that are underlined denote terms defined by the text which follows the underlined word(s), or emphasize action to be taken or avoided.

E. Unless otherwise specified, explicitly defined terms shall apply only within the chapter in which the definition appears. Terms defined in this chapter shall apply throughout the Manual.

F. The words **"shall"** and **"will"** mean mandatory, while the word **"may"** is permissive. **"Should"** is used when a procedure is not mandatory, but is in the best interest of the department.

G. Listed Items: Items not on the list are assumed not to be covered by the provision. However, sometimes a list is illustrative, not exclusionary. This is usually indicated by a word such as "includes" or "such as".

H. If ambiguity exists in interpretation of a word or provision, analysis should favor the purpose behind the word use or purpose of the provision.

1.40.060 Dissemination and Revision

The dissemination and storage of the Manual shall be accomplished by the following:

A. Initial Dissemination

1. The current edition of the Manual shall be conspicuously posted on the internal departmental website and available to all employees. Additionally, the current edition of the Manual, and any updates or revisions, shall be uploaded to a public website for review of the general public.

2. All employees shall be required to sign a form acknowledging notice of the expectation that they read and fully understand the

provisions therein and are responsible and accountable for the provisions therein.

This acknowledgement shall be completed per current protocol as outlined in the purpose statement of the roll call training document.

3. **All employees** of the Metropolitan Nashville Police Department are responsible for reviewing and following all new, revised, and active departmental directives, policies, procedures, forms, and roll call training bulletins. Such items will be maintained on the PDWEB site and may be accessed through the department's PDWEB site by clicking on the appropriate link. The PDWEB Site will maintain an accurate and indexed log of all compulsory instructions.

4. Revision

   a. The Strategic Development Division shall maintain administrative control of the manual and shall conduct such review as may be necessary to ensure that provisions remain relevant and any necessary revisions are made.

   b. Notice of the dissemination of new or revised directives shall be sent electronically to all component commanders by departmental email, and, if appropriate, accompanied by a roll call training document.

   c. Recommendations for Revisions

      (1) Requests, not originating from within the Chief of Police Bureau, to revise any departmental directive or establish a new directive shall be sent to the Strategic Development Division via the appropriate chain-of-command.

      (2) The proposed revisions shall include the new wording and justification as to why the change should be made. The revision consideration and development process shall be conducted in accordance with Strategic Development Division procedures and established policy.

      (3) Expedited requests, originating from the Chief of Police Bureau or executive staff may be immediately considered and made.

      (4) The Strategic Development Division shall be responsible for proper dissemination of all manual revisions including

posting in appropriate web based folders and any outside agency notifications.

5. Roll Call Training

   a. Supervisors shall review all new directives, and other official announcements regarding policy and procedure changes, Roll Call Training Bulletins, and similar announcements at roll call for a minimum of three days

.

   b. Each time the supervisor reviews the directive at roll call; they shall initial and date the roll call training document for that specific directive. If a roll call training guide is not used, a copy of the directive will be signed and initialed by the supervisor. Because understanding is critical to compliance, the supervisor is responsible for providing any additional instruction an employee might need.

   c. When a written directive is issued, supervisors shall ensure all employees under their command are aware of the new directive, by having them complete an appropriate receipt process acknowledging they have received notice of the directive and accept responsibility to review the directive. A directive acknowledgement log shall be maintained remain current, and be subject to departmental inspection.

   d. Dissemination of Roll Call Training Documents:

      1. Requests to distribute any departmental roll call training document shall be sent to the Strategic Development Division via the appropriate chain-of-command.

      2. The proposed roll call training document shall include the appropriate wording and justification as to why the training document is needed.

      3. The roll call training vetting and development process shall be conducted in accordance with Strategic Development Division procedures and established policy.

      4. The Strategic Development Division shall be responsible for proper dissemination of all roll call training documents including posting in appropriate web-based folders and any outside agency notifications.

1.50 Orders, Directives, Rules or Regulations in Effect

1.50.010 Policy

All orders, written directives, memorandums, rules, procedures, or regulations that have been previously issued or approved by the signature or authority of the Chief of Police and such Chief of Police retires, resigns, or otherwise is incapacitated, shall remain in effect until and unless rescinded or canceled by the current Chief of Police.

Only the Chief of Police, or his/her designee, has the authority to issue, modify, or approve revisions to the Manual.

1.50.020 Contents

A. Any directive, policy, or procedure with departmental consequence shall be included in the manual. The Manual should include, but not be limited to, statements of agency policy, procedures for carrying out departmental activities, rules and regulations, and other topics as may be deemed appropriate.

B. The Manual, its contents, and any additions, removals, or revisions shall be approved through a formal review process conducted by the Chief of Police and such other personnel as may be necessary.

1.50.030 Standard Operating Procedure (SOP) Manuals

A. A SOP manual is a document which describes the regularly recurring operations relevant to the department unit, section, or division which issues the SOP. The purpose of a SOP is to provide guidance and information specific to the operation it describes and to assist employees in carrying out the operations correctly.

B. Departmental components making use of an SOP shall make it available via printed or electronic copy to all assigned employees. Such copies shall also be made available at the place(s) where the work is done. Employees will acknowledge receipt of the SOP, and any revisions as they occur, using the same method as used for written directives.

C. Any printed copy of the manual shall remain the property of the component and must be returned when personnel is transferred or is no longer assigned to that component.

D. An SOP is a compulsory instruction. Deviations from an SOP are, for purposes of corrective and/or disciplinary actions, considered deviations from the Manual.

E. Standard Operating Procedure manuals, with content limited in scope to a unit, section, division or bureau, shall exist separate from the Department Manual, be consistent with the Manual, and be reviewed by their respective command personnel, and approved by their bureau chief prior to issuance**.** Final drafts of standard operating procedure manuals shall be submitted to the Strategic Development Division to ensure compliance with established policy.

1.60 Departmental Forms

A. The Strategic Development Division is responsible for the development of forms, with a control process to include:

1. Ensuring that the information captured in departmental forms is essential and not duplicative, as much as possible.

2. Reviewing and evaluating forms as may be necessary.

3. Ensuring that the format is consistent with the records maintenance and data processing requirements of the department.

4. Ensuring that appropriate master file copies and electronic files of all departmental forms exist. The electronic files shall contain the form title, number identifier, publication revision date, and descriptive comments when appropriate.

5. When new or modified forms are suggested, receive input from the affected components.

6. Reviewing and authorizing for publication approved departmental forms and assigning appropriate identifier numbers.

7. Ensuring that the Chief of Police, or his/her designee, approve forms prior to use.

8. Supply Section shall be responsible for the maintenance and storage of all forms and ensure an adequate supply of forms is available at all times. As forms are canceled or revised, Supply Section will remove the outdated copies from circulation and destroy them. Inspection's personnel are responsible for making periodic checks to ensure only current forms are in use by department personnel.

B. Establishment of New Forms/Revision or Discontinuance of Existing Forms

1. New Forms:

a. Departmental employees proposing a new form will submit a memorandum and a sample of the proposed form with complete specifications for layout, typeface, etc., through their chain of command to the Strategic Development Division.

b. Strategic Development Division personnel shall determine if a suitable form exists. If an existing form appears appropriate, a copy will be forwarded to the requesting personnel. If the existing form is considered unsuitable, the requesting supervisor shall return the form with an explanation. If a new form is required, the Strategic Development Division personnel shall provide technical assistance, staff as necessary, assign proper form numbers, and place the memorandums and a copy of finalized forms into the forms file.

2. Revision/Discontinuance of Existing Forms

a. The format of a numbered form shall not be altered without authorization of the Strategic Development Division. Any entity requesting the revision or discontinuance of an existing form will submit a memorandum through their chain of command to the Strategic Development Division:

(1) The memorandum will be signed by the supervisor of the submitting entity.

(2) The Strategic Development Division will staff the proposal as appropriate.

(3) Proposed form revisions or discontinuations shall be processed with the procedures detailed in Section B, sub-section 1., above.

3. Form Number Identifier

a. All forms originating within the department must have an assigned MNPD number. The identification number consists of three numerical identifiers in the upper left corner of the page.

b. This number is assigned by the Strategic Development Division and maintained in a form log. The Strategic Development Division shall also maintain an original of all forms in a master form file.

1.70 Organizational Structure

A. The Department is organized by function into bureaus. Each bureau is divided into divisions, precincts, sections, units, and/or programs. A division or precinct may contain several units or functions. Each organizational component of the Department shall be under the direct command of only one supervisor. The MNPD Organization Chart shall be updated as determined by the Chief of Police.

B. The Police Department shall be composed of the Chief of Police, who shall be appointed by the Mayor, and such subordinate police officers and employees as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances.

C. The department's organizational structure is to be depicted graphically on an organizational chart that will be reviewed as necessary by the Strategic Development Division. The chart will be made available to all departmental components and posted on the PDWeb Site. It should also be displayed prominently on a bulletin board or such area designated for postings visible to all component employees. The organizational chart will reflect the formal lines of authority and communication mandated in the department organizational structure orders.

D. The current Metropolitan Nashville Police Department Organizational Chart can be accessed at the following link:

MNPD Form 001

1.80 Departmental Goals & Objectives

The Chief of Police, to help ensure direction and unity of purpose, shall ensure that departmental activities are guided by purposeful goal setting and objective measurement of those goals.

A. For purposes of this chapter, the following definitions apply:

1. **Goal:** A relatively broad statement of the end or result that one intends ultimately to achieve. The goal provides a method for the Metropolitan Nashville Police Department to achieve its Mission Statement.

2. **Objective:** An objective is a result that one intends to attain to achieve partial fulfillment of a goal. A well-stated objective tells exactly what will be done, how it will be measured, when it will be accomplished, and who is responsible or accountable for its accomplishment.

B. Goals and objectives shall be formulated and updated annually for each organizational component:

1. The Chief of Police shall be responsible for the development of the department's overall goals and objectives.

2. Component commanders shall be responsible for developing goals and objectives for their respective components.

Within the components, those responsible for the development of goals and objectives are encouraged to involve personnel within the component in the planning process. These goals and objectives should be realistic, attainable, and measurable.

C. Each departmental component shall submit their goals and objectives, through their chain of command, to Strategic Development, who will forward them to the Chief of Police.

D. Commanders shall distribute copies of their goals and objectives, as well as the department goals and objectives, to all affected personnel. A copy of each shall also be posted prominently within the work area of the component.

E. The Strategic Development Division shall cause a goal setting and objective measurement program to be developed for each organizational component and require any appropriate reporting.

F. The reporting time period, review periods, format, and reporting methods for goals and objectives shall be clearly announced and established.

1.90 Organizational Structure of the Chief of Police

1.90.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and duties and responsibilities of the Office of the Chief of Police and other components who fall under the responsibility of that office.

B. It is the policy of this department that each component assigns the sworn and professional support staff personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.90.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police or Chief of Staff.

B. **Branch:** A major organization component of the department characterized by more than one specialized function that is essential to specific police services operation; under the direction and control of a deputy chief.

C. **Division:** The primary element part of the Office of Chief of Police, self-contained and capable of independent action in providing a specific function of the office, under the direction and control of a member subordinate only to the Chief of Police.

D. **Precinct:** A clearly defined geographic area of considerable size that is usually an element part of a division and capable of independent action in providing the same specific function as the division, under the direction and control of a member subordinate to the member commanding the division.

E. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

F. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the component commander.

G. **Unit:** A component of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

H. **District:** A clearly defined geographic area of variable size, usually a subdivision of a precinct and capable of independent action in providing the same specific function as the sector on a smaller scale, under the general supervision of a member subordinate to the shift commander.

I. **Zone:** A clearly defined geographic area of variable size, usually a subdivision of a district and capable of independent action in providing the same specific function as the district, but under the general supervision of the member in charge of the district.

J. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

1.90.030 Office of the Chief of Police

A. Objectives

As the principal administrative element of the Metropolitan Nashville Police Department, the primary objective of the Chief of Police shall be to plan, direct, and administer the law enforcement program and activities of the Metropolitan Government. The Office of the Chief of Police shall develop and maintain a total police service program, which will provide acceptable standards for meeting current demands in:

1. Preservation of peace;

2. Prevention and detection of crime;

3. Apprehension of criminals;

4. Protection of personal and property rights; and

5. Enforcement of the ordinances of Metropolitan Nashville and Davidson County, the State of Tennessee, and the United States of America.

B. Organization

The Office of the Chief of Police shall be further organized into divisions,

sections, and other such units to include the following:

1. Chief of Police;

2. Assistant Chief of Police;

3. Public Information Office;

4. Professional Standards Division;

    a. Legal Resources

    b. Office of Professional Accountability; and

5. Fiscal Affairs Division.

C. Duties and Responsibilities

The duties and responsibilities of the Office of the Chief of Police shall include:

1. The establishment of bureaus, branches, divisions, sections, or units necessary to maintain the proper operation of the department;

2. The establishment of zones, districts, and the assignment of department members to their respective posts, shifts, details, and duties consistent with their rank;

3. The making of regulations concerning the operation of the department, the conduct of the officers and employees, their uniforms, arms, and other equipment for their training;

4. Planning, organizing, and directing the maintenance of law and order, the protection of life and property, the regulation of traffic, the apprehension and arrest of law violators, and the maintenance of police records;

5. Analyzing operational and service demands and devising plans and procedures;

6. Conferring with citizens and city officials on law enforcement problems and assisting in the development of municipal law enforcement policies;

7. Instructing subordinates in proper methods and the handling of unusual problems;

8. Making decisions relative to emergency conditions not governed by established policies and regulations;

9. Inspecting police records, radio logs, and files to ensure accuracy and completeness of information;

10. Reviewing reports submitted by subordinate officers;

11. Maintaining a list of all administrative reports to include:

    a. person(s) or position(s) responsible for completing the report(s);

    b. purpose of the report(s);

    c. frequency of the report(s); and

    d. distribution of the report(s).

12. Preparing monthly reports relative to accidents, violations, and arrests;

13. Coordinating county law enforcement activities with those of other agencies;

14. Inspecting police vehicles, equipment, and arranging for their proper maintenance;

15. Attending police conferences;

16. Selecting personnel and enforcing discipline;

17. Supervising special studies in the preparation of comprehensive reports;

18. Ensuring that the department complies with established standards and procedures for recruitment, selection, and promotion of personnel;

19. Causing the development, implementation, and maintenance of detailed department manuals of procedure for each bureau, division, or section by the commanding officer or supervisor of each organizational element;

20. Creating and maintaining administrative councils, committees, boards, and other such functional panels for conducting periodic meetings to discuss, analyze, and resolve current inter-departmental

problems, establish policy, and such other actions related to the efficient and effective operation of the department;

21. Developing and implementing an administrative personnel service program designed to:

    a. provide continuous, progressive personnel training and development;

    b. provide continuous, comprehensive evaluation of personnel;

    c. recognize outstanding personnel performance;

    d. improve personnel working conditions so as to achieve maximum efficiency and improve morale; and

    e. improve the quality of performance in areas of common responsibility by adopting new techniques and methods.

22. Working diligently for the enactment and strengthening of ordinances and laws for the restraint of criminal activities;

23. Maintaining liaison with other governmental agencies, as well as private organizations concerned with law enforcement issues;

24. Maintaining a record of all complaints of misconduct;

25. Maintaining an MNPD Form 313, Internal Incident Report, log;

26. Responding to media requests for information;

27. Maintaining an active alliance with professional police authorities and participating in programs for mutual improvement of proficiency in combating crime and traffic problems;

28. The formulating of goals and objectives pertinent to the operation of the department on an annual basis;

29. Administering the department's fiscal affairs in a manner calculated to convert available resources into optimum effective police service;

30. Obtaining a written signed copy of labor agreements in order to:

    a. ensure that any written directives affected by the agreement are reviewed and, if necessary, amended; and

b. ensure that information contained in the agreement is disseminated to the managers and supervisors of affected employees.

31. Performing such other duties and discharging such other responsibilities as may be assigned by the Mayor.

1.90.040 Assistant Chief of Police

A. Objectives

The primary objectives of the Assistant Chief of Police are:

1. Overseeing and coordinating the activities of the Departmental Bureau Chiefs including the development of large-scale projects and events;

2. Being the day-to-day liaison among police department components to ensure consistency of our community-based priorities to enhance Nashville's safety;

3. Ensuring compliance with local, state and federal laws, departmental policies, and active operating agreements; and

4. Preparing, as needed, multiple reports, briefings, presentations and responses on community issues.

B. Organization

The Office of the Assistant Chief of Police shall be organized into units to include:

1. Assistant Chief of Police; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. The Assistant Chief of Police is an appointed assignment that oversees all facets of the daily operations for the Office of the Chief; and

2. Other duties as required by the Chief of Police.

1.90.050 Public Information Office

A. Objectives

The primary objectives of the Public Information Office shall be:

1. The dissemination of information regarding the department to the public; and

2. Informing the community and the news media of events within the public domain that involve the department.

B. Organization

The Public Information Office shall be organized into units to include:

1. Office Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. Oversees and participates in the promotion of programs, services, and events occurring within the department by:

   a. assisting news personnel in covering news stories and at the scenes of incidents;

   b. being available for on-call responses to the news media;

   c. preparing and distributing department news releases;

   d. arranging and assisting in news conferences;

   e. coordinating and authorizing the release of information regarding victims, witnesses, and suspects;

   f. assisting in crisis situations within the department;

   g. coordinating and authorizing the release of information concerning confidential departmental investigations and operations;

   h. approving distribution of articles and other materials for presentation to the news media;

i. conducting interviews as needed;

j. writing and reviewing public service announcements, news and feature articles, and other informative pieces; and

k. proofreading and editing materials submitted for publication

2. Supervises employees by:

   a. assigning duties;

   b. ensuring employees perform work in a correct and efficient manner;

   c. evaluating performance;

   d. counseling and correcting; and

   e. training.

3. Performs administrative duties by:

   a. formulating policies and procedures involving public contact by members of the department;

   b. maintaining records and files on news releases and public service announcements;

   c. writing letters and memorandums; and

   d. responding to questions from the public concerning published items, programs, or services.

4. Develops and coordinates exhibits and displays;

5. Makes personal appearances or speeches as needed;

6. Administers the department employee awards program; and

7. Reviews and coordinates public record requests; liaison with other agencies regarding requests (District Attorney, Medical Examiner, Sheriff, etc.).

1.90.060 Fiscal Affairs Division

A. Objectives

The primary objectives of the Fiscal Affairs Division are:

1. Preparation of the Annual Budget;

2. Approval of expenditures and requests for purchases throughout the fiscal year in order to stay within the allocated budget;

3. Management of law enforcement grants as well as special funds;

4. Management of allocated resources for the optimum benefit of the department; and

5. Provision of financial analysis and various alternatives when evaluating present operating practices.

B. Organization

The Fiscal Affairs Division shall be organized into sections to include:

1. Salaries, Fringe and Position Management;

2. Special Purpose Funds, Task Forces, Non-Salary

3. Supply Room/Procurement Operations Management; and

4. Grants, Capital, 4% Projects and Travel Management.

C. Duties and Responsibilities

1. Establish, monitor, and manage budgets for employee position assignments;

2. Process requests for purchases necessary for the operation of the Metropolitan Nashville Police Department and ensure that the department remains within the allocated budget;

3. Monitor and report all grant related expenditures; and

4. Generate invoices for the reimbursement of Federally funded Task Force programs.

D. For additional information governing the operation and procedures of the Fiscal Affairs Division, see MNPD Manual 7.20 Fiscal Affairs Procedures and 7.30 Fiscal Procedures for Processing Fees & Requests for Services.

See Written Directive 1.130 Organizational Structure of The Professional Standards Division.

1.100 Organizational Structure of the Investigative Services Bureau

1.100.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Investigative Services Bureau and other components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person designated by the commander.

1.100.020 Definitions

A. **Branch:** The organizational level of the department having functional or geographic responsibility for major components or divisions within a bureau.

B. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police.

C. **Division:** The primary component of a bureau or branch, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate only to the bureau commander.

D. **Section:** The primary component of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate only to the division commander.

E. **Unit:** A component of an element listed above, generally responsible for performing a specific and specialized task under direct supervision of a member subordinate only to the commander of the element to which the unit is a part.

1.100.030 Investigative Services Bureau

A. Objectives

The primary objectives of the Investigative Services Bureau shall be:

1. The investigation of criminal activity in the community;

2. The investigation of commercialized vice, drug related crimes, organized crime, and subversive activity in the community;

3. The investigation of incidents involving juveniles; and

4. The investigation of personal crimes with a goal of assisting victims with both criminal investigations as well as a holistic approach to assisting victims and their families with other needed services.

B. Organization

The Investigative Services Bureau shall be organized into branches, divisions, sections, and other units to include the following:

1. Office of the Bureau Commander;

2. Major Crimes Branch:

   a. Criminal Investigations Division;

   b. Violent Crimes Division; and

   c. Warrants Division.

3. Interpersonal Crimes Branch:

   a. Domestic Violence Division;

   b. Youth Services Division;

   c. Special Victims Division;

   d. Family Intervention Program; and

   e. School Safety Division

C. Duties and Responsibilities

The Deputy Chief of the Investigative Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same duties, responsibilities, and rules and regulations applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operation of the bureau;

3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the bureau;

4. Preparing and submitting an annual budget for the bureau;

5. Exercising control over all purchases and disbursements for the bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. Preparing and maintaining contingency plans for emergency or disaster situations;

8. The formulating of goals and objectives pertinent to the operation of the bureau on an annual basis;

9. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

10. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

1.100.040 Criminal Investigations Division

A. Objectives

The primary objectives of the Criminal Investigations Division shall be the development and maintenance of a criminal investigations program concerned with:

1. The gathering and compiling of information pertaining to criminal activities sufficient to warrant the arrest of criminal offenders;

2. The preparation of cases involving criminal activity sufficient to cause the effective prosecution of criminal offenders; and

B. Organization

The Criminal Investigations Division shall be organized to include:

1. Homicide Section
    a. Homicide Unit; and
    b. ATF Task Force Unit (Arson and Explosive)
2. Cold Case Section
    a. Cold Case Homicide Unit; and
    b. Missing Person Unit
3. Fraud Section
    a. Fraud Unit; and
    b. Pawn Shop Unit
4. Organized Retail Crime Section
5. Burglary Section
6. Non-Domestic Aggravated Assault Section
7. Community Crimes Section

C. Duties and Responsibilities

The commander of the Criminal Investigations Division shall be directly accountable to the Inspector of the Major Crimes Branch for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities, rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities of the division;

3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;

4. Exercising control over all purchases and disbursements for the division;

5. Seeking the most qualified personnel to fill positions in the division;

6. Analyzing data concerning crime and other incidents to aid in the utilization of resources;

7. Maintaining records of daily assignments, communications, and the identity of persons wanted or apprehended in connection with offenses;

8. Ensuring that interviews of arrested persons and witnesses are being conducted to assist in case preparation;

9. Assigning personnel to special investigative units responsible for the investigation of specific types of crimes;

10. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;

11. Formulating goals and objectives pertinent to the operation of the division on an annual basis;

12. Providing for the continued training of all investigators assigned to the division;

13. Formulating goals and objectives pertinent to the operation of the division on an annual basis;

14. Manages, supervises, coordinates, and instructs subordinates;

15. On call twenty-four hours a day to respond to all unit call outs;

16. Coordinates investigations between division elements, other department elements, and outside agencies;

17. Participates in training sessions to increase productivity and effectiveness of the division;

18. Acts as Major Crimes Branch Inspector when so directed;

19. Reviews complaints against detectives (phone calls, walk-ins, other within the department);

20. Maintain current riot and emergency squad lists and be able to direct such in the event of an emergency situation;

21. Review and approve quarterly profiles and annual evaluations for all divisional personnel;

22. Authorize / coordinate sick leave, annual leave, and special assignments to insure adequate personnel available for duty;

23. Conducts staff meetings;

24. Research and compile workload studies; and

25. Performing other duties and discharging other responsibilities that may be assigned by the DCOP of the Investigative Services Bureau or Inspector of the Major Crimes Branch.

1.100.050 Homicide Section

A. Objective

The objective of the Homicide Section shall be the investigation of the following incidents:

1. All homicides (including youth homicides not involving interpersonal violence);

2. All suicides (when victim is 13 years and older);

3. Any death involving suspicious circumstances;

4. Scenes with children that are complex or include multiple victims;

5. High profile homicides;

6. Labor intensive homicides;

7. Arson and explosive related homicides; and

8. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

In all situations wherein it is readily known that a homicide or a suicide has occurred, the Homicide Section shall be immediately notified and respond to the scene. In all situations when there is a death involving suspicious circumstances the Homicide Section shall be contacted.

B. Organization

The Homicide Section shall be organized to include the following:

1. Homicide Unit; and

2. ATF Task Force Unit (Arson and Explosive)

C. Duties and Responsibilities

The supervisor of the Homicide Section shall be directly accountable to the Commander of the Criminal Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.060 Cold Case Section

A. Objective

The objective of the Cold Case Section shall be the investigation of the following incidents:

1. All Cold Case homicides that are unsolved and not currently assigned to the Homicide Section;

2. In custody death involving MNPD personnel or occurring in a DCSO or DCSO contracted penal institution in Davidson County. If involving MNPD custody, see current MOU.

   NOTE: Tennessee Department of Corrections (TDOC) investigates deaths occurring in their facilities.

3. Cases involving officer involved shootings, regardless of injury, will be investigated by the TBI unless the District Attorney's Office advises otherwise, see current MOU;

4. Officer involved shooting which result in death will be investigated by the TBI in accordance with the most current MOU;

5. Cases involving an officer being shot at by an individual;

6. Negligent or Accidental Firearms Discharge of a Metro Issue Weapon causing property damage or injury within Davidson County, Tennessee;

7. Metro Police K-9 Apprehensions;

8. Unidentified Human Remains (UHR);

9. Adult missing persons from a catastrophic situation;

10. Adult missing persons that are suffering from a disability that would qualify for a Silver Alert, is endangered or suicidal and accompanied with a minor;

11. Adult Kidnappings or abductions when no other felony offense occurs such as robbery, aggravated assault, sexual assault, etc.; and

12. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

The Cold Case Section may also be called upon to assist in the investigation of homicides or other personal crime cases assigned to the Homicide Section or other detectives that involve unusual circumstances where the skills of an experienced homicide detective may be needed.

B. Organization

The Cold Case Section shall be organized to include the following:

1. Cold Case Homicide Unit; and

2. Missing Person Unit

C. Duties and Responsibilities

The supervisor of the Cold Case Section shall be directly accountable to the Commander of the Criminal Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.070 Fraud Section

A. Organization

The Fraud Section shall be organized to include the following:

1. Fraud Unit; and

2. Pawnshop Unit

B. Objective

The primary objective of the Fraud Section shall be the investigation of the following incidents:

1. Fraud Unit:

   a. Identity Theft,

   b. Identity Fraud,

   c. Credit Card and Debit Card Fraud,

   d. Forgery,

   e. Check Fraud and Financial Instrument Fraud,

   f. Embezzlement and Misappropriation of Funds,

   g. False Pretenses and Confidence Schemes,

   h. Internet and Cyber-Enabled Fraud,

- Phishing,
- Business Email Compromise (BEC),
- Online marketplace scams

i. Insurance and Benefits Fraud,

j. Investment and Securities Fraud,

k. Financial Exploitation (including vulnerable/elder victims),

l. The Fraud Unit will assume responsibility for Blackmail/Extortion when the primary element of the offense is financial deception absent any threat of violence; and

m. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

2. Pawn Shop Unit:

a. Pawn Shop Crimes;

b. Central repository for information related to Pawn Shops and their enforcement; and

c. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

C. Duties and Responsibilities

The supervisor of the Fraud Section shall be directly accountable to the Commander of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.080 Organized Retail Crime Section

A. Objective

The primary objective of the Organized Retail Crime Section shall be the investigation of the following incidents:

1. Shoplifting;

2. Organized retail crime; and

3. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

B. Organization

The Organized Retail Crime Section shall be organized to include the following:

1. Organized Retail Crime Unit

C. Duties and Responsibilities

The supervisor of the Organized Retail Crime Section shall be directly accountable to the Commander of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the section;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.090 Burglary Section

A. Objective

The primary objective of the Burglary Section shall be the investigation of the following incidents:

1. Commercial Burglaries;

2. Residential Burglaries;

3. Theft from Buildings; and

4. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

B. Organization

The Burglary Section shall be organized to include the following:

1. Burglary Unit

C. Duties and Responsibilities

The supervisor of the Burglary Section shall be directly accountable to the Commander of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the section;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.100 Non-Domestic Aggravated Assault Section

A. Objective

The primary objective of the Non-Domestic Aggravated Assault Section shall be the investigation of the following incidents:

1. Non-Domestic Aggravated Assaults (excluding Domestic Violence related Aggravated Assaults or gunshot injuries);

2. Bomb Threats (excluding schools) (NOTE: the Hazardous Devices Unit (HDU) will determine if the threat is authentic);

3. Accidental Firearms Discharges by MNPD Personnel (Sworn or Professional Support) (other than Metro issued weapons) causing property damage or injury;

4. Police shootings not investigated by the Cold Case Section;

5. Criminal Complaints on MNPD Personnel (Sworn or Professional Support), or Davidson County, Tennessee Public Safety / Criminal Justice Personnel, who are on or off duty; and

6. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

A. Organization

The Non-Domestic Aggravated Assault Section shall be organized to include the following:

1. Non-Domestic Aggravated Assault Unit

B. Duties and Responsibilities

The supervisor of the Non-Domestic Aggravated Assault Section shall be directly accountable to the Commander of the Criminal Investigation

Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the section;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community;

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.110 Community Crimes Section

A. Objective

The primary objective of the Community Crimes Section shall be the investigation of the following incidents:

1. Simple Assault;

2. Vandalism;

3. Miscellaneous Thefts (other than Shoplifting, Theft from Motor Vehicle, or Theft from Building);

4. Package Thefts;

5. Matter of Record;

6. Deaths (other than Homicides, Suicides, or Natural Deaths where the Medical Examiner is not responding);

7. Harassment;

8. Arson (joint investigation with NFD Fire Investigators);

9. All other related offenses; and

10. Any investigation designated by the DCOP of the Investigative Services Bureau, Inspector of the Major Crime Branch, or the Commander of the Criminal Investigations Division.

B. Organization

The Community Crimes shall be organized to include the following:

1. Community Crimes Unit

C. Duties and Responsibilities

The supervisor of the Community Crimes Section shall be directly accountable to the Commander of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the Commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

8. Providing other services as may be required for the good of the department and the community; and

9. Performing other duties and discharging other responsibilities as may be assigned by the Commander of the Criminal Investigation Division.

1.100.120 Violent Crimes Division

A. Objective

The primary objective of the Violent Crimes Division shall be the development and maintenance of criminal investigations related to robberies, vehicle crimes, and serial related crimes.

B. Organization

The Violent Crimes Division shall be organized to include:

1. Robbery Investigations Section

2. Robbery Operations Section

3. Vehicle Crimes Investigations Section

4. Vehicle Crimes Operations Section

C. Duties and Responsibilities

The supervisor of the Violent Crimes Division shall be directly accountable to the Inspector of the Major Crimes Branch for the proper administration, general management and control of all matters related to the operation of the division and shall be governed by the same

duties and responsibilities, rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities of the division;

3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;

4. Exercising control over all purchases and disbursements for the division;

5. Seeking the most qualified personnel to fill positions in the division;

6. Analyzing data concerning crime and other incidents to aid in the utilization of resources;

7. Maintaining records of daily assignments, communications, and the identity of persons wanted or apprehended in connection with offenses;

8. Causing interviews of arrested persons and witnesses to assist in case preparation;

9. Assigning personnel to special investigative units responsible for the investigation of specific types of crimes;

10. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations; and

11. Conducting an analysis of crime data by crime type and geographic area in order to target effective programs;

1.100.130 Robbery Investigations Section

A. Objective

The Robbery Investigations Section shall be organized into the following units with the listed investigative responsibilities:

1. Robbery Investigations Unit

    a. All non-domestic personal robberies

    b. All commercial robberies

2. FBI Violent Crimes Task Force Unit

    Investigation for federal prosecution on those responsible for violent federal/state crimes to include:

    a. Bank Robberies;

    b. Kidnappings;

    c. Extortion;

    d. Crimes Against Children; and

    e. Other offenses as deemed appropriate.

3. Department investigations as designated by the DCOP of the Investigative Services Bureau and the Chief of Police or his/her designee.

4. The Robbery Investigations Section may also be called upon to assist in the investigation of non-lethal shootings, vehicle crimes, or other personal crime cases assigned to the Robbery Investigations Section involving unusual circumstances where the skills of an experienced robbery detective may be needed.

B. Organization

The Robbery Investigations Section shall be organized to include the following:

1. Robbery Investigations; and

2. FBI Violent Crimes Task Force Unit.

C. Duties and Responsibilities

The supervisor of the Robbery Investigations Section shall be directly accountable to the commander of the Violent Crimes Division for the proper administration, general management and control of all matters

related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Violent Crimes Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

8. Providing other services as may be required for the good of the department and the community.

1.100.140 Robbery Operations Section

A. Objective

The primary objective of the Robbery Operations Section shall be to conduct surveillance, tracking, and apprehension of violent crimes suspects related to robberies and other serial related crimes determined by the DCOP of the Investigative Services Bureau and the Chief of Police or his/her designee.

B. Organization

The Robbery Operations Section shall be organized to include the following:

1. Section supervisor; and

2. Other supervisors and detectives needed for utilization.

C. Duties and Responsibilities

The personnel under the Robbery Operations Section shall be directly accountable to the commander of the Violent Crimes Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Violent Crimes Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives.

7. Formulating goals and objectives pertinent to the operation of the Operation Section on an annual basis; and

8. Learn from the communities they serve to build trust and comfort.

9. Be Present in the community as a deterrence.

1.100.150 Vehicle Crimes Investigations Section

A. Objective

The objective of the Vehicle Crimes Investigations Section shall be the investigation of the following incidents:

1. All vehicle thefts, theft from vehicles, and theft of vehicle parts.

B. Organization

The Vehicle Crimes Investigations Section shall be organized to include the following:

1. Section supervisor

2. Other supervisors and detectives needed for utilization.

C. Duties and Responsibilities

The supervisor of the Vehicle Investigations Crimes Section shall be directly accountable to the commander of the Violent Crimes Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Violent Crimes Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

8. Providing other services as may be required for the good of the department and the community.

1.100.160 Vehicle Crimes Operations Section

A. Objective

The primary objective of the Vehicle Crimes Operations Section shall be to conduct surveillance, tracking, and apprehension of vehicle crimes suspects and other serial related crimes as assigned by the DCOP of the Investigative Services Bureau and the Chief of Police or his/her designee.

B. Organization

The Vehicle Crimes Operations Section shall be organized to include the following:

1. Section supervisor

2. Other supervisors and detectives needed for utilization.

C. Duties and Responsibilities

The supervisor of the Vehicle Crimes Operations Section shall be directly accountable to the commander of the Violent Crimes Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Violent Crimes Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the Vehicle Crimes Operation Section on an annual basis;

8. Learn from the communities they serve to build trust and comfort; and

9. Be present in the community as a deterrence.

1.100.170 FBI Violent Crimes Task Force Unit

A. Objective

The objective of the FBI Violent Crimes Task Force Unit shall be the investigation for federal prosecution on those responsible for violent federal/state crimes to include bank robberies, kidnappings, extortion, crimes against children, and other offenses as are deemed appropriate.

B. Duties and Responsibilities

The personnel of the FBI Violent Crimes Task Force Unit shall be directly accountable to the commander of the Criminal Investigations Division, or designee, for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community.

1.100.180 Warrants Division

A. Objectives

The primary objectives of the Warrants Division shall be the extradition of persons wanted in Davidson County who are apprehended in other jurisdictions; the extradition of persons wanted in other jurisdictions who are apprehended in Davidson County; and the arrest of wanted persons.

B. Organization

The Warrant Division shall be organized to include the following:

1. Division Commander;

2. Warrants Section;

3. Fugitives Section;

4. U.S. Marshall’s Task Force; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Warrant Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that Division and be generally governed by the

same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the division;

6. Assigning personnel in order to most effectively meet the needs of the department;

7. Remaining available to other department components in order to achieve common objectives;

8. Providing for the continued training of all personnel assigned to the division;

9. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

10. Providing for the entry and removal of persons wanted in Davidson County into the National Crime Information Center files;

11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

12. Providing other services required for the good of the department and the community.

1.150.190 Warrants Section

A. Objectives

The primary objectives of the Warrants Section shall be confirmation of criminal warrant files on a 24-hour basis; the arrest of wanted persons; and picking up and transportation of wanted individuals from other agencies.

B. Organization

The Warrant Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Warrant Section shall be directly accountable to the commander of the Warrants Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the section;

6. Assigning personnel in order to most effectively meet the needs of the department;

7. Remaining available to other department components in order to achieve common objectives;

8. Providing for the continued training of all personnel assigned to the section;

9. Remaining alert to the need for improved methods and techniques unique to the operations of the section;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.200 Fugitive Section

A. Objectives

The primary objectives of the Fugitive Section shall be:

1. The extradition of persons wanted in Davidson County who are apprehended in other jurisdictions;

2. The extradition of persons wanted in other jurisdictions who are apprehended in Davidson County; and

3. The arrest of wanted persons.

B. Organization

The Fugitive Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Fugitive Section shall be directly accountable to the commander of the Warrants Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the section;

6. Assigning personnel in order to most effectively meet the needs of the department;

7. Remaining available to other department components in order to achieve common objectives;

8. Providing for the continued training of all personnel assigned to the section;

9. Remaining alert to the need for improved methods and techniques unique to the operations of the section;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.100.210 Interpersonal Crimes Branch

A. Objectives

The primary objectives of the Interpersonal Crimes Branch (ICB) shall be to seek justice and ensure delivery of trauma informed care for MNPD's most vulnerable clients. ICB services will be focused and strengthened by the input and needs of communities served by the MNPD. Sustained communication, interactions, and coordination with community partners is vital to ICB clients.

B. Organization

The Interpersonal Crimes Branch shall be organized into divisions, sections, and other units to include the following:

1. Interpersonal Crimes Branch Commander;
2. Domestic Violence Division
    a. Intimate and Non-Intimate Partner Investigations Section
    b. High Risk & Vulnerable Adult Investigations Section
3. Youth Services Division;
    a. Child Protective Investigations Section
    b. Endangered or Vulnerable Investigations Section
4. Special Victims Division;
    a. Adult Sexual Assault Section
    b. Human Trafficking Section
5. Family Intervention Program
    a. Victim Counseling Services
    b. Youth Support Services
    c. Advocacy and Special Populations Services
6. School Safety Division
    a. Based Operations Section 1
    b. Based Operations Section 2
    c. Mobile Operations Section

C. Duties and Responsibilities

The Commander of the Interpersonal Crimes Branch shall be directly accountable to the Commander of the Investigative Services Bureau for the proper administration, general management, and control of all

matters related to the operation of that branch and shall be governed by the same duties, responsibilities, and rules and regulations applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operation of the branch;

3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the branch;

4. Preparing and submitting an annual budget for the branch;

5. Exercising control over all purchases and disbursements for the branch;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the branch;

7. Preparing and maintaining contingency plans for emergency or disaster situations;

8. The formulating of goals and objectives pertinent to the operation of the branch on an annual basis; and

9. Performing such other duties and discharging such other responsibilities as may be assigned by the Commander of the Investigative Services Bureau.

1.100.220 Domestic Violence Division

A. Objective

The primary objective of the Domestic Violence Division shall be the investigation of domestic-related criminal incidents which shall include the following:

1. Gather information and prepare cases pertaining to criminal activities sufficient to warrant the arrest and successful prosecution of criminal offenders;

2. Assist victims with safety planning and orders of protection; and

3. Educate victims and the community about personal safety and cycles of violence.

B. Organization

The Domestic Violence Division shall be organized to include the following:

1. Division Commander;

2. Intimate and Non-Intimate Partner Investigations Section;

   a. Domestic Violence Investigations Units

3. High Risk & Vulnerable Adult Investigations Section;

   a. VAPIT / APS Unit

   b. HRIP / LAP / IP Unit

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Domestic Violence Division shall be directly accountable to the Inspector of the Interpersonal Crimes Branch for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division;

8. Seeking the most qualified personnel to fill vacant positions in the division;

9. Causing the investigation of all family violence incidents;

10. Training other police department components regarding family violence issues;

11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

12. Performing other services required for the good of the department and the community.

1.100.230 Intimate and Non-Intimate Partner Investigations Section

A. Objective

The primary objective of the Intimate and Non-Intimate Partner Investigations Section shall be the investigation of domestic-related criminal incidents which shall include the following:

1. Gather information and prepare cases pertaining to criminal activities sufficient to warrant the arrest and successful prosecution of criminal offenders;

2. Assist victims with safety planning and orders of protection; and

3. Educate victims and the community about personal safety and cycles of violence.

B. Organization

The Domestic Violence Investigations Unit shall be organized to include the following:

1. Section Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Intimate and Non-Intimate Partner Investigations Section shall be directly accountable to the Commander of the Domestic Violence Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Schedule In-Service Training;

2. Audit/Quality Control of Assigned Cases being assigned;

3. Routinely Evaluate those assigned to them; and

4. Maintain RCT and Monthly Call out List

1.100.240 Domestic Violence Investigations Units

A. Objective

The primary objective of the Domestic Violence Investigations Unit shall be the investigation of domestic-related criminal incidents which shall include the following:

1. Gather information and prepare cases pertaining to criminal activities sufficient to warrant the arrest and successful prosecution of criminal offenders;

2. Assist victims with safety planning and orders of protection; and

3. Educate victims and the community about personal safety and cycles of violence.

B. Organization

The Domestic Violence Investigations Unit shall be organized to include the following:

1. Unit Supervisor;

   a. A Detail Supervisor

b. B Detail Supervisor

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Domestic Violence Investigations Unit shall be directly accountable to the supervisor of the Intimate and Non-Intimate Partner Investigations Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Appropriate assigning of cases to detectives
2. Periodic review of Case Status
3. Inspection Procedures
4. Monthly call-out list
5. Roll Call Procedures
6. In-Service assignments; and
7. Evaluations

1.100.250 High Risk & Vulnerable Adult Investigations Section

A. Objective

The primary objective of the High Risk & Vulnerable Adult Investigations Section shall be the investigation of domestic-related criminal incidents which shall include the following:

1. Domestic Violence victims who assess as, “High Danger”, after the Lethality Assessment Screening, “LAP”.
2. Are in an, “Intimate Partner” relationship; and
3. Conduct elderly and vulnerable adult protective investigations of reported abuse (including physical, sexual, and emotional), neglect, and financial exploitation of elderly and vulnerable adults.

B. Organization

The High Risk & Vulnerable Adult Investigations Section shall be organized to include the following:

1. Section Supervisor;

2. VAPIT / APS Unit supervisor

3. HRIP / LAP / IP Unit supervisor

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the High Risk & Vulnerable Adult Investigations Section shall be directly accountable to the Commander of the Domestic Violence Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Ensures the HRIP Sergeant attends HRIP Panel meetings regularly.

2. Reviews follow-up emails by the HRIP Sergeant to review panel recommendations.

3. Ensures HRIP actions are documented properly and;

4. Ensures the HRIP Sergeant is overseeing the best practices and methods to accomplish a coordinated partnership with the appropriate panel partners to achieve needed results.

5. Oversees training for MNPD staff, DCSO, and Citizens Police Academy properly and in accordance with Tennessee POST Commission Standards.

6. Ensures the Vulnerable Adult Protective Investigative Team (VAPIT) conducts investigations of suspected instances of abuse, neglect, and/or financial exploitation of elderly and vulnerable adults and receive and review information generated by the multi-disciplinary adult protective services evaluation teams, as defined by TCA 71-1-110.

7. Ensures the VAPIT Team Sergeant meets regularly with the District Attorney General, or District Attorney's designee at least quarterly.

8. Ensures the VAPIT Sergeant is reviewing 1215 referrals from DHS/APS within 72 hours of receipt to determine case assignment and investigative follow-up.

1.100.260 Youth Services Division

A. Objective

The primary objective of Youth Services Division is to investigate crimes involving children, ensuring the safety and well-being of victims under the age of 18. This division shall focus on the following:

1. Gather information, investigate incidents, and prepare cases related to child abuse, neglect, exploitation, and other crimes against children, to support the arrest and successful prosecution of offenders;

2. Provide victim-centered support to children and their families, including offering resources, safety planning, and referrals to community services;

3. Educate the community, including parents, caregivers, and professionals, about child safety, recognizing signs of abuse, and preventing harm to children;

4. Locate and assist in the recovery of missing and runaway children, working closely with other agencies and divisions to ensure timely and effective resolution of such cases;

5. Support and collaborate with other divisions within the Metropolitan Nashville Police Department, particularly in relation to violent youth outreach, to address juvenile involvement in crime and promote intervention strategies that prioritize prevention, rehabilitation, and community safety.

B. Organization

The Youth Services Division shall be organized to include the following:

1. Division Commander;

2. Child Protective Investigations Section;

a. Crimes Against Children Unit;

b. Missing/Runaway Unit;

1) The Juvenile Crime Control and Prevention Program

3. Endangered or Vulnerable Investigations Section;

a. Juvenile Sexual Assault Unit;

b. Child Death Investigations Unit; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Youth Services Division shall be directly accountable to the /Commander/Inspector of the Interpersonal Crimes Branch for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service programs within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division;

8. Seeking the most qualified personnel to fill vacant positions in the division;

9. Support other MNPD divisions in a collaborative effort to reduce juvenile delinquency;

10. Ensuring that all components are familiar with the special rules that must be followed when dealing with juveniles;

11. Causing the investigation of conditions adversely affecting the health, welfare, and safety of juveniles;

12. Causing the investigation of missing juveniles;

13. Assuring that special precautions are taken to safeguard certain rights and liberties that pertain only to juveniles;

14. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

15. Providing other services required for the good of the department and the community.

1.100.270 Child Protective Investigations Section

A. Objective

The primary objectives of the Child Protective Investigations Section shall be the investigations of incidents involving:

1. Child Neglect, abandonment, or selling of children;

2. Physical assault or abuse of a child;

    a. All juvenile assault involving interpersonal violence;

    b. Domestic related offenses in which the primary victim is 17 years of age or under. (Excluding intimate partnerships. Such incidents are to be investigated by the Domestic Violence Division)

    c. Physical assaults where the primary victim is a juvenile, and the victim is not a direct result of neighborhood violence (e.g. gun violence, robber, drug transactions, or gang activity).

Unintended juvenile victims of neighborhood violence, i.e. gun violence, will be worked by the appropriate investigative unit.

3. Missing juveniles, including runaways, kidnappings, attempted kidnappings, and custodial interference.

4. Accidental injury of juveniles.

5. All other offenses committed against a child under the age of 18 that have an interpersonal nexus to the incident.

B. Organization

The Child Protective Investigations Section shall be organized to include the following:

1. Section Supervisor;

2. Crimes Against Children Unit supervisor

3. Missing/Runaway Unit supervisor

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Child Protective Investigations Section shall be directly accountable to the Commander of the Youth Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;

8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.100.280 Crimes Against Children Unit

A. Objective

The primary objectives of the Crimes Against Children Unit shall be the investigations of:

1. Child Neglect and abandonment;

2. Physical assault or abuse of a child;

3. Domestic related incidents in which the victim is 17 years of age or under (Excluding intimate partners, such incidents are to be investigated by the Domestic Violence Division);

4. Accidental injury of juveniles.

5. All other offenses committed against a child under the age of 18 that have an interpersonal nexus to the incident.

B. Organization

The Crimes Against Children Unit shall be organized to include the following:

1. Unit Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Crimes Against Children Unit shall be directly accountable to the Supervisor of the Child Protective Investigations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the unit to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit;

8. Analyzing crimes involving areas of particular interest to the unit to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.100.290 Missing/Runaway Unit

A. Objective

The primary objectives of the Missing/Runaway Unit shall be:

1. Missing juveniles, including runaways, kidnappings, and attempted kidnappings;

2. Child Custody Situations / custodial interference

3. Child abandonment and baby selling.

4. Support and collaborate with other divisions within the Metropolitan Nashville Police Department, particularly in relation to violent youth outreach, to address juvenile involvement in crime and promote intervention strategies that prioritize prevention, rehabilitation, and community safety.

5. All other offenses related to locating unaccounted for juveniles.

B. Organization

The Missing/Runaway Unit shall be organized to include the following:

1. Unit Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Missing/Runaway Unit shall be directly accountable to the Supervisor of the Child Protective Investigations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the unit to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit;

8. Analyzing crimes involving areas of particular interest to the unit to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

10. Providing other services required for the good of the department and the community.

11. Ensuring the Juvenile Crime Control and Prevention Program is supported in the effort to establish community partnerships to help connect violent youthful offenders with resources to reduce juvenile delinquency.

1.100.300 Endangered or Vulnerable Investigations Section

A. Objective

The primary objectives of the Endangered or Vulnerable Investigations Section shall be the investigations of incidents involving:

1. Sexual assault of a child/juvenile

    a. Sexually related offenses of a child/juvenile.

2. Death of a child 12 and under including:

a. Natural,

b. Accidental,

c. Suicide, and

d. Homicide involving interpersonal violence (abuse, neglect, endangerment, etc.).

B. Organization

The Endangered or Vulnerable Investigations Section shall be organized to include the following:

1. Section Supervisor;

2. Juvenile Sexual Assault Unit supervisor

3. Child Death Investigations Unit supervisor

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Endangered or Vulnerable Investigations Section shall be directly accountable to the Commander of the Youth Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;

8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.100.310 Juvenile Sexual Assault Unit

A. Objective

The primary objectives of the Juvenile Sexual Assault Unit shall be the investigation of:

1. Sexual assault of a child/juvenile

    a. All sexually related offenses where the victim is 17 years age or younger at the time the offense occurred; (Sexually related offenses in which a juvenile is suspected as a victim of Human Trafficking will be deferred to Special Victims Division.)

B. Organization

The Juvenile Sexual Assault Unit shall be organized to include the following:

1. Unit Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Juvenile Sexual Assault Unit shall be directly accountable to the Supervisor of the Endangered or Vulnerable

Investigations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the unit to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit;

8. Analyzing crimes involving areas of particular interest to the unit to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.100.320 Child Death Investigations Unit

A. Objective

The primary objectives of the Child Death Investigations Unit shall be the investigation of:

1. Death of a child 12 and under including:

a. Natural,

b. Accidental, and,

c. Homicide involving interpersonal violence (abuse, neglect, endangerment, etc.). (Homicide Section will work homicides not involving interpersonal violence.)

2. Complex Investigations to include:

a. Child Rape Investigations

b. Complaints involving metro employees, or high-profile individuals

c. Juvenile Sexual Assault Cases, as needed.

B. Organization

The Child Death Investigations Unit shall be organized to include the following:

1. Unit Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Child Death Investigations Unit shall be directly accountable to the Supervisor of the Endangered or Vulnerable Investigations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the unit to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit;

8. Analyzing crimes involving areas of particular interest to the unit to aid in the utilization of resources;

9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.100.330 Special Victims Division

A. Objective

The primary objective of the Special Victims Division shall be:

1. The gathering and compiling of information pertaining to criminal activities sufficient to warrant the arrest of criminal offenders;

2. The preparation of cases involving criminal activity sufficient to cause the effective prosecution of criminal offenders;

3. Developing and perpetuating programs designed to prevent and control adult sexual assaults and human trafficking; and

4. Ensuring that all components and personnel are aware that the success of these programs depends on their participation and support.

B. Organization

The Special Victims Division shall be organized to include the following:

1. Division Commander;

2. Adult Sexual Assault Section;

    a. Adult Sexual Assault Investigations Unit;

    b. Adult Sex Offender Registry Unit;

    c. Internet Crimes Against Children (ICAC) Unit, and

3. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Commander of the Special Victims Division shall be directly accountable to the Inspector of the Interpersonal Crimes Branch for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department.
Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division;

8. Seeking the most qualified personnel to fill vacant positions in the division;

9. Conducting an annual evaluation of all enforcement and prevention programs relating to juveniles;

10. Causing the inspection and adherence to applicable laws of all public places within the area of responsibility of the division;

11. Assuring that special precautions are taken to safeguard certain rights and liberties that pertain only to special victims;

12. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

13. Providing other services required for the good of the department and the community.

1.100.340 Adult Sexual Assault Section

A. Objective

The primary objectives of the Adult Sexual Assault Section shall be:

1. The gathering and compiling of information pertaining to criminal activities sufficient to warrant the arrest of criminal offenders;

2. The preparation of cases involving criminal activity sufficient to cause the effective prosecution of criminal offenders;

3. Developing and perpetuating programs designed to prevent adult sexual assaults; and

4. Ensuring that all components and personnel are aware that the success of these programs depends on their participation and support.

B. Organization

The Endangered or Adult Sexual Assault Section shall be organized to include the following:

1. Section Supervisor;

2. Adult Sexual Assault Investigations Unit supervisor;

3. Adult Sexual Offender Unit supervisor;

4. Internet Crimes Against Children (ICAC) Unit supervisor; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Adult Sexual Assault Section shall be directly accountable to the Commander of the Special Victims Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Supervise and monitor the supervisor(s) of the Adult Sexual Assault Investigations Unit, Adult Sex Offender Unit and Internet Crime Against Children (ICAC) Unit;

2. Develop and maintain relationships with the FSC and NGO's in order to further victim care;

3. Coordinate with other Division supervisors when sexual assault incidents intersect with other Sections; and

4. Monitor officer wellness to ensure physical and mental health of the personnel within the Section.

1.100.350 Sexual Assault Investigations Unit

A. Objective

The primary objectives of the Adult Sexual Assault Investigations Unit shall be:

1. The gathering and compiling of information related to incidents involving sexual assaults and human trafficking;

2. The preparation of cases involving sexual assaults and human trafficking sufficient to cause the effective prosecution of criminal offenders; and

3. Assist sexual assault and human trafficking victims by providing information about programs and services available to them through the FSC and NGO's.

B. Organization

The Adult Sexual Assault Investigations Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Adult Sexual Assault Investigations Unit shall be directly accountable to the Commander of the Adult Sexual Assault Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Supervise and monitor detectives assigned to the Adult Sexual Assault Section;

2. Assign and monitor detective's caseloads;

3. Monitor sexual assault incidents for any trends or similar incidents that may be related; and

4. Monitor officer wellness to ensure physical and mental health of the personnel within the Unit.

1.100.360 Sex Offender Registry Unit

A. Objective

The primary objectives of the Sex Offender Registry Unit shall be:

1. Registration of offenders residing in Davidson County who are required to register with MNPD;

2. Verification of offender's home address, employment and other information offenders are required to provide through home visits and other methods;

3. Obtain warrants for violations and the service of those warrants; and

4. Work closely with local, state and federal law enforcement agencies in order to complete the above objectives

B. Organization

The Sex Offender Registry Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Sex Offender Registry Unit shall be directly accountable to the Commander of the Sexual Assault Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Supervise and monitor detectives assigned to the Sex Offender Registry Unit;

2. Monitor all monies received by the Unit;

3. Maintain a relationship with TBI to ensure accurate reporting of registered offenders; and

4. Monitor officer wellness to ensure physical and mental health of the personnel within the Section

1.100.370 Internet Crimes Against Children (ICAC) Unit

A. Objective

The primary objectives of the Internet Crimes Against Children (ICAC) Unit shall be:

1. The gathering and compiling of information related to the manufacturing, possession and/or electronic transmission of child sexual abuse material (CSAM);

2. The preparation of cases involving the manufacturing, possession and/or electronic transmission of CSAM sufficient to cause the effective prosecution of criminal offenders; and

3. Establish and present CSAM curriculums to community groups and organizations in order to educate and inform the community

B. Organization

The Internet Crimes Against Children (ICAC) Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Internet Crimes Against Children (ICAC) Unit shall be directly accountable to the Commander of the Sexual Assault Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Supervise and monitor detectives assigned to the Internet Crimes Against Children (ICAC) Unit;

2. Assign and monitor detective’s caseloads;

3. Ensure detectives have the appropriate equipment in order to investigate cases; and

4. Monitor officer wellness to ensure physical and mental health of the personnel within the Unit.

1.100.380 MNPD Family Intervention Program

A. Objective

The primary objectives of the MNPD Family Intervention Program shall be:

1. To provide free counseling, advocacy, outreach, and community education to victims of crimes and their non-perpetrating family members, as well as to witnesses, communities, and businesses impacted by violence;

2. To provide mental health services, referral, and criminal justice system advocacy whenever individuals, families, and/or the community are affected by crime;

3. To provide referral and advocacy services that are free, confidential, and provided in an environment which supports cultural diversity with respect to race, age, religion, creed, and sexual orientation; and

4. To provide referral and advocacy services regarding victims' rights such as safety planning, support groups, information, and counseling services.

B. Organization

The MNPD Family Intervention Program shall be organized to include the following:

1. Division Commander;

2. Division Manager;

3. Youth Support Services Supervisor;

4. Victim Counseling Services Supervisor;

5. Advocacy and Special Populations Services supervisor; and

6. Counselors, Advocates, and administrative personnel.

C. Duties and Responsibilities

The supervisor of the MNPD Family Intervention Program shall be directly accountable to the Inspector of the Interpersonal Crimes

Branch for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Organizing, directing, and controlling all resources of the division, maintain operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

2. Directing the development of division goals and objectives;

3. Evaluating interpersonal crimes to aid in the utilization of resources for victims; and

4. Commitment to fostering, cultivating, and preserving a culture of diversity, equity and inclusion.

1.100.390 Youth Support Services

A. Objective

The primary objectives of the Youth Support Services Program shall be:

1. To assist, aid, and provide information to youth and guardians impacted by misdemeanor or status offenses or are witnesses or victims of crime;

2. To provide direct services to youth, families, and guardians to include, but not limited to, counseling, advocacy, debriefings, and group services; and

3. To work as a referral program for detectives or officers of the Investigative Services Bureau.

B. Organization

The Youth Support Services Program shall be organized to include the following:

1. Youth Support Services Supervisor;

2. Youth Advocates and Counselors

C. Duties and Responsibilities

The supervisor of the Youth Support Services Program shall be directly accountable to the MNPD Family Intervention Program Supervisor for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining statistical and narrative reports necessary for the program, department, and collaborations;

2. Assigning reports and cases to personnel for immediate safety follow-up, outreach, and advocacy;

3. Actively participating and attending internal or community meetings and/or events as they apply to the Family Intervention Program or community engagement practices; and

4. Overseeing personnel and providing documentation to maintain quality assurance, professional standards, and accountability.

1.100.400 Victim Counseling Services

A. Objective

The primary objectives of the Victim Counseling Services Program shall be:

1. To provide counseling to victims of crimes and their non-perpetrating family members, witnesses to violent crime, and to communities/businesses impacted by violence;

2. To coordinate and provide any needed resources and services crime victims need; and

3. To provide outreach, public education/community education on the various aspects of victimization, domestic violence, grief and loss, and related services.

B. Organization

The Victim Counseling Services Program shall be organized to include the following:

1. Victim Counseling Services Supervisor;

2. Police Crisis Counselors

C. Duties and Responsibilities

The supervisor of the Victim Counseling Services Program shall be directly accountable to the MNPD Family Intervention Program Supervisor for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Counseling employees, victims and their family members, and other individuals;

2. Analyzing counseling procedure and techniques to improve the quality of service;

3. Assisting in developing and instating a program quality management plan; and

4. Participating in meetings with community professionals and agencies.

1.100.410 Advocacy and Special Populations Services

A. Objective

The primary objectives of the Advocacy and Special Populations Services Program shall be:

1. To inform crime victims about their rights and options, offering a personal connection while navigating systems;

2. To increase access to resources and services with culturally responsive advocacy, with an emphasis on underserved populations;

3. To conduct outreach to connect people impacted by violence and community partners in collaborative exchange; and
4. To provide education for sworn/civilian MNPD staff and community partners to engage with cultural awareness.

B. Organization

The Advocacy and Special Populations Services Program shall be organized to include the following:

1. Advocacy and Special Populations Services supervisor;

2. Outreach Advocate Specialists

C. Duties and Responsibilities

The supervisor of the Advocacy and Special Populations Services Program shall be directly accountable to the MNPD Family Intervention Program Supervisor for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Providing individual and group supervision to Outreach Advocate Specialists and other ASPSP personnel;

2. Giving guidance and support for the ASPSP to continue providing wrap-around service delivery to the special populations served, identifying barriers to and gaps in services, and collaborating with partner agencies to improve the delivery of services;

3. Participating and representing the Family Intervention Program in community meetings and events beneficial to establishing and maintaining collaborations essential in providing victim-centered and trauma-informed advocacy services to individuals impacted by violence; and

4. Assuming responsibility for the application, budget, reports, and supervision of staff providing services on the VOCA grant(s) regarding activities related to the grant requirements.

1.100.420 School Safety Division

A. Objective

The primary mission of the School Safety Division shall be the promotion of safe learning environments for education campuses across Nashville and Davidson County through the following:

1. The construction of empowering partnerships with stakeholders associated with education and education campuses;

2. Development and implementation of meaningful deterrence mechanisms to discourage illegal behavior and or violence at our education campuses;

3. Engaging in the collaborative education of all stakeholders associated with education and education campuses as it relates to topics that include but are not exclusively limited to the physical and functional safety of education campuses; and

4. Research, development and implementation of tools and training to support the effective response to incidents taking place at an education campus.

B. Organization

The School Safety Division shall be organized to include the following:

1. Division Commander;

2. Based Operations Section 1;

    a. Based Operations Unit

    b. Training

    c. Logistics

3. Based Operations Section 2

    a. Based Operations Unit

    b. Training

    c. Logistics

    d. Community Affairs

4. Mobile Operations Section;

    a. Mobile Operations Unit

    b. Education Programs

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the School Safety Division shall be directly accountable to the Commander/Inspector of the Interpersonal Crimes Branch for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service programs within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division;

8. Seeking the most qualified personnel to fill vacant positions in the division;

9. Ensuring that assigned personnel depict a positive role model for the education environment and all operating in it;

10. Ensure the development and promotion of education and support programs that promote positive influences for the education and associated communities while supporting the needs of students.

11. Developing and implementing programs intended to promote safe learning environments for education campuses operating within Nashville and Davidson County;

12. Ensuring that all components are familiar with the special rules that must be followed when dealing with juveniles;

13. Causing the initiation of an investigation of conditions adversely affecting the health, welfare, and safety of persons operating on an education campus;

14. Causing the initial investigation and reporting of offenses and incidents occurring on an education campus;

15. Causing the enforcement of all applicable laws and ordinances;

16. Assuring that special precautions are taken to safeguard certain rights and liberties that pertain only to juveniles;

17. Formulating goals and objectives pertinent to the operation of the;

18. Providing other services required for the good of the department and the community.

1.100.430 Based Operations Sections 1 and 2

A. Objective

The Primary objectives of the Based Operations Sections shall be the following;

1. Establishing and maintaining police presence at education campuses where the police resource will be affixed to that campus on a daily basis;

2. Promoting a safe and secure environment for all persons on campus by way of;

    a. Acting as a resource with respect to delinquency prevention;

    b. Providing guidance to school administrators on ethical issues;

    c. Providing individual counseling to students;

    d. Providing mentorship to students;

e. Providing guest speaking and engagement to students; and

f. Explaining the law enforcement role in society.

B. Organization

The Based Operations Sections shall be organized to include the following;

1. Section Supervisor;

2. School Resource Officer Supervisors;

3. Community Affairs Supervisor;

4. School Resource Officers; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. Section Supervisor

The supervisor of the Based Operations Section shall be directly accountable to the Commander of the School Safety Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

a. Maintaining liaison with all other elements of the division, department, allied agencies, and interested community groups;

b. Serve as a representative of the department to any agency concerned with the school-based activities and operations of the division;

c. Familiarization with the administrative policies and execution of a service program within education campuses;

d. Organizing, directing, and controlling all based policing resources for education campuses in the county, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

e. Ensuring the enforcement of all applicable laws;

f. Ensuring assigned personnel depict a positive role model for students;

g. Serve as an advisor to the division commander on matters of school safety and security issues;

h. Ensuring that children in need receive referrals to the proper agencies;

i. Seeking the most qualified personnel to fill school-based policing positions in the section;

j. Formulating goals and objectives pertinent to the operation of the division's school based policing efforts on an annual basis; and

k. Providing other services required for the good of the department and the community.

2. School Resource Officer Supervisors (Sergeants)

The School Resource Officer Supervisor of the Based Operations Section shall be directly accountable to the Supervisor of the Based Operations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

a. Maintaining liaison with all other elements of the department and allied agencies;

b. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

c. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

d. Maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

e. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;

f. Causing the investigation of conditions adversely affecting the health and welfare of personnel and or the community;

g. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit; and

h. Providing other services required for the good of the department and the community.

3. Community Affairs Supervisor

The School Safety Division Community Affairs Supervisor shall be directly accountable to the Commander of the School Safety Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department.

The supervisor assigned as the School Safety Division Community Affairs Supervisor will be assigned duties, with the emphasis on community outreach specific to the betterment of our youth and family environment. These duties will include:

1. Establishing and maintaining liaison with all other elements of the department, allied agencies, and interested community groups;

2. Informing all personnel that they are responsible for achieving community relations objectives;

3. Publicizing department objectives, problems, and successes;

4. Conveying information transmitted from citizen organizations to the department;

5. Improving department practices regarding police-community relations;

6. Targeting programs that address community perceptions or misperceptions of crime;

7. Conducting an evaluation of the effectiveness of crime prevention programs (e.g. D.A.R.E., G.R.E.A.T., L.E.A.D.);

8. Serving as a representative of the department to any agency concerned with the activities and operations of the unit.

9. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

10. Being active in crime prevention by educating citizens in crime control techniques;

11. Developing and maintaining adequate supplies of crime prevention materials to be distributed or used in the presentation of programs;

12. Attending crime prevention seminars and other schools in order to continually update the objectives of the unit; and

13. Providing other services required for the good of the department and the community.

1.100.440 Mobile Operations Section

A. Objective

The primary objective of the Mobile Operations Section shall be the following;

1. Establishing and maintaining police presence at education campuses where the police resources will be mobile and not assigned to a specific campus on a daily basis;

2. Promoting a safe and secure environment for all persons on campus by way of;

   a. Acting as a resource with respect to delinquency prevention;

   b. Providing guidance to school administrators on ethical issues;

   c. Providing individual counseling to students;

   d. Providing mentorship to students;

   e. Providing guest speaking and engagement to students; and

   f. Explaining the law enforcement role to society.

B. Organization

The Mobile Operations Section shall be organized to include the following;

1. Section Supervisor;

2. School Resource Officer Supervisors;

3. School Resource Officers

4. Other personnel required for efficient operation.

C. Duties and responsibilities

1. Section Supervisor

The supervisor of the Mobile Operations Section shall be directly accountable to the Commander of the School Safety Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

a. Maintaining liaison with all other elements of the division, department, allied agencies, and interested community groups;

b. Serve as a representative of the department to any agency concerned with the school-based activities and operations of the division;

c. Familiarization with the administrative policies and execution of a service program within education campuses;

d. Organizing, directing, and controlling all based policing resources for education campuses in the county, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

e. Ensuring the enforcement of all applicable laws;

f. Ensuring assigned personnel depict a positive role model for students;

g. Serve as an advisor to the division commander on matters of school safety and security issues;

h. Ensuring that children in need receive referrals to the proper agencies;

i. Promote positive influences on citizens of the community through the presentation of programs geared toward developing friendly and cooperative relationships with the department (D.A.R.E., G.R.E.A.T., L.E.A.D.)

j. Seeking the most qualified personnel to fill school-based policing positions in the section;

k. Formulating goals and objectives pertinent to the operation of the division's school based policing efforts on an annual basis; and

l. Providing other services required for the good of the department and the community.

2. School Resource Officer Supervisors (Sergeants)

The School Resource Officer Supervisor of the Based Operations Section shall be directly accountable to the Supervisor of the Based Operations Section for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

a. Maintaining liaison with all other elements of the department and allied agencies;

b. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

c. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

d. Maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

e. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;

f. Causing the investigation of conditions adversely affecting the health and welfare of personnel and or the community;

g. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the unit; and

h. Providing other services required for the good of the department and the community.

1.110 Organizational Structure Administrative Services Bureau

1.110.010 Generally

It is the policy of this department that each component assigns the sworn and professional support staff personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander, or another person so designated by the commander.

1.110.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police.

B. **Division:** The primary constituent part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate only to the bureau commander.

C. **Section:** The primary constituent part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate only to the division commander.

D. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under direct supervision of a member subordinate only to the commander of the element to which the unit is a part.

1.110.030 Administrative Services Bureau

A. Objectives

The primary objectives of the Administrative Services Bureau shall be to develop and maintain standards for meeting demands regarding:

1. Personnel recruitment, selection, and training;

2. Preparing, analyzing, storing, and securing personnel files;

3. Researching and developing progressive operations for all departmental components;

4. Personnel performance of duty and compliance with rules, regulations, policies, procedures, and other directives of the department;

5. The development and operation of extensive training programs; and

6. The development and maintenance of effective methods for the preparing, analyzing, and storing of police records.

B. Organization

The Administrative Services Bureau shall be organized into divisions, sections, and other such units to include the following:

1. Office of the Bureau Commander;

2. Human Resources Division;

3. Behavioral Health Services Division;

4. Training Division;

5. Records Division;

6. Forensic Services Division; and

7. Background and Recruitment Division.

C. Duties and Responsibilities

The Deputy Chief of the Administrative Services Bureau shall be directly accountable to the Chief of Police. for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commanding officer. The Inspector of the Administrative Services Bureau will be a direct report of the Deputy Chief and will assist with the below duties as well as any other assignments/duties deemed necessary. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operation of the Administrative Services Bureau;

3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the Administrative Services Bureau;

4. Preparing and submitting an annual budget for the Administrative Services Bureau;

5. Exercising control over all purchases and disbursements for the Administrative Services Bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. Remaining available to serve in the capacity of department commander during those times when the Chief of Police is unavailable;

8. The formulating of goals and objectives pertinent to the operation of the Administrative Services Bureau on an annual basis; and

9. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police;

10. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

11. Providing other services as may be required for the good of the department and the community.

1.110.040 Human Resources Division

A. Objectives

The primary objectives of the Human Resources Division shall be:

1. The development and maintenance of efficient personnel records;

2. The preparation and maintenance of job descriptions;

3. The development and maintenance of an efficient personnel payroll system.

B. Organization

The Human Resources Division shall be organized into sections to include:

1. Human Resources Director;

2. Personnel Section;

3. Payroll Section;

4. Employee Relations Section; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Director of the Human Resources Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau or his/her designee for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities of the division;

3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to insure optimum performance;

4. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

5. Performing other duties and discharging other responsibilities that may be assigned by the Deputy Chief of the Administrative Services Bureau.

1.110.050 Personnel Section

A. Objectives

The primary objectives of the Personnel Section shall be:

1. The development and maintenance of an efficient personnel records system; and

2. The development and implementation of job descriptions, specifications, and salary classification schedules.

B. Organization

The Personnel Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Personnel Section supervisor shall be directly accountable to the director of the Human Resources Division for the proper administration, general management, and control of all matters related to the conduct of the office. The Personnel Section shall generally be responsible for the following:

1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section;

4. The formulating of goals and objectives pertinent to the operation of the section on an annual basis;

5. The development, preparation, and maintenance of a job task analysis for every class of sworn employee that includes, at a minimum:

   a. The work behaviors (duties, responsibilities, functions, tasks, etc.);

   b. The frequency with which the work behavior occurs; and

c. The criticality of the job-related skills, knowledge, and abilities.

6. The preparation, analysis, storage, and security of individual personnel records including:

   a. Current residence, telephone, and other vital statistics;

   b. Application and background information for professional support staff employees;

   c. Records of transfer, promotion, and changes in pay scale;

   d. Records of performance evaluations;

   e. Records of attendance;

   f. Records of reprimands, suspensions, and dismissals;

   g. Records of garnishments and other such legal action; and

   h. Other records that may be required.

7. The preparation, analysis, storage, and security of department personnel records including:

   a. Manpower records which show the number of employees assigned to each component of the department;

   b. Promotional lists;

   c. Counseling records; and

   d. Other records that may be required.

8. Assisting the Metropolitan Personnel Department in the development and maintenance of class specifications;

9. Ensuring that the department adheres to all federal, state and local laws and regulations related to the hiring or promoting of personnel;

10. Ensuring all newly hired personnel receive information regarding:

    a. The department’s role, purpose, goals, policies, and procedures;

    b. Working conditions and regulations;

c. Employee responsibilities and rights; and

d. Mental Health Issues.

11. Providing other services required for the good of the department and the community.

1.110.060 Payroll Section

A. Objective

The objective of the Payroll Section will be the development and maintenance of an efficient payroll system.

B. Organization

The Payroll Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Payroll Section shall be directly accountable to the director of the Human Resources Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to insure optimum performance;

4. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

5. The preparation and distribution of the department's bi-monthly personnel payroll as well as maintaining and providing security for those records; and

6. Providing other services as may be required for the good of the department and the community.

7. Facilitation of the following programs: FMLA , PFL, IOD, Medical , Light duty , Military leave, IOD and light duty extension requests.

1.110.070 Employee Relation Classification/Compensation Section

A. Objective

The objective of the Employee Relation Classification/Compensation Section is to obtain and review job duties and responsibilities of each position within the MNPD to ensure accurate compensation is obtained. In addition, this section will be responsible for the implementation of Civil Service Grievances or Complaints submitted by an employee of the MNPD.

B. Organization

The Employee Relation Classification/Compensation Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

D. Duties and Responsibilities

The supervisor of the Employee Relation Classification/ Compensation Section shall be directly accountable to the Director of the Human Resources Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies.

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section.

3. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to insure optimum performance.

4. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

5. The preparation and distribution of various reports, as well as maintaining and providing security for those records; and

6. Providing other services as may be required for the good of the department and the community.

7. Facilitating the processing of any professional support staff exit survey when an employee leaves MNPD employment.

8. Intake and investigation of Civil Service Grievances, Complaints and ADA requests submitted by an MNPD employee.

9. Employment process for all School Crossing Guards.

10. Assisting Metro Nashville Human Resources in the development and maintenance of class specifications

1.110.080 Employee Relations Section

A. Objectives

The primary objectives of the Employee Relations Section include the following:

1. Conduct investigations as directed by the Chief of Police, the Director of the Human Resources Division, or assigned lieutenant regarding allegations of violations of MNPD Manual 4.50 Harassment and Discrimination and MNPD Manual 4.70 Workplace Conduct.

2. Investigate grievances in accordance with procedures outlined in 3.50.050.

3. Seek out and maintain specific, formal training related to professional investigations of harassment, discrimination, and workplace conduct complaints.

4. Assist with MNPD policy formation, training needs, and best practices related to workplace investigations and conflicts.

5. Operate under the guidelines of the Employee Relations Section Standard Operating Procedure (SOP) for direction or as otherwise directed by the Director of the Human Resources Division.

B. Duties and Responsibilities

The Employee Relations Section shall be accountable to the Director of the Human Resources Division. Assigned duties shall include:

1. Shall be knowledgeable of rules and regulations governing the Department, Civil Service Rules and Policies, Federal laws, and Civil and Criminal law as it relates to harassment, discrimination, and associated concerns.

2. Conduct investigations of complaints made by or against the department's employees related to allegations of policy violations of MNPD Manual 4.50 Harassment and Discrimination and MNPD Manual 4.70 Workplace Conduct as directed by the Director of the Human Resources Division.

3. The Employee Relations Section shall ensure that prompt notification of all serious allegations brought to their attention is made to the Director of the Human Resources Division;

4. The Employee Relations Section shall keep their chain of command informed of significant developments in their investigations, as they pertain to an employee's job function or current responsibilities; and

5. Assist with policy formation and identification of policy/training failures related to the Human Resource subjects.

1.110.090 Behavioral Health Services Division

A. Objectives

The primary objectives of the Behavioral Health Services (BHS) Division shall be:

1. The coordination of psychological assessment services for prospective and current employees when required;

2. The establishment of programs to assist employees and their families in need of psychological support; and

3. The establishment of programs to provide spiritual assistance to personnel and citizens in times of need.

B. Organization

1. Division Director;

2. Professional Wellness Section;

3. Chaplain Unit;

4. Wellness Unit;

5. Counseling Unit; and

6. Other personnel required for efficient operation.

C. Duties and Responsibilities

The director of the Behavioral Health Services Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau or his/her designee for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations of that division at a productive level, and making the division sufficiently flexible to insure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the division;

6. Formulating goals and objectives pertinent to the operation of the division on an annual basis;

7. Preparing and submitting budget estimates encompassing the total operation of the division; and

8. Performing other duties and discharging other responsibilities as may be assigned by the Chief of Police or his/her designee.

1.110.090 Professional Wellness Section

A. Objectives

The primary objectives of the Professional Wellness Section shall be:

1. The prevention of personal and professional problems of department employees and their families; and

2. The assisting of employees and their families with those problems by providing psychological support, counseling, and advocacy services.

B. Organization

The Professional Wellness Section shall be organized to include the following:

1. Professional Wellness Section;

2. Sworn Wellness Unit;

3. Chaplain Unit;

4. Counseling Unit; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The BHS Manager shall be directly accountable to the director/ Executive Administrator of the Behavioral Health Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties, responsibilities, rules, and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

6. Providing educational seminars for those employees interested in attending;

7. Conducting support group sessions for employees who wish to participate;

8. Providing referrals to outside consultants when necessary; and

9. Providing other services required for the good of the department and the community.

1.110.100 Counseling Unit

A. The supervisor of the Counseling Unit shall be directly accountable to the BHS Manager for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. The Counseling Unit Supervisor will oversee all of the Police Crisis Counselors in the unit.

B. Assigned duties include:

1. Providing counseling to individuals, couples, families of MNPD and Davidson County Sheriff's Department (and affiliated public service agencies when possible);

NOTE: Dependents of MNPD and DCSO employees who are ten (10) years of age and older are eligible for services. Dependents nine (9) years of age and younger will be assessed on a case by case basis to determine if treatment needs at within the scope of PWS services.

2. Providing crisis intervention to aforementioned agencies;

3. Participating in the delivery of Critical Incident Stress Management (CISM)to affected employees of aforementioned agencies as well as family members when applicable;

4. Maintaining confidential records;

5. Providing information and Referrals when appropriate; and

6. Participating in training officers and recruits on PWS related topics.

1.110.110 Professional Wellness Unit

A. The supervisor of the Wellness Unit shall be directly accountable to the BHS Manager for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department.

B. The goal of the Wellness Unit is to enhance employee wellness and resilience. Assigned duties shall include:

1. Monitoring daily activities within the department;

2. Acting as liaison to the training academy;

3. Creating and managing the Mentoring Program for pre-hires/recruits;

4. Offering family support during critical incidents;

5. Offering family support during military deployment and for veterans;

6. Coordinating activities of the Peer Support Program.

7. Coordinating activities of Wellness Unit Support/Therapy Dog Program; and

8. Assisting with Critical Incident Stress Management Debriefs.

1.110.120 Chaplain Unit

A. The Chief of Police and those employees duly appointed by him/her shall be appointed as Departmental Chaplains for all purposes herein or as authorized by law.

B. The Chaplain Unit Coordinator shall be directly accountable to the supervisor of the Wellness Unit for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department.

C. Assigned duties shall include:

1. To provide spiritual assistance to the personnel of the department and their families during times of illness, injury, or death;

2. The development and presentation of memorial services as needed;

3. To provide spiritual assistance and guidance to victims of crime; and

4. To provide spiritual assistance to the public during times of injury or death.

1.110.130 Training Division

A. Objectives

The primary objectives of the Training Division shall be:

1. The development of the most highly trained personnel possible;

2. The development and maintenance of a system of examinations and evaluations;

3. The development, preparation, and distribution of department training materials;

4. The development of a comprehensive records file to account for all training materials;

5. The establishment of an extensive Firearms Training Program;

6. The security and maintenance of all department firearms; and

7. The coordinating of educational, training, and other programs for department personnel.

B. Organization

The Training Division shall be organized to include the following:

1. Division Commander;

2. Trainee Operations and Logistics Section;

3. Field Support Section;

4. Confrontation Management and Emergency Operations Section;

5. Accreditation Unit; and

6. Special Police Commissions Unit

C. Duties and Responsibilities

The commander of the Training Division shall serve as Director of the Training Academy and be directly accountable to the Deputy Chief of the Administrative Services Bureau or his/her designee for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Preparing and submitting budget estimates encompassing the total operation of the division;

6. Seeking the most qualified personnel to fill vacant positions in the division;

7. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

8. Organizing, staffing, and administering all aspects of the operation of the Training Academy;

9. The establishment of courses and methods of instruction for personnel assigned to instructional duties in the Training Academy;

10. The supervision of instructional research, preparation of lecture and course outlines, and instructional techniques of the Training Academy staff;

11. The establishment of academic discipline and a system of reporting, reviewing, and evaluating training activities;

12. The presentation of certificates or other forms of recognition for employees who satisfactorily complete approved courses;

13. The development of supervisory and management training as well as other types of training necessary for the efficient operation of the department;

14. Maintain or provide access to a learning resource center and training materials made available through, but not limited to, PowerDMS, training bulletins, computer based courses, or other sources of learning;

15. Soliciting input for training programs from all personnel;

16. The inspection of all firearms coming into the custody of the department;

17. Staying informed of weapons development to ensure procurement of the best arms and ammunition available;

18. The establishment of safety regulations governing the use of firearms;

19. The establishment and enforcement of regulations governing the use of the gun range;

20. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

21. Performing other duties and discharging other responsibilities as may be assigned by the Deputy Chief of the Administrative Services Bureau or his/her designee.

1.110.140 Trainee Operations and Logistics Section

A. Objectives

The primary objectives of the Trainee Operations and Logistics Section shall be:

1. The pre-service instruction of Police Officer Trainees in the fundamentals of the police service program;

2. The development and maintenance of an extensive physical fitness program designed to improve the overall physical condition of department personnel.

B. Organization

The Trainee Operations and Logistics Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Supervisor of the Trainee Operations and Logistics Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;

4. Providing for continuous training and improvement of Police Officer Trainees;

5. Utilizing the Fitness Coordinator to assist in developing a proper physical fitness program for sworn employees.

6. Remaining alert to changes in policy, practices, and regulations affecting law enforcement so as to revise instructions to conform to current developments;

7. Arranging the classroom hours and causing schedules to be published related to Trainee Operations;

8. Modifying instruction methods when a need is indicated;

9. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

11. The development and coordination of personnel training and educational programs to further improve the knowledge and skill of department personnel;

12. Establishing and maintaining a record of training completed by employees; and

13. Performing other services required for the good of the department and the community.

1.110.150 Field Support Section

A. Objectives

The development and implementation of extensive in-service instruction for both sworn and personnel designed to improve knowledge in the areas of:

1. Management and supervision;

2. Community relations;

3. Overall personnel development;

4. Current changes in department policies, procedures, regulations, and the law;

5. Other areas where specialized knowledge and skills are necessary.

B. Organization

The Field Support Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Supervisor of the Field Support Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;

4. Providing for continuous training and improvement of all training personnel;

5. Preparing a training curriculum that satisfies current needs;

6. Evaluating the performance and capabilities of personnel and making recommendations to the commander of the Training Division;

7. Remaining alert to changes in policy, practices, and regulations affecting law enforcement so as to revise instructions to conform to current developments;

8. The development and coordination of personnel training and educational programs to further improve the knowledge and skill of department personnel;

9. Supervising the preparation of lesson plans and maintaining a lesson plan file;

10. Arranging the classroom hours and causing schedules to be published;

11. Controlling the quality of instruction through advance examination of lesson plans and by monitoring classroom instruction;

12. Developing and maintaining a visual aids program to assist instructors;

13. The development and maintenance of personnel training files to illustrate the formal training and education of each employee;

14. Logs all remedial training and assigns to the proper unit;

15. Ensures that all Form 445's are processed;

16. The counseling of all employees in the areas of personal and professional development, individual growth, occupational opportunity, and/or remedial training;

17. Counseling employees interested in increasing their potential and preparing themselves for advancement;

18. Modifying instruction methods when a need is indicated;

19. Organizing, directing, and controlling all resources, maintaining operations of the section at a productive level, and making the section flexible to ensure optimum performance;

20. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

21. Performing other services required for the good of the department and the community.

1.110.160 Confrontation Management and Emergency Operations Section

A. Objectives

The primary objectives of the Confrontation Management and Emergency Operations Section shall be:

1. The development and maintenance of an extensive defensive

tactics program designed to improve the capabilities of all sworn personnel in exercising reasonably necessary force in the apprehension and custody of persons;

2. The development and maintenance of an extensive firearms training program designed to develop and improve the proficiency of sworn personnel in the safe use and care of firearms;

3. The maintenance and storage of all department firearms and related equipment; and

4. The maintenance and storage of all department bullet resistant vests.

B. Organization

The Confrontation Management and Emergency Operations Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Supervisor of the Confrontation Management and Emergency Operations Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;

4. Providing for continuous training and improvement of all training personnel;

5. Remaining alert to changes in policy, practices, and regulations affecting law enforcement so as to revise instructions to conform to current developments;

6. Preparing a training curriculum that satisfies current needs;

7. Supervising the preparation of lesson plans and maintaining a lesson plan file;

8. Controlling the quality of instruction through advance examination of lesson plans and by monitoring classroom instruction;

9. Arranging the classroom hours and causing schedules to be published;

10. Evaluating the performance and capabilities of personnel and making recommendations to the commander of the Training Division;

11. Modifying instruction methods when a need is indicated;

12. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

13. Developing and maintaining a visual aids program to assist instructors;

14. Developing an extensive defensive tactics program;

15. Preparing a firearms training course, which satisfies department needs and the requirements, established by the state Peace Officer Standards and Training Commission;

16. Enforcing safety regulations governing the use of firearms while on the gun range;

17. Recording all qualification scores on approved firearms;

18. Providing for the protection of the gun range from damage or abuse;

19. Issuing and repairing all department owned firearms as well as authorized off duty weapons;

20. Issuing and fitting all department bullet resistant vests;

21. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

22. Performing other services required for the good of the department and the community.

1.110.170 Accreditation Unit

A. Objective

The primary objective of the Accreditation Unit shall be to fulfill the role and responsibilities of a CALEA Accreditation Manager for the Training Division and support accreditation efforts for the department.

B. Organization

The Accreditation Unit shall be organized to include the following:

1. The Accreditation Unit Supervisor is directly accountable to the Commander of the Training Division; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. Prepare effective written directives suitable for CALEA accreditation;

2. Prepare a written self-assessment plan for CALEA accreditation;

3. Prioritize standards issues and complete self-assessment phase of accreditation;

4. Update and maintain Standard Operating Procedure Manual as needed;

5. Effectively utilize multi-dimensional methods for proving standard compliance;

6. Utilize CACE software or PowerDMS to facilitate assessment management;

7. Formulate goals and objectives pertinent to the operation of the section on an annual basis;

8. Maintain liaison with all other elements of the department and allied agencies;

9. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;

10. Provide for continuous training and improvement of all training personnel;

11. Remain alert to changes in policy, practices, and regulations affecting law enforcement so as to revise policies and directives to conform to current developments;

12. Reviews a wide variety of complex and technical issues concerning CALEA standards and the accreditation process;

13. Meets regularly with the Director of Training to report progress on accreditation efforts;

14. Maintains frequent contact with CALEA staff;

15. Attends CALEA conferences and local accreditation network meetings;

16. Keeps abreast of the accreditation process, including proposed changes or amendments to the standards, transition policies, or process changes;

17. Provides accreditation training to academy personnel;

18. Provides information to the public including presentations as required;

19. Maintains master and archive files for written directives;

20. Maintains CALEA compliance files;

21. Logs all subpoenas in the Training log book and ensure receipt of subpoenas;

22. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership; and

23. Performs any other related tasks as required by the Director of Training.

1.110.180 Special Commissions

A. Objective

The primary objective of the Special Police Commissions Unit. To process and adhere to all procedures Pursuant to Section 8.205 of the Metro Charter and other laws pertaining to the special police commission, handgun permit, and armed guard/officer license.

B. Organization

The Special Police Commissions Unit shall be organized to include the following:

1. The Special Police Commission Unit is directly accountable to the Commander of the Training Academy concerning all management; and

2. Management is pertaining to the total operation and processing of documentation concerning the right-to-carry of each permit. (Special Police Commissions, Handgun Permits, and Armed Guard/Officer License).

C. Duties and Responsibilities

1. Verify all requests from the agency and/or department for the right-to-carry before processing, conduct background checks, collect and deposit fees, maintain all files which consist of cross referencing, updating, computer entry/modification and cancellations;

2. Correspond regularly with other agencies concerning the procedures, laws, and dispositions pertaining to the applicant, agency and/or department; and

3. Work continuously toward the completion of each permit and/or paperwork generated through the Special Police Commissions Unit. This documentation much be processed through the Chief of Police's Office, Commander of Training Division Office, Metro Clerk's Office, Confrontation Management Section, In-Service Training Section, Metro Human Resources, Treasury Office, Fiscal, P. O. S. T., Commerce & Insurance, and the TN Department of Safety/Homeland Security.

1.110.190 Records Division

A. Objective

The primary objective of the Records Division shall be to develop and maintain law enforcement records required to transact the official business of the department.

B. Organization

The Records Division shall be organized to include the following:

1. Division Commander;
2. Public Records Section;
3. Operations Support Section;
4. Field Reporting Support Section; and
5. Archives Section

C. Duties and Responsibilities

The commander of the Records Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau or his/her designee for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division flexible to ensure optimum performance;
5. Exercising control over all purchases for the division;
6. Seeking the most qualified personnel to fill vacant positions in the division;

7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;

8. The development and execution of a policy for maintaining department records;

9. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

10. Implementing procedures for the accounting of all moneys received;

11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

12. Performing other services required for the good of the department and the community.

1.110.200 Public Records Section

A. Objectives

The primary objectives of the Public Records Section shall be to:

1. Compile and maintain all official records of the department necessary to facilitate the law enforcement process; and

2. Assist internal and external elements with Open Records Requests.

B. Organization

The Public Records Section shall be organized to include the following:

1. Public Records Coordinator;

2. Section Supervisor;

3. Mail Services; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Public Records Section shall be directly accountable to the Public Records Coordinator for the proper

administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. The development and maintenance of a report control plan to ensure the proper routing of reports to specialized components;

6. The maintenance of department records;

7. The development and maintenance of a system for record retrieval;

8. The processing of criminal and non-criminal incident records;

9. The processing of traffic related incident reports;

10. The operation of the department print shop;

11. Furnishing the public with copies of reports needed for insurance or other purposes and collecting fees as prescribed by ordinance;

12. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

13. Oversight and management of Mail Services to the department including but not limited to pick up and delivery of Metro/Interoffice/Postal Mail, supplies and subpoenas to the designated divisions/precincts; and

14. Providing fingerprinting services to the public by appointment; and

15. Performing other services required for the good of the department and the community.

1.110.210 Operations Support Section

A. Objectives

The primary objective of the Operations Support Section shall be to:

1. Provide Operational Support to MNPD Officers, Staff, and other Agencies as it relates to NCIC Teletype Operations.

2. Provide Operational Support in the form of Quality Control measures designed to ensure compliance with State and Federal mandates as it relates to the usage/access of those agency databases by MNPD Officers and Staff

B. Organization

The Operations Support Section shall be organized to include the following:

1. Section Supervisor;

2. Quality Assurance Unit

3. NCIC Teletype Unit

4. False Alarm Unit

C. Duties and Responsibilities

The supervisor of the Operations Support Section shall be directly accountable to the Division Commander for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include but are not limited to:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

6. Performing other service required for the good of the department and the community

7. Reviewing and maintaining a record of all false robbery, burglary, and panic alarm notices;

8. Causing citations to be issued for violations of the Alarm Ordinance;

9. Educating alarm users in ways to reduce false alarms; and

1.110.220 Quality Assurance Unit

A. Objectives

The primary objectives of the Quality Assurance Unit shall be:

1. Provide for the development and implementation of effective programs to manage NCIC certification and to ensure compliance with TBI standards;

2. Develop and manage Judicial Expungements and Administrative Expungement Orders; and

3. Provide for the development and implementation of effective programs for the enforcement of the Metropolitan Code pertaining to burglary, robbery, and panic alarms.

B. Organization

The Quality Assurance Unit shall be organized to include the following

1. Section Supervisor;

2. Expungements;

3. Terminal Agency Coordinator (TAC); and

4. Quality Assurance

C. Duties and Responsibilities

The supervisor of the Quality Assurance Unit is the Operations Support Section Supervisor and shall be directly accountable to the Division Commander for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include, but are not limited to:

1. The processing of judicial and administrative expungements;

2. Completing reports necessary for the efficient operation of the department;

3. Conducting audits as required;

4. Ensuring the MNPD remains in compliance with TBI;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

6. Providing other services required for the good of the department and the community.

1.110.230 NCIC/TELETYPE UNIT

A. Objectives

The primary objectives of the NCIC/Teletype Unit:

1. Provide 24-hour operation (divided into three shifts) that directly supports patrol, investigative units, and outside agencies with NCIC and Teletype support;

2. Monitor the NCIC terminal 24 hours a day, 7 days a week; and

3. Manage the 24-hour Tow Call Center.

B. Organization

The NCIC/Teletype Unit shall be organized to include the following:

1. Shift Supervisors; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The shift supervisors of the NCIC/Teletype Units shall be directly accountable to the Operations Support Section Supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include, but are not limited to:

1. The development and maintenance of a system for notifying personnel and affected agencies of NCIC entries of wanted persons, stolen property, and other information of interest to law enforcement;

2. Enter information received from officers into NCIC for Missing Persons or Stolen Property received by BOLO or by report;

3. Reviewing BOLO's, and pick-ups sent by sworn personnel through MDC messaging (or by phone if an MDC is not available) for all required elements before forwarding the message to the email group containing ECC Police Radio Dispatchers so that it can be transmitted by voice to all field units;

4. Verify the status of vehicles being towed;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

6. Providing other services required for the good of the department and the community.

1.110.240 Field Reporting Support Section

A. Objectives

The primary objective of the Field Reporting Support Services Section shall be to:

1. Provide Field Reporting Support to MNPD Officers and Staff as it relates to TIBRS/NIBRS compliance in Report writing.

2. Provide Field Reporting Support to MNPD Officers and Staff as it relates to review of MNPD Incident and Supplemental reports for compliance with State and Federal guidelines.

3. Provide Field Reporting Support in the form of Quality Control measures designed to ensure compliance with State and Federal mandates as it relates to the completion of Incident based reports generated by MNPD Officers and Staff.

4. Provide Field Reporting Support to Citizens through the monitoring of the Citizen Online Reporting (CORe) Operation as it relates to review of MNPD Incident reports submitted through the LexisNexus Desk Officer Reporting System (DORS).

B. Organization

The Field Reporting Support Services Section shall be organized to include the following:

1. Section Supervisor

2. TIBRS Reporting and Compliance (TRAC) Unit

C. Duties and Responsibilities

The supervisor of the Field Reporting Support Services Section shall be directly accountable to the Division Commander for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include but are not limited to:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. The development and maintenance of a report control plan to ensure the proper routing of reports to specialized components;

6. The development and maintenance of sectional and divisional reports for the accurate reporting of statistical data and providing weekly updates to the Division Commander and Bureau Chief;

7. The collection and distribution of reports and data in support of CALEA accreditation as it relates to the Division;

8. The preparation and distribution of the Semi Annual and Annual Results Matters Reporting and Risk Assessment Report for the Division;

9. The creation and distribution of special reports as necessary for the efficient operation of the Division;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

11. Performing other service required for the good of the department and the community

1.110.250 TIBRS Reporting and Compliance (TRAC) Unit

A. Objectives

The primary objectives of the TRAC Unit shall be to:

1. Compile and enter specified facts and information derived from department reports, into the computer system as is necessary for law enforcement purposes; and

2. Screen specified calls for service to determine if an investigation at the scene of the incident will be beneficial in its resolution.

B. Organization

The TRAC Unit shall be organized to include the following:

1. Shift Supervisor;

2. Reporting Agency Coordinator (RAC); and

3. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the TRAC Unit shall be directly accountable to the Field Reporting Support Section Supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include, but are not limited to:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Ensuring guidelines established by the Federal Bureau of Investigation for crime reporting are followed;

6. Ensuring that personnel receive required training to remain certified in the use of Metropolitan Government, Tennessee Bureau of Investigation, and Federal Bureau of Investigation computer files;

7. Causing all calls referred to the section to be processed in the order they are received in the most expeditious manner utilizing department report writing procedures; completing reports necessary for the efficient operation of the department;

8. Completing reports necessary for the efficient operation of the department;

9. Conducting audits as required;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.110.260 Archives Section

A. Objectives

The primary objective of the Archives Section shall be the secure housing, scanning and destruction of source documents that have accumulated over the course of the Metropolitan Nashville Police Department to include:

B. Organization

The Archives Section shall be organized to include:

1. Section Supervisor,

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This section houses documents that are used or needed on a limited basis within the police department, the public or other organizations needed to be stored or destroyed in accordance with local, state, and federal guidelines and laws.

The supervisor of the Archives Section shall be directly accountable to the Division Commander for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department.

The Archives Section Supervisor’s main function is the application of policy, determination of legal constraints, and developing good governance structure. Assigned duties shall include but are not limited to:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Ensure the proper organization, scanning, and filing of cases;

4. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;

5. Enables staff to work in the most efficient and effective way possible by giving them access to information when they need it;

6. Formulating goals and objectives pertinent to the operation of the section;

7. Ensure security of user groups having access to record types as defined by Department Policy;

8. Takes into account any state or regulatory requirements for record access or retention;

9. Works with the Public Records Commission, which approves the Records Disposition Authorization (RDA), and determines with division/section the official guidance to the cycle of a records series; and

10. Providing other services required for the good of the department and the community.

1.110.270 Forensic Services Division

A. Objectives

The primary objective of the Forensic Services Division shall be the processing of crime scenes and items of evidence for submission to the crime lab for forensic analysis.

B. Organization

The Forensic Services Division shall be organized to include:

1. Division Director;

2. Crime Scene Investigation Section; and

3. Crime Laboratory; and

4. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The Director of the Forensic Services Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau or his/her designee for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities of the division;

3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;

4. Exercising control over all purchases and disbursements for the division;

5. Seeking the most qualified personnel to fill positions in the division;

6. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;

7. Remaining alert to the need for improved methods and techniques pertaining to the operation of the division;

8. Providing for the continued training and improvement of personnel assigned to the division;

9. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

10. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Administrative Services Bureau.

1.110.280 Crime Scene Investigation Section

A. Objectives

The primary objectives of the Crime Scene Investigation Section shall be the investigation of crime scenes and the procurement of:

1. Photographs and sketches for documentation;

2. Latent fingerprints; and

3. Other physical and trace evidence.

B. Organization

The Crime Scene Investigation Section shall be organized to include the following:

1. Section Commander; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Crime Scene Investigation Section commander shall be directly accountable to the Director of the Forensic Services Division or his/her designee for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section;

4. Seeking the most qualified personnel to fill vacant positions in the section;

5. Ensuring compliance with the most recent legal pronouncements governing the collection of forensic evidence for laboratory analyses;

6. Establishing procedures for the examination of crime scenes to locate and document evidence;

7. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services required for the good of the department and the community.

1.110.290 Crime Laboratory Section

A. Objectives

The primary objective of the Crime Laboratory Section is to analyze evidence related to criminal investigations at the request of the Metro Nashville Police Department and/or the District Attorney's Office. The Crime Laboratory consists of individual forensic units that perform testing and reporting for the purpose of presentation in a court of law. The Crime Laboratory consists of the following units and objectives:

Ten Print Identification Unit

1. The compiling and maintaining of information on suspected and arrested criminals including:

    a. Master fingerprint card files;

    b. Criminal history records; and the

    c. AFIS fingerprint database.

2. Maintain the following records for the department:

    a. Fingerprints and older (hardcopy) photographs of department employees.

3. Quality control of arrest and criminal history records:

    a. Corrections in the arrest files;

    b. Corrections in the criminal history files;

    c. Assist with arrest entry and booking problems; and

    d. Assist with other sections in the department with problem records.

Evidence Receiving Unit

1. Receives evidence from the department's Evidence Storage Division (ESD) or direct submissions via the Crime Scene Investigation Section.

    a. Approves 110 and 282 requests for Crime Lab services

    b. Enters evidence into the Crime Lab LIMS system for unique barcoding with crime lab number.

    c. Notifies forensic units of evidence availability

    d. Maintains and tracks chain of custody of evidence items until return to ESD

2. Performs quality checks on evidence entries.

3. Maintains evidence vaults and evidence integrity.

Forensic Biology Unit

1. Performs serology and DNA analysis on homicides, sexual assault kits, and property crimes.

2. Compares DNA profiles to suspect standards.

3. Enters eligible DNA profiles into the CODIS database.

4. Issues reports on findings.

Firearms and Toolmark Identification Unit

1. Performs NIBIN entry on cartridge cases for the purpose of lead dissemination.

2. Performs microscopic comparison of firearms evidence

3. Performs other analysis such as serial number restoration, distance determination, toolmark examination, and firearm function evaluation

4. Issues reports on findings.

Latent Print Unit

1. Performs entry of latent prints into the AFIS/NGI database for the purpose of hit dissemination.

2. Performs comparisons of latent prints to known suspect prints.

3. Issues reports on findings.

Drug Identification Unit

1. Performs instrumental analysis on drug evidence to determine the presence of controlled substances.

2. Issues reports on findings.

Toxicology Unit

1. Performs instrumental analysis on blood evidence submitted in BAC kits, primarily for DUI cases.

2. Determines the presence of alcohol and drugs in blood

3. Issues reports on findings.

B. Organization

The Crime Laboratory Section shall be organized to include the following:

1. Crime Laboratory Director;

2. Assistant Crime Laboratory Director; and

3. Other personnel required for efficient operation.

All units within the Crime Laboratory Section shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Crime Laboratory Director and Assistant Crime Laboratory Director shall be directly accountable to the Director of the Forensic Services Division for the proper administration, general management, and control of all matters related to the operation of the crime lab and shall be

governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department.

The Crime Laboratory unit supervisors shall be directly accountable to the Crime Laboratory Director or Assistant Director (depending on role) for the proper administration, general management, and control of all matters related to the operation of that unit and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties for all supervisors shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section;

4. Seeking the most qualified personnel to fill vacant positions in the section;

5. Ensuring compliance with the most recent legal pronouncements governing establishment and conduct of criminal investigation procedures;

6. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and

7. Providing other services required for the good of the department and the community.

1.110.300 Background and Recruitment Division

A. Objective

The primary objective of the Background and Recruitment Division will be to implement effective programs for personnel recruitment, applicant testing, applicant interviewing, background investigations, the rating of applicants, retention efforts and the department’s Internship Program.

B. Organization

The Background and Recruitment Division shall be organized to include the following:

1. Division Commander;

2. Background and Recruitment Section Lieutenant

3. Recruitment Sergeant and Law Enforcement Recruiters;

4. Background Sergeant, Professional Support Staff Background Supervisor, and Background Investigators;

5. Safety Section Lieutenant and Sergeant; and

6. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Background and Recruitment Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management, and control of all matters related to the operation of the Division. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies on matters related to Recruitment, Retention, Background Investigations and the department's Internship Program;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the Division;

3. Organizing, directing, and controlling all resources of the Division, maintaining operations at a productive level, and making the Division flexible to insure optimum performance;

4. Formulating goals and objectives pertinent to the operation of the Division on an annual basis;

5. The comprehensive background investigation of all sworn applicants for employment with the department. This includes returning employees;

6. The development, maintenance, and security of official applicant files;

7. The preparation of background investigation reports, including a complete analysis, with recommendations; and

8. Providing other services as may be required for the good of the department and the community.

1.110.310 Safety Section

A. Objective

The primary objectives of the Safety Section will be the development and implementation of safety and security programs for department facilities; and the development and implementation of effective safety programs designed to identify and eliminate hazards detrimental to personnel safety.

B. Organization

The Safety Section shall be organized to include the following:

1. Safety Coordinator; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Safety Section shall be directly accountable to the Commander of the Background and Recruitment Division for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. The development and maintenance of a comprehensive records system for processing all occupational injuries and illnesses sustained by department employees;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

7. Ensuring compliance with federal and state law requirements, particularity as set forth in the Williams-Steiger Occupational Safety and Health Act (OSHA);

8. Causing a thorough examination of the circumstances, conditions, and extent of any occupational injury or illness sustained by an employee in order to determine what action or supplemental records may be required; and

9. Performing other services required for the good of the department and the community.

1.110.320 Unmanned Flight Operations

A. Operations

The primary objections of Unmanned Flight Operations shall be to utilize small Unmanned Aircraft Systems (sUAS) to provide for:

1. Aerial photographs and video of crime scenes;

2. Aerial support for Special Events;

3. Aerial support for tactical situations to mitigate risk;

4. Search for missing persons;

5. Any purpose deemed necessary for the good of the department or community.

B. Organization

Unmanned Flight Operations shall be organized to include the following:

1. Unit supervisor;

2. Chief Pilot; and

3. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Unmanned Flight Operations supervisor shall be directly accountable to the commander of the Crime Scene Investigations Section for the proper admiration, general management, and control of all matters related to the operation of that section and shall be governed by the same duties and responsibilities, rules and regulations to any other supervisor of the department. Assigned duties shall include:

1. Ensuring compliance with Federal Aviation Administration regulations and Tennessee state law;

2. Maintaining liaison with the various elements of the department and allied agencies;

3. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

4. Organizing, directing, and controlling all resources of the section;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

6. Assuring proper maintenance of all aircraft and related equipment;

7. Providing other services required for the good of the department and the community;

8. Ensuring all sUAS use is in compliant with TCA 39-13-609 Freedom from Unwarranted Surveillance Act and Federal Aviation Regulations found in 14 CFR 48, 14 CFR 91, and 14 CFR 107;

9. Only department personnel authorized by Unmanned Flight Operations may operate a sUAS. This authorization include initial training, ongoing proficiency, and FAA licensing/waivers;

10. Providing training, serving as the issuing authority, and clearing house for all sUAS used by department personnel in the performance of their duties. No personally owned sUAS shall be used by any department personnel in the performance of their duties; and

11. The sUAS shall not be weaponized as defined in TCA 38-8-134.

1.120 Organizational Structure of the Community Services Bureau

1.120.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Community Services Bureau and all components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component shall be assigned the sworn and civilian personnel required to perform all duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.120.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.

B. **Division:** The primary element part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate to the Deputy Chief.

C. **Precinct:** A clearly defined geographic area of considerable size that is usually an element part of a division and capable of independent action in providing the same specific function as the division, under the direction and control of a member subordinate to the member commanding the division.

D. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the precinct commander.

F. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

G. **District:** A clearly defined geographic area of variable size, usually a

subdivision of a precinct and capable of independent action in providing the same specific function as the precinct on a smaller scale, under the general supervision of a member subordinate to the detail lieutenant.

H. **Zone:** A clearly defined geographic area of variable size, usually a subdivision of a district and capable of independent action in providing the same specific function as the district, but under the general supervision of the member in charge of the district.

I. **Detail:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

1.120.030 Community Services Bureau

A. Objectives

The primary objectives of the Community Services Bureau shall be to provide the line or field services and facilities required to achieve the objectives of the department. The bureau shall engage in continuous research and planning to develop and maintain acceptable standards for meeting demands in:

1. The development of routine and emergency patrol procedures;

2. The development of routine and specialized investigative procedures;

3. The development of other specialized services necessary to support patrol, traffic, and investigative efforts; and

4. The formulation of crime prevention programs.

B. Organization

The Community Services Bureau shall be further organized into divisions, sections, precincts, and other such units to include the following:

1. Office of the Deputy Chief;

2. Office of the Executive Officer (XO);

    a. Patrol Precincts

    b. Mobile Field Precinct

    c. Special Projects Section

d. Compliance and Logistics Section

3. Specialized Investigations Division

C. Duties and Responsibilities

The Deputy Chief of the Community Services Bureau shall be directly accountable to the Chief of Police or his/her designee for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same command duties and responsibilities and rules and regulation applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department, allied agencies, and the community at large;

2. Serving as the representative of the department to any agency or community member concerned with the activities and operation of the Community Services Bureau;

3. Familiarization with the departmental policies and execution of a service program within the area of responsibility of the Community Services Bureau;

4. Preparing and submitting an annual budget for the Community Services Bureau;

5. Exercising control over all purchases and disbursements for the Community Services Bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. Causing the inspection of public places and the enforcement of all laws;

8. The formulating of goals and objectives pertinent to the operation of the Community Services Bureau on an annual basis;

9. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;

10. Causing the enforcement of all laws, ordinances, and regulations through precision patrol action, traffic enforcement, crash investigation, and the investigation of criminal activities;

11. Analyzing data concerning crime, traffic, and other incidents to aid in

the development, deployment, and utilization of resources;

12. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

13. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police or his/her designee.

1.120.040 Patrol Precincts

A. Objective

The Patrol Precinct shall be decentralized into as many separate command operations as deemed necessary by the Chief of Police. They will be divided into specific and separate geographic areas within Davidson County, Tennessee and their objectives shall be consistent with those of the Community Services Bureau.

B. Organization

The Patrol Precinct shall be organized to include the following:

1. Precinct Commander;

2. Community Affairs Unit;

   a. Community Affairs Coordinator (Sergeant)

   b. Crime Prevention Officer (CPO)

   c. Community Engagement Team (CET)

   d. Entertainment District Section (Staffed at Central Precinct)

   d. Quality of Life Unit (Not staffed at all precincts)

3. Precinct Patrol Section; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Patrol Precinct Commander shall be directly accountable to the Executive Officer of the Community Services Bureau for the proper administration, general management, and control of all matters related

to the conduct of the precinct. The Patrol Precinct Commander shall generally be responsible for the following:

1. Providing a law enforcement response to community needs on twenty-four (24) hours a day, seven (7) days a week basis;

2. Maintaining liaison with the various elements of the department, allied agencies, and the community at large;

3. Serving as a representative of the department to any agency or community member concerned with the activities and operations of the precinct;

4. Organizing, directing, and controlling all resources of the precinct;

5. The formulating of goals and objectives pertinent to the operation of the precinct on an annual basis;

6. Causing the general inspection of public places in the community to ensure compliance with applicable laws;

7. Causing the enforcement of all laws, ordinances, and regulations through aggressive patrol action;

8. Analyzing data concerning crime, traffic, and other incidents to aid in the proper development, deployment, and utilization of resources;

9. Developing roll call training and identifying qualified instructors for such training programs; and

11. Performing other services required for the good of the department and the community.

1.120.050 Precinct Community Affairs Unit

A. Objectives

The primary objectives of the Community Affairs Unit shall be to:

1. Develop and maintain effective crime control programs with emphasis on organizing citizens of the community in the common cause of reducing criminal activity; and

2. Promote positive influences on citizens of the community through the presentation of programs geared toward developing friendly and cooperative relationships with the department.

B. Organization

The Community Affairs Unit shall be organized at each precinct to include the following:

1. Community Affairs Coordinator (Sergeant);
2. Community Engagement Team,
3. Crime Prevention Officer,
4. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The supervisor of the Community Affairs Unit shall be directly accountable to the Commander of the Patrol Precinct for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer. Assigned duties shall include:

1. Establishing and maintaining liaison with all other elements of the department, allied agencies, and interested community groups;
2. Informing all personnel that they are responsible for achieving community relations objectives;
3. Developing community relation’s policies for the department;
4. Publicizing department objectives, problems, and successes;
5. Conveying information transmitted from citizen organizations to the department;
6. Improving department practices regarding police-community relations;
7. Identifying training needs through interviews with citizens and conferences with supervisors;
8. Establishing community groups where they are needed;
9. Conducting an analysis of crime data by crime type and geographic area in order to target effective programs;
10. Targeting programs that address community perceptions or misperceptions of crime;

11. Conducting an evaluation of the effectiveness of crime prevention programs;

12. Preparing and submitting a quarterly report to the Chief of Police that includes:

    a. A description of current concerns of the community;

    b. A description of potential problems that have a bearing on law enforcement within the community;

    c. A statement of recommended actions that address previously identified concerns and problems; and

    d. A statement of progress made toward addressing previously identified concerns and problems.

13. Conducting a survey of citizen attitudes and opinions every two years that includes:

    a. Overall department performance;

    b. The overall competence of department employees;

    c. The behavior and attitude of officers toward citizens;

    d. Concerns over safety and security within the county; and

    e. Recommendations and suggestions for improvement.

14. Serving as a representative of the department to any agency concerned with the activities and operations of the unit.

15. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

16. Being active in crime prevention by educating citizens in crime control techniques;

17. Developing and maintaining adequate supplies of crime prevention materials to be distributed or used in the presentation of programs;

18. Maintaining a ledger to document all presentations;

19. Attending crime prevention seminars and other schools in order to

continually update the objectives of the unit;

20. Providing other services required for the good of the department and the community.

1.120.060 Precinct Patrol Section

A. Objectives

The primary objective for the patrol section is to uphold the Mission of the MNPD through providing community-based police products to the public so they can experience a safer and more peaceful Nashville. This is accomplished through responding to calls for service, conducting traffic enforcement, and exercising precision policing strategies to further reduce and prevent crime.

B. Organization

The Precinct Patrol Section shall be organized at each precinct to include the following:

1. Patrol Lieutenants (Detail/Shift Commanders);

2. Patrol Sergeants;

3. Patrol Officers; and

4. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The Detail/Shift Commander shall be directly accountable to the Precinct Commander for the proper administration, general management, and control of all matters related to the operation of that detail and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department.

A comprehensive list of patrol duties and responsibilities are enumerated in the Community Services Bureau Patrol Manual and Standard Operating Procedure (SOP).

1.120.070 Mobile Field Precinct

A. Objective

The Mobile Field Precinct shall be decentralized into as many separate

command operations as deemed necessary by the Chief of Police. It objectives shall be consistent with those of the Community Services Bureau.

B. Organization

The Mobile Field Precinct shall be organized to include the following:

1. Division Commander;

2. Specialized Community Response Section;

   a. Alternative Police Response (APR)

   b. Metropolitan Development and Housing Agency (MDHA) Task Force

      (1) Team I

      (2) Team II

3. Patrol Support Section; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Mobile Field Precinct Commander shall be directly accountable to the Executive Officer of the Community Services Bureau for the proper administration, general management, and control of all matters related to the conduct of the Mobile Field Precinct. The Mobile Field Precinct Commander shall be responsible for the following:

1. Providing an enhanced response to community needs through precision resource deployment;

2. Maintaining liaison with the various elements of the department, allied agencies, and the community at large;

3. Serving as a representative of the department to any agency or community member concerned with the activities and operations of the precinct;

4. Organizing, directing, and controlling all resources of the precinct;

5. The formulating of goals and objectives pertinent to the operation of

the precinct on an annual basis;

6. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community.

7. Causing the enforcement of all laws, ordinances, and regulations through aggressive patrol action;

8. Analyzing data concerning crime, traffic, and other incidents to aid in the proper development, deployment, and utilization of resources;

9. Developing roll call training and identifying qualified instructors for such training programs; and

10. Performing other services required for the good of the department and the community.

1.120.080 Specialized Community Response Section

A. Objectives

The primary objective of the Specialized Community Response Section shall be to serve the communities of Nashville and those who live, work, and recreate in those communities. Each unit will focus on their own primary objectives:

B. Organization

The Specialized Community Response Section shall be organized to include the following:

1. Section Supervisor (lieutenant)

2. Alternative Police Response (APR) Unit

   a. Sergeants

   b. APR Personnel

3. Metropolitan Development and Housing Agency MDHA Task Force Unit

   a. MDHA Task Force Sergeants (Team I and II)

   b. MDHA Task Force Officers

C. Duties and Responsibilities

The supervisor of the Specialized Community Response Section shall be directly accountable to the commander of the Mobile Field Precinct for the proper administration, general management, and control of all matters related to the operation of the section and shall be governed by the same duties and responsibilities, rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section;

4. Seeking the most qualified personnel to fill vacant positions in the section;

5. Analyzing crime data to aid in the direction and utilization of resources;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

7. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Mobile Field Precinct.

1.120.090 Alternative Police Response Unit (APR)

A. Objective

The primary objective of Alternative Police Response Unit is to enhance the level of emergency police services available in the community by handling lower priority calls not requiring the physical presence of an officer, by telephone.

1. Complete incident reports over the phone

2. Review pending calls for service for potential APR intervention.

B. Organization

1. APR Sergeants

2. APR Personnel

C. Duties and Responsibilities

The supervisors of the Alternative Police Response Unit shall be directly accountable to the Specialized Community Response Section Lieutenant for the proper administration, general management and control of all matters related to the operation of the section and shall be governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Organizing, directing, and controlling all resources of the unit;

4. Seeking the most qualified personnel to fill vacant positions in the unit;

5. Analyzing calls for service to improve APR response and customer care;

6. Remaining alert to the need for improved methods and techniques pertaining to reporting of crimes.

7. Providing for the continued training of all personnel assigned to the section;

8. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

9. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Specialized Community Response Section.

1.120.100 Metropolitan Development and Housing Agency Task Force (MDHA Task Force)

A. Objective

The primary objective of the MDHA Task Force Unit is to enhance public safety and provide additional police services on MDHA

properties.

B. Organization

The MDHA unit shall be organized to include the following:

1. MDH. Sergeant(s) Team I and Team II

2. MDHA Officers

C. Duties and Responsibilities

The supervisors of the MDHA Task Force Unit shall be directly accountable to the Specialized Community Response Section Lieutenant for the proper administration, general management and control of all matters related to the operation of the section and shall be governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Organizing, directing, and controlling all resources of the unit; maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;

4. Seeking the most qualified personnel to fill vacant positions in the unit;

5. Analyzing crime data and trends on MDHA properties

6. Remaining alert to the need for improved methods and techniques pertaining to investigations for which the unit is responsible;

7. Providing for the continued training of all personnel assigned to the section;

8. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

9. Build a rapport with the communities they serve in a continuous effort to enhance collective efficacy;

10. Be a visible presence in the communities they serve; and

11. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Specialized Community Response Section.

1.120.110 Patrol Support Section

A. Objective

The primary objective for the Patrol Support Section is to uphold the Mission of the MNPD through providing community-based police products to the public so they can experience a safer and more peaceful Nashville. They will accomplish this by focusing their countywide resources to meet the fluid needs of the communities we serve.

B. Organization

The Patrol Support Section shall be organized to include the following:

1. Lieutenant(s) (Detail/Shift Commanders);

2. Sergeants;

3. Officers; and

4. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The Detail/Shift commander shall be directly accountable to the Mobile Field Precinct Commander for the proper administration, general management, and control of all matters related to the operation of the detail and shall be governed by the same command duties, responsibilities, rules, and regulations applicable to any other commander of the department.

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the Detail;

3. Organizing, directing, and controlling all resources of the detail; maintaining operations at a productive level, and making the detail

flexible to ensure optimum performance;

4. Analyzing crime data and trends countywide to assist with the effective and precise deployment of resources to address community concerns

5. Providing for the continued training of all personnel assigned to the section;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

7. Operation of the detail to meet the seven (7) objectives outlined in the CSB SOP, and

8. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Specialized Community Response Section.

1.120.120 Specialized Investigations Division

A. Objective

The primary objectives of the Specialized Investigations Division shall include the following:

1. The suppression and prevention of all commercialized vice offenses and activities;

2. The gathering and compiling of information on all phases of criminal activity;

3. The gathering and compiling of information on all groups or persons who may be a security or criminal threat to the government or its citizens; and

4. The specialized assistance to other elements of the department and other law enforcement agencies.

B. Organization

The Specialized Investigations Division shall be organized to include the following:

1. Division Commander;

2. Seizure & Equipment Section;

3. TITANS Section;

4. Security Threat Section;

5. Neighborhood Safety Section;

6. Interdiction Section;

7. NIBIN, Gang, and Social Media Section;

8. Non-Lethal Shooting Section; and

9. Other personnel required for efficient operation

C. Duties and Responsibilities

The Commander of the Specialized Investigations Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division;

8. Seeking the most qualified personnel to fill vacant positions in the division;

9. Instructing and directing subordinates in methods for the discovery, prevention, and suppression of vice offenses;

10. Causing the investigation of conditions adversely affecting the health and welfare of the community;

11. Causing the enforcement of all laws, ordinances, and regulations of the Metropolitan government;

12. Ensuring that proper precautions are taken for the confidentiality of plans for securing search warrants and conducting raids;

13. Ensuring that proper procedures are in place to ensure the security of evidence;

14. Maintaining liaison with prosecuting and court officials;

15. Analyzing crimes involving vice and intelligence offenses to aid in the utilization of resources;

16. Assisting other components in the investigation of vice and intelligence activities;

17. Providing security for the mayor's office;

18. Providing security for all visiting dignitaries;

19. Submitting a written status report to the Chief of Police on a quarterly basis;

20. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

21. Performing other services required for the good of the department and the community.

1.120.130 Seizure & Equipment Section

A. Objectives

The primary objectives of the Seizure & Equipment Section shall be:

1. Maintain and account for technological equipment utilized by MNPD

2. Support personnel with audio and visual needs related to cases

3. Analysis of digital and technological evidence related to cases

4. Manage financial accounts within SID

B. Organization

The Seizure & Equipment Section shall be organized to include the following:

1. Section supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Seizure & Equipment Section shall be directly accountable to the supervisor of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;

8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;

9. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in gangs, prostitution, and gambling;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.120.140 TITANS Section

A. Objectives

The primary objectives of the NIBIN AND TITANS Section shall be:

1. Support CID with ongoing homicide investigations.

2. Support Non-Lethal Shooting (NLS) with shooting investigations.

3. Utilize NIBIN and other intelligence led efforts.

4. Focus on federal prosecution on gun related crimes.

B. Organization

The TITANS Section shall be organized to include the following:

1. Section supervisor

2. Other supervisors and detectives needed for utilization.

C. Duties and Responsibilities

The supervisor of the TITANS Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Causing the inspection of all public places to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the area of drug abuse;

8. Analyzing crimes involving drug offenses to aid in the utilization of resources;

9. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in drug related activities;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.120.150 ATF Violent Crime Reduction Task Force Unit

A. Objectives

The primary objectives of the ATF Violent Crime Reduction Task Force shall be:

1. Develop and implement an effective and sustainable, intelligence driven strategy to reduce gun violence in the Metropolitan Nashville area.

2. Investigate, prosecute, and remove armed criminals from Nashville.

B. Duties and Responsibilities

1. Investigate firearms related violent crime;

2. Investigate firearms trafficking;

3. Focus resources in areas experiencing high levels of gun violence;

4. Identify those responsible for committing the gun violence;

5. Identify sources of crime guns recovered in those areas;

6. Use appropriate investigative techniques to target identified offenders; and

7. Identify and engage with local community outreach programs and organizations to improve and sustain community relations.

1.120.160 Security Threat Section

A. Objectives

The primary objectives of the Security Threat Section shall be:

1. Provide dignitary protection to city officials.

2. Analyze and assess threats to well-known persons within the city.

3. Assess local planned events that may require MNPD involvement.

4. Assess and analyze threats to schools and other metro government entities.

B. Organization

The Security Threat Section shall be organized to include the following:

1. Section supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Security Threat Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Works with other local, state and federal partners on matters of interest.

6. Liaisons with agencies across the country on intel related matters.

7. Ensures that persons of interest are located, evaluated if necessary, etc.

8. Manages intelligence gathering of various events to share with MNPD.

9. Manages caseloads related to ongoing investigations in regards to threats to public officials, metro government buildings, schools, etc.

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.120.170 FBI Joint Terrorism Task Force Unit

A. Objective

The objective of the FBI Joint Terrorism Task Force Unit shall be the investigation international and domestic terrorism cases impacting the Middle District of Tennessee and throughout the United States.

B. Duties and Responsibilities

The personnel of the FBI Joint Terrorism Task Force Unit shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and

responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;

3. Remaining available to other department components in order to achieve common objectives; and

4. Providing other services as may be required for the good of the department and the community.

1.120.180 Neighborhood Safety Section

A. Objectives

The primary objectives of the Neighborhood Safety Section shall be:

1. Reduce the number of fatal overdose cases within Davidson County.

2. Prosecute those responsible for fatal overdoses in Davidson County.

3. Triage drug complaints across Davidson County and assign to the appropriate unit(s).

B. Organization

The Neighborhood Safety Section shall be organized to include the following:

1. Section supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. Respond to certain fatal overdose scenes to facilitate investigation.

2. Write and obtain search warrants when necessary.

3. Track all fatal overdose locations within Davidson County.

4. Actively work overdose cases where there is a potential for prosecution.

5. Work with health care providers to offer recovery assistance to victims.

6. Triage drug complaints received from across Davidson County.

7. Assign certain drug complaints to Precincts based upon circumstances.

8. Actively investigate drug complaints retained by SID.

9. Work in conjunction with the DA's office on drug related crimes.

10. Work in conjunction with state and federal partners on drug related crimes.

1.120.190 TBI Drug Overdose Task Force Unit

A. Objectives

The primary objective of the TBI Drug Investigation Division's Drug Overdose Task Force shall be to investigate and prosecute drug overdose crimes, in conjunction with the TBI.

B. Duties and Responsibilities

1. Respond to certain fatal overdose scenes to facilitate investigation.

2. Write and obtain search warrants when necessary.

3. Track all fatal overdose locations within Davidson County.

4. Actively work overdose cases where there is a potential for prosecution.

5. Work with health care providers to offer recovery assistance to victims.

6. Triage drug complaints received from across Davidson County.

7. Assign certain drug complaints to Precincts based upon circumstances.

8. Actively investigate drug complaints retained by SID.

9. Work in conjunction with the DA's office on drug related crimes.

10. Work in conjunction with state and federal partners on drug related crimes.

1.120.200 Interdiction Section

A. Objectives

The primary objectives of the Interdiction Section shall be:

1. Reduce the amount of drugs available within the city of Nashville.

2. Intercept and seize as much drugs as possible before they are disseminated across Davidson County.

3. Utilize trained K9 dogs when necessary to locate drugs.

4. Work and liaison with various business owners in order to reduce the amount of drugs within Davidson County.

B. Organization

The Interdiction Section shall be organized to include the following:

1. Section supervisor; and

2. Other personnel required for efficient operation

C. Duties and Responsibilities

The supervisor of the Interdiction Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Causing the inspection of all public places to ensure compliance with all laws and ordinances pertinent to their operation;

6. Causing the investigation of conditions adversely affecting the health and welfare of the community;

7. Causing the enforcement of all laws, ordinances, and regulations especially in the area of drug abuse;

8. Analyzing crimes involving drug offenses to aid in the utilization of resources;

9. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in drug related activities;

10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.120.210 NIBIN, Gang, and Social Media Section

A. Objectives

The primary objectives of the NIBIN and Gang Intelligence Section shall be:

1. Monitor, analyze and provide data related to leads established by the lab utilizing the National Integrated Ballistic Information Network (NIBIN).

2. Work with divisions within the MNPD and partner agencies to use NIBIN related information to disrupt shooting cycles.

3. Monitor, analyze and track gangs in the Nashville area to best disrupt gang activity while working in collaboration with our partner agencies.

B. Organization

The NIBIN and Gang Intelligence Section shall be organized to include the following:

1. Section supervisor; and

2. Other personnel required for efficient operation

C. Duties and Responsibilities

The supervisor of the NIBIN and Gang Intelligence Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Causing the investigation of serial firearms related offense;

3. Causing the enforcement of all laws, ordinances, and regulations especially in the area of firearms related offenses;

4. Analyzing crimes involving firearms offenses to aid in the utilization of resources;

5. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in firearms related activities;

6. Establishing, analyzing and maintaining records of all gang related materials in order to provide support to all divisions and partner agencies in combatting gang activity.

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services required for the good of the department and the community.

1.120.220 Non-Lethal Shooting Section

A. Objective

The objective of the Non-Lethal Section shall be the investigation of the following incidents:

1. All non-lethal shootings which are not related to suicides, domestic related or accidental.

B. Duties and Responsibilities

The supervisor of the Non-Lethal Section shall be directly accountable to the supervisor of the Specialized Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

4. Assisting the commander of the Specialized Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the section;

6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

8. Providing other services as may be required for the good of the department and the community.

1.130 Organizational Structure of the Professional Standards Division

1.130.010 Professional Standards Division

A. Objective

The primary objective of the Professional Standards Division shall be the following:

1. Conduct and provide guidance for internal administrative investigations of department personnel;

2. Conduct and provided guidance for any Human Resource administrative investigations;

3. Monitor department disciplinary procedures and make recommendations regarding training and policy changes as a result of critical incidents or other internal investigations;

4. Review any use of force by an employee of the department resulting in death or serious bodily injury, along with any firearm discharge, misapplication of force, or other serious use of force incidents as directed by Director/Commander of the Professional Standards Division;

5. Develop, implement, and maintain a comprehensive pre-trial case preparation program, along with criminal and traffic law violations processing program;

6. Conduct reviews of Grand Jury cases prior to presentment;

7. Coordinate conversation between the District Attorney's Office and Metropolitan Nashville Police Department; and

8. Review I-918 Supplement B certification requests for US Citizenship & Immigration Services.

B. Organization

The Director of the Professional Standards Division shall be directly accountable to the Chief of Police and the Mayor. The Professional Standards Division shall be organized to include the following:

1. Office of Professional Accountability Section

    a. Office of Professional Accountability Unit;

b. Critical Incident Review Team (CIRT); and

2. Other personnel required for efficient operation.

1.130.020 Office of Professional Accountability Section

A. Objective

The primary objectives of the Office of Professional Accountability (OPA) unit shall be:

1. Conducting internal investigations as provided by the Director/Commander of the Professional Standards Division regarding complaints and accusations made against personnel of the department, Human Resource issues, or Use of Force;

2. Coordinating and monitoring the department's disciplinary procedures; and

3. Assisting with policy formation and identification of policy/training failures.

B. Organization

The Office of Professional Accountability Section shall be organized to include the following:

1. Office of Professional Accountability (OPA) Unit; and

2. Critical Incident Review Team (CIRT).

C. Duties and Responsibilities

The Office of Professional Accountability Section Commander shall be directly accountable to the Commander of the Professional Standards Division for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Making policy recommendations to the Director/Commander of the Professional Standards Division on various issues concerning the professional standards of the department;

3. Building and maintaining community outreach programs to educate the public about the OPA's role in ensuring professional standards for police personnel;

4. Serving as a representative of the department to any agency concerned with the activities and operations of the Office of Professional Accountability;

5. Organizing, directing, and controlling all resources of the Office of Professional Accountability, maintaining operations at a productive level, and making the office sufficiently flexible to ensure optimum performance;

6. Preparing and submitting budget estimates encompassing the total operation of the office;

7. Seeking the most qualified personnel to fill vacant positions in the office;

8. Remaining alert to the need for improved methods and techniques unique to the operations of the Office of Professional Accountability;

9. Supervising investigations in matters involving deficiencies of and accusations against department personnel;

10. Supervising, coordinating, and monitoring the department's disciplinary procedures;

11. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the office, which include:

    a. recording, registering, and controlling the investigation of complaints against officers;

    b. supervising and controlling the investigation of alleged or suspected misconduct within the department;

    c. maintaining the confidentiality of internal investigations and records;

    d. supervising and monitoring the department's disciplinary procedures initiated by commanding officers and supervisors;

e. providing assistance to any commanding officer or supervisor in the advancement of the department's interest;

f. the security of all files regarding internal investigations conducted by OPA;

g. completing an annual report regarding internal investigations conducted by the department;

h. checking for policy failures that result in employee misconduct;

i. submitting monthly reports to the Chief of Police regarding internal investigations; and

j. administer polygraph and/or Computer Voice Stress Analysis examinations in all instances as per the policy of the department.

12. Providing and maintaining records for the purpose of:

    a. issuing complaint numbers to provide control and security to investigations involving department personnel;

    b. monitoring and documenting the progress and disposition of internal investigations; and

13. Formulating goals and objectives pertinent to the operation of the Office of Professional Accountability on an annual basis;

14. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

15. Performing other duties and discharging other responsibilities as may be assigned by the Chief of Police.

D. Investigator Staffing

Investigators may be transferred out of OPA at their request, at the discretion of the Director/Commander of the Professional Standards Division or **at any time** by the Chief of Police.

1.130.030 Office of Professional Accountability (OPA) Unit

A. Objectives

The primary objective of the OPA Unit includes the following:

Ensure that the integrity of the Department is maintained through an internal system, whereby objectivity, fairness, and justice are secured by an impartial investigation and review.

B. Duties and Responsibilities

1. Conduct investigations of allegations and complaints made against the department's employees as directed.

2. Coordinate and monitor the department's disciplinary procedures; and

3. Assisting with policy formation and identification of policy/training failures.

1.130.040 Critical Incident Review Team (CIRT)

A. Objectives

The primary objective of the Critical Incident Review Team shall be to conduct an internal administrative investigation on any application of use of force that results in serious bodily injury or death, other firearm discharges or serious use of force as directed by the Director/Commander of the Professional Standards Division. The goal is to ensure policy compliance and to improvement of both the individual officer(s) and the overall department's future performance.

B. Duties and Responsibilities

1. Respond to and review any use of force by an employee of the department resulting in death or serious bodily injury of any person.

2. May review any firearm discharge, misapplication of force, or other serious use of force by a member of the department.

3. Stay current with appropriate training for use of force investigations.

4. Evaluate decision making, tactics used, the actual use of force, and supervision and identify any training needs (for the individual officer, squad, unit, section or on a department-wide basis), all policy violations, and/or any necessary changes to policies and practices.

1.140 Organizational Structure of the Executive Services Bureau

1.140.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and duties and responsibilities of the Executive Services Bureau and other components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.140.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.

B. **Division:** The primary element part of the Office of Chief of Police, self-contained and capable of independent action in providing a specific function of the office, under the direction and control of a member subordinate only to the Chief of Police.

C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

D. **Unit:** An element part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

1.140.030 Executive Services Bureau

A. Objectives

The primary objectives of the Executive Services Bureau shall be:

1. The continuous research of methods of administration, management, and operations in police service programs;

2. Supplying crime analysis products to component commanders so they can effectively allocate resources to address crime issues;

and

3. Ensuring the effective administration of the accreditation process.

B. Organization

The Executive Services Bureau shall be organized to include the following:

1. Strategic Development Division;

   a. Planning/Grants Section;

      (1) Grants Unit

      (2) Accreditation/Policy Unit, and

      (3) Graphic Arts Unit

   b. Crime Analysis Section;

   c. Crime Data Quality Assurance Section;

   d. Special Activities Section; and

   e. Legal Resource Section

      (1) Legal Resource Unit; and

      (2) District Attorney Liaison Unit.

1.140.040 Strategic Development Division

A. Duties and Responsibilities

The commander of the Strategic Development Division shall be directly accountable to the Deputy Chief of the Executive Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the division;

6. Formulating goals and objectives pertinent to the operation of the division on an annual basis;

7. Preparing and submitting budget estimates encompassing the total operation of the division;

8. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

9. Performing other duties and discharging other responsibilities as may be assigned by the Deputy Chief of the Executive Services Bureau.

1.140.050 Planning/Grants Section

A. Objectives

1. The reviewing and analyzing of all available data to aid in the formulation of long and short range plans, the developing of policies and procedures and other regulations regarding the operation of the department;

2. The development and control of departmental forms, written directives, and other printed material as directed by the supervisor of the Strategic Development Division;

3. Updating and reviewing current departmental policies and procedures to ensure they reflect current operations and are consistent with best practices throughout the country;

4. The research and development of grant applications as well as the maintenance of all approved grants, preparing grant reports and evaluations.

B. Organization

The Planning/Grants Section shall be organized to include the following:

1. Section Commander;

2. Grants Unit;

3. Accreditation/Policy Unit;

4. Graphic Arts Unit;

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Planning/ Grants Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Ensuring that the section has access to all necessary information resources and when necessary, the Chief of Police;

6. Developing and presenting progressive concepts and practices in modern police administration and operations;

7. Researching and developing all grant applications in compliance with the guidelines established by the funding organization as well as the maintenance of all grants approved;

8. Disseminating analytical reports to appropriate components;

9. Designing and controlling all department report forms;

10. Formulating goals and objectives pertinent to the operation of the

section on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.140.060 Accreditation/Policy Unit

A. Objectives

The primary objectives of the Accreditation/Policy Unit shall be:

1. To provide a means to increase department capabilities to prevent and control crime;

2. The enhancement of department effectiveness and efficiency in the delivery of law enforcement services;

3. To improve cooperation and coordination with other law enforcement agencies and other components of the criminal justice system;

4. To increase citizen and employee confidence in the goals, objectives, policies, and practices of the department; and

5. The examination of proposed procedural/policy changes to determine if they conflict with established policies and accreditation standards.

B. Organization

The Accreditation/Policy Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Accreditation/Policy Unit shall be directly accountable to the supervisor of the Planning/Grants Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the unit;

6. The overall management of the accreditation process, including the updating of files and ensuring that all necessary reports are completed;

7. Communicating with the Commission on Accreditation for Law Enforcement Agencies (CALEA) staff and other agencies involved regarding the accreditation process;

8. Communicating with the Tennessee Law Enforcement Accreditation (TLEA) staff and other agencies involved regarding the accreditation process;

9. Remaining up to date on CALEA and TLEA standard changes;

10. Coordinating compliance with accreditation standards with other department components;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;

12. Ensuring all required reports are submitted in a prompt and timely manner;

13. Training new employees regarding the accreditation process;

14. Ensuring that all personnel are familiar with achieving accreditation and re-accreditation during the self-assessment phase of the process;

15. Ensuring that all personnel are familiar with accreditation and re-accreditation just prior to the on-site assessment; and

16. Providing other services required for the good of the department and the community.

1.140.070 Graphic Arts Unit

A. Objectives

1. To provide audio/visual products to various elements throughout the MNPD;

2. The production of video products including, but not limited to:

   a. Training Videos,

   b. MNPD PSA videos,

   c. Videos required for various regulatory agencies, such as CALEA, as may be required for maintaining certifications.

3. To provide technical assistance as required; and

4. Other functions as may be directed by the Chief of Police.

B. Organization.

Personnel assigned to the Graphic Arts Unit shall report directly to the supervisor of the Planning/Grants Section.

1.140.080 Crime Analysis Section

A. Objectives

The primary objectives of the Crime Analysis Section shall be to produce information to improve police operations:

1. The collection, collation, and analysis of crime data within the jurisdiction of the department in order to identify crime patterns, trend correlations and suspect information to facilitate the effective deployment of departmental resources;

2. The dissemination of that analyzed crime information to the appropriate components;

3. The analysis of feedback in order to evaluate program effectiveness;

4. Developing and maintaining a special record file designed to provide analytical information concerning criminal matters, categorized by:

   a. type of incidents

b. location and time of incidents

c. annual comparison statistics; and

5. To serve as the Department's subject matter expert on Crime Reporting and Crime Mapping.

B. Organization

The Crime Analysis Section shall be organized to include the following:

1. Section Manager; and

2. Other Crime Analysis personnel required for efficient Operation.

C. Duties and Responsibilities

The manager of the Crime Analysis Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of that Section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the Crime Analysis Section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Crime Analysis Section;

4. Organizing, directing, and controlling all resources of the Crime Analysis Section, maintaining operations at a productive level, and making the Section sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the Section;

6. Remaining alert to the need for improved methods and techniques unique to the operations of the Crime Analysis Section;

7. The daily analysis of data concerning crime and other incidents to assist in the development and utilization of resources;

8. Ensuring that the department's reporting system is administered in accordance with current standards prescribed by the FBI's uniform crime reporting system;

9. Formulating goals and objectives pertinent to the operation of the Crime Analysis Section on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.140.090 Quality Assurance Section

A. Objectives

The primary objectives of the Quality Assurance Section shall be to produce information to improve police operations:

1. The collection, collation, and analysis of crime data within the jurisdiction of the department in order to identify crime patterns, trend correlations and suspect information to facilitate the effective deployment of departmental resources;

2. The dissemination of that analyzed crime information to the appropriate components;

3. The analysis of feedback in order to evaluate program effectiveness;

4. Developing and maintaining a special record file designed to provide analytical information concerning criminal matters, categorized by:

   a. Type of incidents

   b. location and time of incidents

   c. annual comparison statistics; and

5. To serve as the Department’s subject matter expert on Crime Reporting and Crime Mapping.

B. Organization

The Quality Assurance Section shall be organized to include the following:

1. Section Manager; and

2. Other Quality Assurance Section personnel required for efficient operation.

C. Duties and Responsibilities

The manager of the Quality Assurance Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of that Section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the Quality Assurance Section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Quality Assurance Section;

4. Organizing, directing, and controlling all resources of the Quality Assurance Section, maintaining operations at a productive level, and making the Section sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the Section;

6. Remaining alert to the need for improved methods and techniques unique to the operations of the Quality Assurance Section;

7. The daily analysis of data concerning crime and other incidents to assist in the development and utilization of resources;

8. Ensuring that the department's reporting system is administered in accordance with current standards prescribed by the FBI's uniform crime reporting system;

9. Formulating goals and objectives pertinent to the operation of the Quality Assurance Section on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.140.100 Special Activities Section

A. Objective

The primary objective of the Special Activities Section shall be the investigation of major crimes that occur in Nashville and assist all components of the MNPD with investigations of digital evidence; and surveillance operations for major events and crimes within Nashville.

B. Duties and Responsibilities

The supervisor of the Special Activities Section shall be directly accountable to the Commander of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties of the Special Activities Section shall include, but are not be limited to:

1. Assisting elements of the MNPD with conducting video, audio and physical surveillance / tracking operations;

2. Maintaining liaison with all other elements of the department and allied agencies;

3. Serving as the representative of the department to any agency concerned with the activities and operations of the section;

4. Assisting all elements of MNPD with digital and electronic investigations;

5. Assisting all elements of MNPD with surveillance operations for major events and crimes within Nashville;

6. Assisting the commander of the Strategic Development Division in the analysis of crime and incident data;

7. Remaining available to other department components in order to achieve common objectives;

8. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

9. Performing other services required for the good of the department and the community.

1.140.110 Legal Resource Section

The Legal Resource Section shall consist of:

A. Legal Resource Unit; and

B. District Attorney Liaison Unit.

1.140.120 Legal Resource Unit

A. Objectives

The primary objectives of the Legal Resources Unit shall be:

1. The development, implementation, and maintenance of a comprehensive program of pre-trial case preparation; and

2. The facilitation of innovative programs regarding the processing of criminal and traffic law violations.

B. Duties and Responsibilities

The commander of the Legal Resources Unit shall be directly accountable to the Deputy Chief of the Executive Services Bureau ~~Director of the Professional Standards Division~~ for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Reviewing all reports as may be necessary to ensure legal sufficiency;

6. Observing the conduct of case preparation in all pre-trial functions by department personnel and providing evaluations regarding performance;

7. Obtaining information concerning the preparation of cases as may be required for department research and development;

8. Provide legal training to basic recruits and in-service training to sworn employees;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

10. Providing other services required for the good of the department and the community.

1.140.130 District Attorney Liaison Unit

A. Objectives

The primary objectives of the District Attorney Liaison Unit shall be:

1. Conducting thorough review of cases pending presentment before the Davidson County Grand Jury and subsequently presenting them for indictment.

2. Coordinating communication between the Office of the District Attorney and the Metropolitan Nashville Police Department; and

3. Reviewing I-918 Supplement B Certification Requests for the US Citizenship & Immigration Services.

B. Duties and Responsibilities

1. Maintaining liaison with all elements of the MNPD with the DA's office to ensure cases presented for indictment are thorough and complete.

2. Reviewing cases prior to presentment before the Grand Jury to ensure legal sufficiency for successful prosecution.

3. Assisting the DA's office in obtaining any missing documentation, media, or investigative materials prior to a criminal case moving to Criminal Court.

4. After thorough review, presenting active criminal cases before the Grand Jury to procure True Bill / Indictment.

5. Maintaining a running database illustrating the volume of cases the liaison office has presented before the Grand Jury and documenting the success rate in the indictment of cases.

6. Maintaining a running database of issues regarding cases that

are not fully completed for successful prosecution in order to mitigate similar issues in the future.

7. Reviewing and processing by completing documentation of all I-918 Supplement B Certification Requests for the US Citizenship & Immigration Services.

8. Actively communicating with legal representation of applicants for the above referenced I-918 requests.

9. Assisting Assistant District Attorney's with general follow up investigation / information gathering on active criminal cases.

10. Assisting the legal Resources Section with legal training to basic recruits and in-service training to sworn employees.

1.150 Organizational Structure of the Support Services Bureau

1.150.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Support Services Bureau and all components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component shall be assigned the sworn and professional support staff personnel required to perform all duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.150.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police.

B. **Division:** The primary element part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate to the bureau commander.

C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

D. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the sector commander.

F. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

1.150.030 Support Services Bureau

A. Objectives

The primary objectives of the Support Services Bureau shall be to provide the line or field services and facilities required to achieve the objectives of the department. The bureau shall engage in continuous research and planning to develop and maintain acceptable standards for meeting demands in:

1. The development of routine and specialized investigative procedures;

2. The development of routine and specialized procedures for traffic-related matters;

3. The development of other specialized services necessary to support patrol, traffic, and investigative efforts; and

4. The formulation of crime prevention programs.

B. Organization

The Support Services Bureau shall be further organized into divisions, sections, and other such units to include the following:

1. Custom Services Division;

    a. Secondary Employment Unit

    b. Special Events Section

        (1) Special Events Security Unit

        (2) Special Events Traffic Unit

2. Special Operations Division;

    a. Emergency Contingency Section

        (1) Hazardous Devices Unit

        (2) Emergency Contingency Unit

        (3) Urban Search and Rescue

    b. SWAT/Negotiators Section

        (1) Crisis Negotiator Team

(2) Special Response Tactical Unit

(3) Special Weapons and Tactics Team

c. Tactical Operations Section

(1) Aviation Unit

(2) Canine Unit

(3) Mounted Patrol

3. Traffic Division

a. Investigations Section

(1) Crash Investigation Unit

(2) Hit and Run Unit

b. Enforcement Section

(1) Aggressive and Impaired Driving Unit

(2) Motorcycle Unit

(3) School Crossing Section

(4) Drill and Ceremony Team

4. Facilities Management Division;

a. Inspections Section

(1) Inspections Unit

(2) Court Appearance Unit

(3) Facilities Security and Information Unit

b. Vehicle Impound Section

c. Fleet Management Section

5. Evidence Storage Division

a. Intake Unit

b. Disposition Unit

c. Transportation Unit

C. Duties and Responsibilities

The Deputy Chief of the Support Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same command duties and responsibilities and rules and regulation applicable to any other supervising officer. They shall include the following:

1. Maintaining liaison with all other elements of the department, allied agencies, and the community at large;

2. Serving as the representative of the department to any agency or community member concerned with the activities and operation of the Support Services Bureau;

3. Familiarization with the departmental policies and execution of a service program within the area of responsibility of the Support Services Bureau;

4. Preparing and submitting an annual budget for the Support Services Bureau;

5. Exercising control over all purchases and disbursements for the Support Services Bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. Causing the inspection of public places and the enforcement of all laws;

8. Preparing and maintaining contingency plans for emergency or disaster situations;

9. The formulating of goals and objectives pertinent to the operation of the Support Services Bureau on an annual basis;

10. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;

11. Causing the enforcement of all laws, ordinances, and regulations

through aggressive patrol action, traffic enforcement, crash investigation, and the investigation of criminal activities;

12. Analyzing data concerning crime, traffic, and other incidents to aid in the development, deployment, and utilization of resources;

13. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

14. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

1.150.040 Custom Services Division

A. Objectives

The primary objectives of the Custom Services Division shall be to:

1. Serve as the coordination and quality assurance element of the Special Events Section, and Secondary Employment Unit; and

2. Collaborate with various stakeholders, agencies, and MNPD divisions to provide safe activities and events for children throughout the community.

B. Organization

The Custom Services Division shall be organized to include the following:

1. Special Events Section Supervisors;

2. Secondary Employment Unit;

3. Special Events Section; and

4. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The commander of the Custom Services Division shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, allied agencies, and interested community groups;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Preparing and submitting an annual budget encompassing the total operation of the division;

6. Exercising control over all purchases and disbursements for the division;

7. Ensuring the enforcement of all applicable laws;

8. Seeking the most qualified personnel to fill positions in the division;

9. Developing roll call training programs pertinent to the various elements of the division;

10. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.050 Special Operations Division

A. Objectives

The primary objectives of the Special Operations division shall be to:

1. Provide for the development and implementation of procedures to gather, evaluate and develop training plans related to unusual occurrences and special operations related to civil disorders, urban search and rescue missions, homeland security operations and any other special situation as required;

2. Provide for the development and implementation of procedures to be used for identifying and disposing of explosive devices and materials;

3. Development and maintenance of an effective school traffic safety program;

4. Provide for the deployment of special weapons and tactics in support of line elements where there is an actual or apparent need;

5. Provide a supportive element of specially trained negotiators in actions dealing with but not limited to situations such as hostage situations, barricaded persons, suicide threats, terrorist acts, etc.;

6. Development and maintenance of highly trained canine teams capable of assisting enforcement and investigative efforts in accomplishing department objectives;

7. Development and maintenance of an aerial reconnaissance and/or surveillance support service capable of assisting enforcement and investigative efforts in accomplishing department objectives;

8. Provide for the investigation of traffic crashes in order to identify causes, time, location, and other factors that will aid in the development of crash prevention programs;

9. Development and maintenance of trained Mounted Patrol teams capable of assisting enforcement, crowd control, and public events.

B. Organization

The Special Operations Division shall be organized to include the following:

1. Division Commander;

2. Emergency Contingency Section;

3. SWAT/Negotiators Section; and

4. Tactical Operations Section.

C. Duties and Responsibilities

The commander of the Special Operations Division shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, allied agencies, and interested community groups;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Preparing and submitting an annual budget encompassing the total operation of the division;

6. Exercising control over all purchases and disbursements for the division;

7. Ensuring the enforcement of all applicable laws;

8. Seeking the most qualified personnel to fill positions in the division;

9. Developing roll call training programs pertinent to the various elements of the division;

10. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.060 Emergency Contingency Section

A. Objectives

The primary objectives of the Emergency Contingency Section shall be to:

1. Provide Chemical, Biological, Radiological, Nuclear and Explosive material education, equipment management, contingency plan development and mitigation operations to support the mission of the Metropolitan Nashville Police Department.

2. Provide support in the areas of explosive disposal and search, the development of evacuation and search plans in support of homeland security efforts, teach law enforcement officers improvised explosive

recognition, investigate all incidents of commercial and improvised explosives, and investigate reported bomb threats.

3. Provide vulnerability and threat assessments for critical infrastructure and key resource facilities and events within Davidson County. Develop recommended solutions to identified problems and methods to harden the facility of interest within Davidson County from possible terrorist attack.

4. Provide training and establish response and management protocols for critical incidents. This includes test and evaluation of all tactical response equipment to include the purchase, issue, maintenance, and management of all personal protective equipment that is utilized by the department.

5. Provide for the development and implementation of procedures to update and maintain the School Contingency Plans and other site surveys related to other designated facilities of interest.

6. Provide for the development and implementation of procedures to gather, evaluate and develop training plans related to unusual occurrences and special operations related to civil disorders, urban search and rescue missions, homeland security operations and any other special situation as required.

7. Provide and conduct training related to Law Enforcement Incident Command and Emergency Response Exercises as required.

B. Organization

The Emergency Contingency Section shall be organized to include the following:

1. Section Supervisor;

2. Unit Supervisors; and

3. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Emergency Contingency Section shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. The development and maintenance of an extensive training program, to include tabletop exercises, designed to improve the capabilities of all sworn personnel in the awareness, response and management of critical incidents related to civil unrest or biological/chemical hazards;

2. The development and maintenance of an extensive program designed to train sworn personnel in the safe use and care of civil disturbance and/or chemical protective equipment;

3. The development and management of an extensive training program designed to train applicable personnel in Urban Search and Rescue (USAR) operations;

4. The development and management of applicable OSHA regulations related to bio/chem protective equipment;

5. The development and maintenance of an assessment program designed to identify facilities requiring site surveys to support department contingency planning activities;

6. The development and maintenance of a contingency information system to inform all sworn personnel and allied agencies of homeland security issues;

7. Providing liaison to other local, state and federal agencies on issues relating to homeland security.

1.150.070 Hazardous Devices Unit

A. Objectives

The primary objective of the Hazardous Devices Unit shall be to:

Provide for the development and implementation of procedures to be used for identifying and disposing of explosive devices and materials.

B. Organization

The Hazardous Devices Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Hazardous Devices Unit shall be directly accountable to the supervisor of the Emergency Contingency Section for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;

6. Notifying commanders in geographic areas in which members of the unit will be operating;

7. Providing for the continuous training and improvement of all personnel assigned to the unit;

8. Causing the investigation of all matters related to CBRNE materials (Chemical, Biological, Radiological, Nuclear and Explosive);

9. Providing for the maintenance of all equipment necessary for the efficient operation of the unit;

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.080 Emergency Contingency Unit

A. Objectives

The primary objectives of the Emergency Contingency Unit shall be to:

1. Review, prepare, and present national best practices training and/or monitoring of an extensive training program, to include tabletop exercises, designed to improve the capabilities of all sworn personnel in the awareness, response and management of critical incidents related to civil unrest or CBRNE hazards.

2. The training and/or monitoring of an extensive program designed to train sworn personnel in the safe use and care of civil disturbance and/or personal protective equipment (PPE)

3. The management and maintenance of applicable OSHA regulations related to personal protective equipment and riot control gear.

4. The management and maintenance of an assessment program designed to identify facilities requiring site surveys to support department contingency planning activities.

5. Provide CBRNE mitigation management assistance.

6. Maintain and operate the department's watercraft

B. Organization

The Emergency Contingency Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Emergency Contingency Unit shall be directly accountable to the supervisor of the Emergency Contingency Section for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;

6. Notifying commanders in geographic areas in which members of the unit will be operating;

7. Providing for the continuous training and improvement of all personnel assigned to the unit;

8. Assist in the investigation of all matters related to CBRNE materials and post blast investigations.

9. Providing for the maintenance of all equipment necessary for the efficient operation of the unit;

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.090 Special Weapons and Tactics Team

A. Objective

The primary objective of the Special Weapons and Tactics Team shall be to provide for the deployment of special weapons and tactics in support of line elements where there is an actual or apparent need such as high-risk and unusual events. Such supportive actions shall include but not be limited to:

1. Neutralizing the efforts of barricaded persons;

2. Combating sniper actions;

3. Counter-acting hostage situations;

4. Expediting high-risk arrests;

5. Protecting dignitaries;

6. Search and rescue operations;

7. Tactical narcotics enforcement;

8. Providing training in SWAT tactics to other law enforcement agencies; and

9. Providing support in other unusual situations as deemed necessary by the Chief of Police.

B. Special Response Tactical Unit (SRT)

The primary objective of the SRT unit is to provide a unit of SWAT trained and equipped personnel to actively pursue violent high-risk criminals who challenge the quality of life of the residents in Nashville and to provide a safer response to high-risk and unusual situations in the community. The SRT unit will have primary responsibility of:

1. Aggressively pursuing violent felons who are repeat violent offenders or difficult to find and/or arrest, by tracking down, apprehending, and then serving their outstanding arrest warrants.

2. Aggressively pursuing violent felons by serving high-risk search and arrest warrants.

3. Providing the department with a team of tactical officers to assist in high-risk preplanned actions.

C. Organization

The SWAT Team shall be organized to include the following:

1. Section Supervisor;

2. Alpha Team;

3. Bravo Team;

4. Charlie Team;

5. Marksmen Unit;

6. Technical Unit;

7. Special Response Tactical Unit (SRT); and

8. Other personnel required for efficient operation.

D. Duties and Responsibilities

The Supervisor of the SWAT Section shall be directly accountable to the Deputy Chief of the Special Operations Division for the proper administration, general management and control of all matters related to the operation of the section and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the areas of responsibility of the section;

4. Organizing, directing, and controlling all the resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill positions in the section;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

7. Remaining alert to the need for improved methods and techniques unique to the operations of the section; and

8. Providing other services required for the good of the department and the community.

1.150.100 Crisis Negotiator Team

A. Objective

The primary objective of the Crisis Negotiator Team shall be to provide a supportive element of specially trained negotiators in actions dealing with but not limited to:

1. Hostage situations;

2. Barricaded persons;

3. Suicide threats;

4. Terrorist acts;

5. Heavy arrest situations when requested;

6. Providing training in crisis negotiations to other law enforcement agencies; and

7. Providing support in other situations as deemed necessary by the Chief of Police.

B. Organization

The Crisis Negotiator Team shall be organized to include the following:

1. Unit Commander;

2. Field Commander;

3. Team Leaders; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Supervisor of the Crisis Negotiator Team shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the areas of responsibility of the section;

4. Organizing, directing, and controlling all the resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill positions in the section;

6. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;

7. Remaining alert to the need for improved methods and techniques unique to the operations of the section; and

8. Providing other services required for the good of the department and the community.

1.150.110 Tactical Operations Section

A. Objectives

The primary objectives of the Tactical Operations Section will be to provide for:

1. The development and maintenance of highly trained canine teams capable of assisting enforcement and investigative efforts in accomplishing department objectives;

2. The development and maintenance of a hazardous device canine component for identifying and locating explosive devices and materials;

3. The development and maintenance of an aerial reconnaissance and/or surveillance support service capable of assisting enforcement and investigative efforts in accomplishing department objectives.

4. Development and maintenance of trained Mounted Patrol teams capable of assisting enforcement, crowd control, and public events.

B. Organization

The Tactical Investigation Division shall be organized to include the following:

1. Section Supervisor;

2. Aviation Unit;

3. Canine Unit;

4. Mounted Patrol Unit; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Tactical Operations Section shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the Section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Preparing and submitting an annual budget encompassing the total operation of the section;

6. Exercising control over all purchases and disbursements for the section;

7. Causing the general inspection of public places in the community to ensure compliance with applicable laws;

8. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

10. Developing roll call training programs pertinent to the various elements of the section; and

11. Performing other services required for the good of the department and the community.

1.150.120 Aviation Unit

A. Objectives

The primary objectives of the Aviation Unit shall be to provide for:

1. Aerial reconnaissance and/or surveillance of someone or something within the scope of police authority; and

2. Transportation of other authorized persons for official law enforcement purposes.

B. Organization

The Aviation Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The supervisor of the Aviation Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related to the operation of that Unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Administering programs that provide for biannual flight instruction and safety in accordance with the Federal Aviation Authority;

6. Assuring proper maintenance of all aircraft and related equipment;

7. Causing records to be developed, processed, and maintained in

accordance with applicable rules of all governing agencies;

8. Scheduling air patrol missions over designated areas to locate actual or potential law enforcement problems;

9. Causing a prompt response to any authorized request for assistance;

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.130 Canine Unit

A. Objectives

The primary objectives of the Canine Unit shall be to provide for:

1. The apprehension of persons who have committed certain serious felonies;

2. The tracking of suspects who have committed certain serious felonies and fled the scene of the crime;

3. The searching of large areas for lost or abandoned property and hidden implements of a crime including explosive devices;

4. The patrolling, as a deterrent, of areas in the community having a high rate of serious crimes; and

5. Conducting searches for individuals when there is a need to locate them quickly.

B. Organization

The Canine Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Canine Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related

to the operation of that unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Causing strict compliance with all regulations applicable to the safety and welfare of canine teams;

6. Monitoring requests for canine services;

7. Causing the continuous training of canine teams according to guidelines set by the United States Police Canine Association;

8. Causing the testing of canine teams on a regular basis to ensure proficiency;

9. Removing from service any canine team that cannot meet established standards;

10. Purchasing and maintaining all canine supplies and equipment;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

12. Providing other services required for the good of the department and the community.

1.150.140 Mounted Patrol Unit

A. Objectives

The primary objectives of the Mounted Patrol Unit will be to provide for:

1. Obtaining the highest deterrent to crime through visibility, utilization and response;

2. Developing a good rapport with the community by providing demonstrations, attending parades, and being overall goodwill ambassadors for both the department and the city.

3. Providing other sections who request the unit with an effective response;

4. Crowd control to deter or address a situation of civil disorder.

B. Organization

The Mounted Patrol Unit shall be organized to include the following:

1. Unit Supervisor;

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Mounted Patrol Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related to the operation of the unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Causing strict compliance with all regulations applicable to the safety and welfare of mounted teams;

6. Monitoring requests for mounted services;

7. Causing the continuous training of mounted teams according to guidelines set by the mounted unit supervisor;

8. Causing the testing of mounted teams on a regular basis to ensure

proficiency;

9. Removing from service any mounted team that cannot meet established standards;

10. Purchasing and maintaining all mounted supplies and equipment;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

12. Providing other services required for the good of the department and the community.

1.150.150 Traffic Division

A. Objectives

The primary objectives of the Traffic Division will be to provide for:

1. The investigation of traffic crashes in order to identify causes, time, location, and other factors that will aid in the development of crash prevention programs;

2. The development and maintenance of a selective enforcement program designed to stop traffic law violations;

3. The identification of traffic problem areas;

4. The development and maintenance of a traffic information system to inform all interested agencies of traffic problems and promote safety; and

5. The development and maintenance of a traffic data analysis unit to provide information pertinent to the deployment of department resources.

B. Organization

The Traffic Division shall be organized to include the following:

1. Section Supervisor;

2. Investigations Section

   a. Crash Investigation Unit;

   b. Hit & Run Unit;

3. Enforcement Section

    a. Aggressive and Impaired Driving Unit;

    b. Motorcycle Unit

    c. School Crossing Section; and

    d. Drill and Ceremony Team

C. Duties and Responsibilities

The supervisor of the Traffic Division shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the Division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Division;

4. Organizing, directing, and controlling all resources of the Division, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Preparing and submitting an annual budget encompassing the total operation of the Division;

6. Exercising control over all purchases and disbursements for the Division;

7. Causing the general inspection of public places in the community to ensure compliance with applicable laws;

8. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;

9. Causing the enforcement of all laws, ordinances, and regulations through selective traffic enforcement, and crash investigation;

10. Causing the analysis of crime, traffic crash and enforcement reports

to aid in the proper development, deployment, and utilization of resources;

11. Formulating goals and objectives pertinent to the operation of the Division on an annual basis;

12. Developing roll call training programs pertinent to the various elements of the section; and

13. Performing other services required for the good of the department and the community.

14. Conducting meetings as the chairperson of the Traffic Crash Review Committee.

1.150.160 Crash Investigation Unit

A. Objectives

The primary objectives of the Crash Investigation Unit shall be to provide for:

1. The extensive investigation of traffic related crashes; and

2. The extensive enforcement and investigation of matters pertaining to vehicular and pedestrian traffic.

B. Organization

The Crash Investigation Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Crash Investigation Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Causing the enforcement of all traffic laws and ordinances;

6. Seeking to eliminate conditions that interfere with the safe and expeditious movement of both vehicular and pedestrian traffic;

7. Remaining alert to the need for improvement in traffic control;

8. Causing the reporting of defective traffic signs, signals, devices, and other safety hazards;

9. Causing the complete investigation of vehicular and pedestrian related crashes;

10. Causing the enforcement of all traffic related laws, ordinances, and regulations;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

12. Performing other services required for the good of the department and the community.

1.150.170 Hit and Run Unit

A. Objectives

The primary objectives of the Hit and Run Unit shall be to provide for the extensive investigation of traffic related crashes involving motor vehicles and pedestrians with emphasis on the apprehension and prosecution of offenders who leave the scene of a crash, fail to report a crash, or otherwise fail to satisfy legal requirements.

B. Organization

The Hit and Run Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Hit and Run Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. The enforcement of traffic laws and ordinances;

6. Seeking to eliminate conditions that interfere with the safe and expeditious movement of both vehicular and pedestrian traffic;

7. Remaining alert to the need for improvement in traffic control;

8. The complete investigation of all vehicular and pedestrian related crashes that involve a driver who left the scene;

9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

10. Performing other services required for the good of the department and the community.

1.150.180 Aggressive and Impaired Driving Unit

A. Objective

The primary objective of the Aggressive and Impaired Driving Unit shall be to reduce the number of incidents of aggressive driving on the interstates and state routes in Davidson County and the processing of persons in traffic related arrests where alcohol is the

dominating factor.

B. Organization

The Aggressive and Impaired Driving Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Aggressive and Impaired Driving Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;

6. The enforcement of all traffic laws and ordinances;

7. Members of the unit will be charged with patrolling the interstates and state routes in Davidson County;

8. Unit members will proactively seek out drivers who are driving in an aggressive manner and violating the traffic laws of the Metropolitan Government and State of Tennessee;

9. Providing for the administration of breath alcohol tests at the scene of incidents;

10. Providing for the processing of persons arrested for an alcohol related offense to determine their degree of impairment;

11. Providing for the maintenance of all breath alcohol testing equipment;

12. Providing for the establishment and maintenance of unit records depicting examinations and statistical data necessary for court appearances;

13. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

14. Providing other services required for the good of the department and the community.

1.150.190 Motorcycle Unit

A. Objective

The objective of the Motorcycle Unit is to gain voluntary compliance of traffic laws within Davidson County through high visibility traffic enforcement and community education.

B. Organization

The Motorcycle Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Motorcycle Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a

service program within the area of responsibility of the unit;

4. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;

5. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

6. The enforcement of all traffic laws and ordinances;

7. Remaining alert to the need for improvement in traffic control;

8. Members of the unit will be charged with conducting enforcement in designated areas based upon incidents of crashes, contributing factors, and enforcement feasibility.

9. Unit members will proactively seek out drivers that are exhibiting driving behaviors that contribute to crashes and aim to gain voluntary compliance with Metropolitan Government and State of Tennessee traffic laws from the citizens traveling the roadways within Metro Nashville Davidson County.

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.200 School Crossing Unit

A. Objective

The primary objective of the School Crossing Unit shall be the development and maintenance of an effective school traffic safety program.

B. Organization

The School Crossing Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The Supervisor of the School Crossing Unit shall be directly accountable to the Supervisor of the Traffic Section for the proper administration, general management, and control of all matters related to the operation of that Unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the section;

6. Seeking the most qualified personnel to fill vacant positions in the section;

7. Working in cooperation with school officials to determine the most efficient use of personnel;

8. Maintaining attendance and performance records of personnel;

9. Conducting child safety programs for interested groups, emphasizing student education for the reduction of crashes;

10. Providing for the continued training and improvement of school crossing guards;

11. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

12. Providing other services required for the good of the department and the community.

1.150.210 Facilities Management Division

A. Objectives

The primary objectives of the Facilities Management Division shall be maintaining liaison with other elements of the department and allied agencies, for the proper administration, and maintaining compliance with the rules, regulations, policies, procedures, and other directives of the department.

B. Organization

The Facilities Management Division shall be organized to include:

1. Division Commander;

2. Inspections Section;

3. Court Appearance Unit;

4. Facilities Security and Information Unit;

5. Vehicle Impound Section;

6. Fleet Management Section; and

7. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The Commander of the Facilities Management Division shall be directly accountable to the Commander of the Support Services Bureau for the proper administration, management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities of the division;

3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;

4. Exercising control over all purchases and disbursements for the division;

5. Seeking the most qualified personnel to fill positions in the division;

6. Conducting a quarterly inspection of the Property Section to ensure adherence to procedures for the control of property;

7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;

8. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

9. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Investigative Services Bureau.

1.150.220 Inspections Section

A. Objectives

The primary objectives of the Inspections Section shall be the processes of determining compliance with rules, regulations, policies, procedures, and other directives of the department; and maintaining an effective program to ensure the security of department facilities.

B. Organization

The Inspections Section shall be organized to include the following:

1. Section Supervisor;

2. Inspections Unit;

3. Court Appearance Unit; and

4. Facilities Security / Information Unit.

C. Duties and Responsibilities

The supervisor of the Inspections Section shall be directly accountable to the Supervisor of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;

5. Seeking the most qualified personnel to fill vacant positions in the section;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

7. Preparing and submitting budget estimates encompassing the total operation of the section; and

8. Performing other duties and discharging other responsibilities as may be assigned by the supervisor of the Facilities Management Division.

1.150.230 Inspections Unit

A. Objectives

The primary objectives of the Inspections Unit shall be:

The development and implementation of a staff inspections program designed to:

1. Determine the appearance, conduct, and duty performance of personnel and the condition of equipment and facilities;

2. Determine the manner that line personnel discharge their supervisory duties;

3. Determine the degree of compliance with department directives;

4. Conduct field inspections to determine the efficiency of field operations;

5. Evaluate department operating procedures and their effect; and

6. Recommend changes in department operations deemed necessary.

B. Organization

The Inspection Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Inspections Unit shall be directly accountable to the supervisor of the Inspections Section for the proper administration, general management, and control of all matters related to the operation of that Unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. The inspection of personnel and reporting of any neglect, carelessness, or improper conduct;

6. The inspection of police property and equipment, procedures, and the results of police operations and the reporting of the results of the inspections;

7. The preparation of inspection reports designed to require accountability from commanding and supervisory personnel for the discharge of their duties and responsibilities;

8. Conducting inspections, in conjunction with the Accreditation unit, to determine compliance with accreditation standards. This shall include annual, quarterly and monthly reports/audits;

9. The review of reports from supervisory personnel;

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Providing other services required for the good of the department and the community.

1.150.240 Court Appearance Unit

A. Objectives

The primary objective of the Court Appearance Unit shall be to maintain a comprehensive program regarding court appearances by department personnel.

B. Organization

The Court Appearance Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Court Appearance Unit shall be directly accountable to the supervisor of the Inspections Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Assuring the attendance of personnel in all judicial proceedings by:

   a. distributing subpoenas or otherwise making official notifications and maintaining records to document notifications; and

b. reporting to the section commander any person who fails to appear in court.

6. Approving compensation for appearances by department personnel;

7. Auditing court appearance compensation records;

8. Reporting personnel for non-compliance with the rules, regulations, policies, and procedures of the department;

9. Assigning traffic court dates for all uniformed police officers;

10. Appearing before the Grand Jury to present driver's license cases;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

12. Providing other services required for the good of the department and the community.

1.150.250 Facilities Security and Information Unit

A. Objectives

The primary objectives of the Facilities Security / Information Unit shall be to provide security at designated departmental facilities; and enforce parking regulations in and around those facilities.

B. Organization

The Facilities Security / Information Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The commander of the Facilities Security and Information Unit shall be directly accountable to the commander of the Inspections Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

5. Providing security for designated department facilities;

6. The security checks of department parking lots and enforcement of parking regulations in the campus complex;

7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

8. Providing other services required for the good of the department and the community.

1.150.260 Vehicle Impound Section

A. Objectives

The primary objectives of the Vehicle Impound Section shall be to provide and maintain an adequate storage facility for vehicles confiscated within the scope of police authority; and safeguard the vehicles until they are disposed of according to law.

B. Organization

The Vehicle Impound Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Vehicle Impound Section commander shall be directly accountable to the supervisor of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same

command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Organizing, directing, and controlling all resources of the section;

4. Establishing internal procedures to ensure the security of all vehicles left in the custody of the section;

5. Causing vehicles not claimed to be disposed of according to law;

6. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and

7. Providing other services required for the good of the department and the community.

1.150.270 Fleet Management Section

A. Objectives

The primary objectives of the Fleet Management Section shall be to maintain liaison with other elements of the department, the General Services Department, and other agencies concerned with motor vehicle fleet maintenance and related equipment to assure maximum utilization of department motor vehicle equipment at minimum cost.

B. Organization

The Fleet Management Section shall be organized to include the following:

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Fleet Management Section supervisor shall be directly accountable to the supervisor of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same

command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. The development and execution of policies for procurement, control, and economical operation of the police motor vehicle fleet;

2. Being cognizant of developments in manufacturing to insure acquisition of the best motor vehicles and related equipment available for police service;

3. The maintenance, testing, programming, and general upkeep of all radio equipment;

4. Development and execution of a program of inspection and preventive maintenance toward improvement in efficiency and economy of fleet operations;

5. The correction of abuse or improper operation, which would damage or impair efficiency of motor vehicles and related equipment;

6. Coordinating repairs and maintenance with the Office of Fleet Management (OFM), and other vendors;

7. Maintaining an accurate numbering system for all department vehicles;

8. Procuring, maintaining, and repairing the Bicycle Fleet; and

9. Performing other duties and discharging other responsibilities as may be assigned by the Supervisor of the Facilities Management Division.

1.150.280 Evidence Storage Division

A. Objectives

The primary objectives of the Evidence Storage Division shall be the storage and security of physical evidence and other property found or confiscated within the scope of police authority; and safeguard that property until it is disposed of according to law.

B. Organization

The Evidence Storage Division shall be organized to include the following:

1. Division Commander;

2. Property and Evidence Section;

3. Section Supervisor;

4. Intake Unit

5. Disposition Unit

6. Transportation Unit; and

7. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Evidence Storage Division Commander shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;

4. Exercising control over all purchases and disbursements for the division;

5. Seeking the most qualified personnel to fill vacant positions in the division;

6. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Support Services Bureau;

7. Causing items of evidence to be classified, labeled, and stored in a way to avoid contamination or damage;

8. Keeping informed of new methods and procedures for storing various types of property, giving special attention to the security of drugs;

9. Establishing internal procedures to ensure the security of all property left in the custody of the division;

10. Causing evidence needing laboratory analysis to be delivered to that facility and to be returned when analysis is complete;

11. Causing evidence no longer needed to be disposed of according to law;

12. Formulating of goals and objectives pertinent to the operation of the division on an annual basis; and

13. Providing other services required for the good of the department and the community.

1.160 Organizational Structure of the Crime Control Strategies Bureau

1.160.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and duties and responsibilities of the Crime Control Strategies Bureau and other components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component assigns the sworn and professional support staff personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.160.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.

B. **Division:** The primary element part of the Office of Chief of Police, self-contained and capable of independent action in providing a specific function of the office, under the direction and control of a member subordinate only to the Chief of Police.

C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

D. **Unit:** An element part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

1.160.030 Crime Control Strategies Bureau

A. Objectives

The Crime Control Strategies Bureau identifies and analyzes crime trends across Davidson County and develops strategies addressing crime and preventing future crimes. All department units are scrutinized ensuring the departments three pillars are met.

1. Precision Policing

2. Community Engagement

3. Organizational Excellence

B. Organization

The Crime Control Strategies Bureau is made up the three programs ensuring seamless deployment of all technology while addressing public safety concerns.

1. Information and Technology Division

2. Body Worn Camera / In Car Camera Operations Division

3. Investigative Support Division

C. Duties and Responsibilities

The Deputy Chief of the Crime Control Strategies Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operation of the Crime Control Strategies Bureau;

3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the Crime Control Strategies Bureau;

4. Preparing and submitting an annual budget for the Crime Control Strategies Bureau;

5. Exercising control over all purchases and disbursements for the Crime Control Strategies Bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. Remaining available to serve in the capacity of department commander during those times when the Chief of Police is unavailable;

8. The formulating of goals and objectives pertinent to the operation of the Crime Control Strategies Bureau on an annual basis;

9. Notify the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

10. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police; and

11. Providing other services as may be required for the good of the department and the community.

1.160.040 Information & Technology Division

A. Objectives

The primary objective of the Information Technology Division is to support the business processes of the department and implement, support, and maintain police information technology products, services, and solutions.

B. Organization

The information Technology Division shall be organized to include the following:

1. Division Commander or Director;

2. Systems Administration and Support Section;

3. Network Security & Video Systems Section;

4. Quality Assurance and Project Management Section;

5. Software Development and Support Section; and

6. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Information & Technology Division commander shall be directly accountable to the Deputy Chief of the Crime Control Strategies

Bureau for the proper administration, general management, and control of all matters related to the operation of the division. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as the representative of the department to any agency concerned with the activities and operations of the division;

3. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division flexible to ensure optimum performance;

4. Formulating goals and objectives pertinent to the operation of the division on an annual basis;

5. Preparing and submitting an annual budget for the IT Division. Exercising control over all purchases and disbursements for the IT Division;

6. Seeking the most qualified personnel to fill vacant positions in the division;

7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;

8. The development and maintenance of effective information technology systems;

9. The development and maintenance of effective internal and external network communications systems;

10. The development and maintenance of effective methods for the preparing, analyzing, and storing of electronic police records;

11. The development, implementation and ongoing support of law enforcement specific hardware and software; and

12. Providing other services as may be required for the good of the department and the community.

1.160.050 Systems Administration and Support Section

A. Objective

The primary objective of the Systems Administration and Support Section is to ensure the administration, security, maintenance, and integrity of the department's information technology applications and systems.

B. Organization

The Systems Administration and Support Section shall be organized to include the following:

1. Section Manager;
2. Technical Support Center Unit;
3. Systems Infrastructure Unit;
4. MDC/Vehicle Technical Support Unit; and
5. Other personnel necessary for efficient operation.

C. Duties and Responsibilities

The manager of the Systems Administration and Support Section shall be directly accountable to the commander of the Information Technology Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and rules and regulations applicable to any other supervisor in the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the section;

6. Ensuring the proper maintenance of all computer hardware and software to end users;

7. Receiving, scheduling, and tracking user reports of computer problems;

8. Designing programs to meet the needs of other department components;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

10. Ensures that detailed disaster recovery plans are developed and maintained; and

11. Providing other services required for the good of the department and the community.

1.160.060 Technical Support Center Unit

A. Objective

The primary objective of the Technical Support Center Unit shall be to provide users with timely resolution of IT issues through technology assistance, system monitoring, and notification products.

B. Organization

The Technical Support Center Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The unit shall be accountable to the manager of the Systems Administration and Support Section for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same

duties and responsibilities and rules and regulations applicable to any other supervisor of the department.

Assigned duties shall include:

1. Identify, prioritize, and diagnose incident requests and problem tickets; and if possible, resolve them; otherwise, they are assigned to appropriate support groups for resolution, and follow-up to ensure problems are resolved;

2. Process standard service requests for access or equipment;

3. Manage communication needs and expectations for customers and business partners, ranging from standardized emails informing customers that reported issues have been resolved or completed, to dynamic updates on ongoing service outages;

4. Assist with IT support of mobile data computers and other computer and electronics equipment in Police vehicles;

5. Write and update technical documentation related to support and break/fix of computer hardware and software;

6. Maintaining liaison with all other elements of the department and allied agencies;

7. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

8. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

9. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

10. Ensures that detailed disaster recovery plans are developed and maintained;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

12. Performing other services required for the good of the department and the community.

1.160.070 Systems Infrastructure Unit

A. Objective

The primary objective of the Systems Infrastructure Unit shall be to provide server and storage solutions, and to ensure the security and integrity of the department's information technology systems.

B. Organization

The Systems Infrastructure Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This unit shall be accountable to the manager of the Systems Administration and Support Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Designs, build, and support departmental servers and storage area network (SAN) infrastructure;

2. Responsible for the performance and overall health of server and SAN infrastructure systems;

3. Performs daily maintenance and monitoring of VM server environments;

4. Performs daily maintenance and monitoring or backup systems;

5. Maintains security for all information technology user accounts;

6. Maintains and updates security for information technology devices;

7. Maintains and updates information technology inventory for software and hardware;

8. Performs audits for all information technology systems;

9. Maintains liaison with all other elements of the department and allied agencies;

10. Serves as a representative of the department to any agency concerned with the activities and operations of the unit;

11. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

12. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

13. Ensures that detailed disaster recovery plans are developed and maintained;

14. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

15. Performing other services required for the good of the department and the community.

1.160.080 MDC/Vehicle Technical Support Unit

A. Objective

The primary objective of the MDC/Vehicle Technical Support Unit shall be to provide officers with timely resolution of MDC issues and other technology outfitted in patrol vehicles.

B. Organization

The MDC/Vehicle Technical Support Unit shall be organized to include the following:

1. Unit staff; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The staff of the MDC/Vehicle Technical Support Unit shall be accountable to the manager of the Systems Administration and Support Section for the proper administration, general management, and control of all matters related to the operation of the section and be

generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department.

Assigned duties shall include:

1. Provides installation, troubleshooting, and maintenance of mobile data computer hardware, mobile printers, and associated technology;

2. Provides support, training, troubleshooting, and installation for MDC related software and computer programing;

3. Performs exceptional and timely customer support with the emphasis on minimizing Officers time out-of-service;

4. Acts as liaison between users, IT staff, other Metro agencies, and vendors as appropriate to determine and resolve problems received from clients;

5. Develops and constantly updates accurate technical installation, support, and troubleshooting documentation;

6. Participates in the installation, troubleshooting and maintenance of mounting hardware and equipment in departmental vehicles;

7. Maintains an accurate inventory of all Mobile Data Computers and all associated components, kits, and mounting hardware;

8. Maintaining liaison with all other elements of the department and allied agencies;

9. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

10. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

11. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

12. Ensures that detailed disaster recovery plans are developed and maintained;

13. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

14. Performing other services required for the good of the department and the community.

1.160.090 Network Security and Video Systems Section

A. Objective

The primary objective of the Network Security and Video Systems Section shall be to implement and support complex information technology solutions for the department.

B. Organization

The Network Security and Video Systems Section shall be organized to include the following:

1. Section Manager;

2. Security Systems Support Unit;

3. Mobile Device Management Unit;

4. BWC-ICC Systems Administration Unit; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The manager of the Network Security and Video Systems Section shall be directly accountable to the commander of the Information Technology Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Responsible for the implementation, maintenance, and support of the Police Video Evidence Management System, including body worn cameras and In-Car camera systems;

6. Supports the implementation of a Mobile Device Management System for the efficient and secure administration of department-issued smartphones and other mobile devices;

7. Implements and supports the Police SafetyKam video management system including connectivity to cameras from other agencies;

8. Provides administration and support of the Police facilities security camera systems;

9. Provides management and support of Police facilities access control systems;

10. Provides design and oversight for network communications technologies;

11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;

12. Ensures that detailed disaster recovery plans are developed and maintained; and

13. Providing other services required for the good of the department and the community

1.160.100 Security Systems Support Unit

A. Objective

The primary objective of the Security Systems Support Unit shall be to provide security camera technologies to the department, as well as the

implementation and support for access control and network communications initiatives.

B. Organization

The Security Systems Support Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This unit shall be accountable to the manager of the Network Security and Video Systems Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Implements and supports the Police SafetyKam video management system including connectivity to cameras from other agencies;

2. Implements and supports video wall technologies, including conference room audio/video control systems;

3. Provides administration and support of the Police facilities security camera systems;

4. Provides management and support of Police facilities access control systems;

5. Provides design and oversight for network communications technologies;

6. Responsible for the performance and overall health of IT Security Systems;

7. Maintains an accurate inventory of all security systems deployed or in stock;

8. Maintains liaison with all other elements of the department and allied agencies;

9. Serves as a representative of the department to any agency concerned with the activities and operations of the unit;

10. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

11. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

12. Ensures that detailed disaster recovery plans are developed and maintained;

13. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

14. Performing other services required for the good of the department and the community.

1.160.110 Mobile Device Management Unit

A. Objective

The primary objective of the Mobile Device Management Unit shall be to provide support and administration of the Mobile Device Management system for all departmental smartphones and other mobile devices; and provide facility access card badging and provisioning services to department users and contractors.

B. Organization

The Mobile Device Management Unit shall be organized to include the following:

1. Unit supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This unit shall be accountable to the manager of the Network Security and Video Systems Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities

and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Implements, administers, and supports mobile device management functions, configuration profiles, and enrollment processes for all department-issued smartphones and other mobile devices;

2. Performs maintenance and troubleshooting of mobile device management systems and applications to ensure their ongoing availability, stability, and compliance with standards and security requirements;

3. Deploys custom and vendor-specific applications, security tools and patches, updates, and drivers to remote mobile devices;

4. Designs and maintains efficient onboarding processes;

5. Maintains an accurate inventory of all mobile devices, software, peripherals, and parts, including ensuring timely provisioning and de-provisioning of cellular carrier services;

6. Maintains the overall health of all mobile devices and the MDM/MAM functions that support them and maintains all components at optimal operational performance;

7. Provides facility access card badging and provisioning services to department users and contractors;

8. Maintains liaison with all other elements of the department and allied agencies;

9. Serves as a representative of the department to any agency concerned with the activities and operations of the unit;

10. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

11. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

12. Ensures that detailed disaster recovery plans are developed and maintained;

13. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

14. Performing other services required for the good of the department and the community.

1.160.120 BWC / ICC System Administration Unit

A. Objective

The primary objective of the BWC/ICC System Administration Unit shall be to provide support and administration of BWC and In-Car camera hardware, software, and associated video evidence management systems and processes.

B. Organization

The BWC/ICC System Administration Unit shall be organized to include the following:

1. Unit supervisors; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This unit shall be accountable to the manager of the Quality Assurance and Project Management Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Provides installation, hardware swap-outs, configuration and ongoing support of BWC and In-Car Video Evidence Management devices, components, peripheral equipment, and software;

2. Diagnose and resolve issues related to BWC and In-Car device components, and software;

3. Performs network communications troubleshooting to and from BWC and In-Car system device components;

4. Monitor and provide technical support of the video evidence uploading processes, including WiFi uploading, and maintenance of BWC upload/charging docks at Police locations;

5. Act as liaison between users, system administrators, MDC Technicians, and other Police IT staff as appropriate to determine and resolve problems received from clients;

6. Ensure BWC and In-Car video devices and components interconnect seamlessly with all related devices, servers, and applications;

7. Provide accurate and up to date technical installation, support, and troubleshooting documentation;

8. Provide training to internal IT staff as well as users on use of hardware and software;

9. Maintains inventory of all hardware and software resources and parts, including equipment installed with up-to-date user/vehicle assignments;

10. Maintains liaison with all other elements of the department and allied agencies;

11. Serves as a representative of the department to any agency concerned with the activities and operations of the unit;

12. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

13. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

14. Ensures that detailed disaster recovery plans are developed and maintained;

15. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

16. Performing other services required for the good of the department and the community.

1.160.130 Sharepoint/Web/M365 Solutions Unit

A. Objective

The primary objective of the Sharepoint/Web/M365 Solutions Unit shall be to leverage Office 365, Sharepoint services, and web services to provide applications and automation tools to users for department processes.

B. Organization

The Sharepoint/Web/M365 Solutions Unit shall be organized to include the following:

1. Unit staff; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

This unit shall be accountable to the manager of the Quality Assurance and Project Management Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Provide custom Office 365 Power Apps to automate department processes;

2. Design, implement, and maintain SharePoint and web content internally and externally as needed;

3. Ensures the security of all supported websites and SharePoint sites including plugins, components and platforms utilized;

4. Maintains liaison with all other elements of the department and allied agencies;

5. Serves as a representative of the department to any agency concerned with the activities and operations of the unit;

6. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;

7. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;

8. Ensures that detailed disaster recovery plans are developed and maintained;

9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and

10. Performing other services required for the good of the department and the community.

1.160.140 Quality Assurance and Project Management Section

A. Objective

The primary objective of the Quality Assurance and Project Management Section shall be to provide quality assurance testing for applications and systems; provide user and system documentation; service public record requests and perform video redaction as required; and to provide project management services for departmental IT projects.

B. Organization

The Quality Assurance and Project Management Section shall be organized to include the following:

1. Section Manager;

2. Quality Assurance Unit;

3. Public Records and Video Redactions Unit;

4. Project Management Unit;

5. SharePoint/Web/M365 Solutions Unit; and

6. Other personnel required for efficient operation.

C. Duties and Responsibilities

The manager of the Quality Assurance and Project Management Section shall be directly accountable to the commander of the Information Technology Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Creates, manages and executes project plans to support ongoing needs of IT Services to the Police Department including; planning the stages of the project and how each stage affects both the technical and business areas; and identify and manage resource allocation and constraints;

6. Tracks progress of projects and compiles status reports;

7. Proactively manage changes in project scope, identify potential crises, and devise contingency plans;

8. Collaborates with team to drive important business strategies to provide outstanding customer service, streamline processes, and meet financial goals;

9. Communicates effectively with both technical staff and non-technical Police personnel; providing a mechanism to translate between the groups;

10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and

11. Ensures that detailed disaster recovery plans are developed and maintained; and

12. Providing other services required for the good of the department and the community

1.160.150 IT Quality Assurance Unit

A. Objective

The primary objectives of the Quality Assurance Unit of the Information Technology Division is to provide QA testing for applications and systems, provide user and system documentation, and to provide training to personnel.

B. Organization

The Quality Assurance Unit shall be organized to include the following:

1. Unit staff; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Quality Assurance Unit staff shall be directly accountable to the Manager of the Quality Assurance and Project Management Section of the Information Technology Division.

Assigned duties shall include:

1. Create quality measurements to track improvement in IT related applications, systems, and services;

2. Execute quality improvement testing and activities;

3. Develop quality assurance standards and processes;

4. Ensure products meet customer expectations and demand;

5. Create reports documenting errors and issues for fixing;

6. Work closely with the development team and system support team to improve existing products;

7. Maintain standards for reliability and performance of production;

8. provide user and system documentation;

9. Defining specifications for IT products;

10. Develop and maintain user documentation on in-house and vendor purchased products; and

11. Performing other services required for the good of the department and the community.

1.160.160 Public Records and Video Redactions Unit

A. Objective

The primary objectives of the Public Records and Video Redactions Unit of the Information Technology Division is to service public record requests and perform video redaction as required by law, regulations, and policy.

B. Organization

The Public Records and Video Redactions Unit shall be organized to include the following:

1. Unit Supervisor;

2. Unit staff; and

3. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Public Records and Video Redactions Unit staff shall be directly accountable to the Manager of the Quality Assurance and Project Management Section of the Information Technology Division.

Assigned duties shall include:

1. Reviews, analyzes, and processes open records requests and court subpoenas for relevant body worn camera, in-car camera, or other digital media, as well as other documents, and data records;

2. Responds to requests for public records in accordance with Tennessee Public Records Act, Tennessee law related to open record exemptions, regulations, and departmental policies and procedures, making redactions as required before release;

3. Searches, compiles, analyzes, and redacts video, audio, and documents;

4. Ensures the department's electronic open records procedures, processes, and other documentation are up to date with current and accurate content; and

5. Performing other services required for the good of the department and the community.

1.160.170 Project Management Unit

A. Objective

The primary objectives of the Project Management Unit of the Information Technology Division is to provide project management and business analysis services for technology implementations and upgrades for the department.

B. Organization

The Project Management Unit shall be organized to include the following:

1. Unit staff; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Project Management Unit staff shall be directly accountable to the Manager of the Quality Assurance and Project Management Section of the Information Technology Division.

Assigned duties shall include:

1. Creates, manages and executes project plans to support ongoing needs of IT Services to the Police Department including; planning the stages of the project and how each stage affects both the technical and business areas; and identify and manage resource allocation and constraints;

2. Tracks progress of projects and compiles status reports;

3. Proactively manage changes in project scope, identify potential crises, and devise contingency plans;

4. Coordinate's activities and tasks among project team members, other internal divisions, or vendor/subcontractor organizations as needed to meet project goals and ensure project completion is on schedule and of the appropriate quality standard;

5. Provides user and system documentation;

6. Defining and documenting specifications for IT products; and

7. Performing other services required for the good of the department and the community.

1.160.180 Software Development Section

A. Objective

The primary objective of the Software Development and Support Section shall be to procure or develop software that meets the needs of departmental users, and to provide maintenance and support for that software, including the Records Management System (RMS). The section also ensures that detailed disaster recovery plans are developed and maintained.

B. Organization

The Software Development and Support Section shall be organized to include the following:

1. Section Manager;

2. Software Development Unit;

3. Database Administration Unit; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Manager of the Software Development and Support Section shall be directly accountable to the commander of the Information Technology Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Receiving, scheduling, and tracking user reports of computer problems;

6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;

7. Ensures that detailed disaster recovery plans are developed and maintained; and

8. Performing other services required for the good of the department and the community.

1.160.190 Software Development Unit

A. Objective

The primary objective of the Software Development Unit shall be to develop and maintain application software and interfaces for users and systems, and to maintain the Records Management System (RMS).

B. Organization

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Software Development Unit shall be directly accountable to the Manager of the Software Development Section of the Information Technology Division for the proper development and implementation of agency specific written and purchased applications.

Assigned duties shall include:

1. Administration and maintenance of the department's Record Management System and all associated applications and interfaces;

2. Assisting with the designing of police specific software;

3. Development and implementation of assigned in-house police specific applications;

4. Maintaining liaison with all other elements of the department and allied agencies;

5. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

6. Providing support and maintenance of all related software and systems; and

7. Performing other services required for the good of the department and the community.

1.160.200 Database Administration Unit

A. Objective

The primary objective of the Database Administration Unit shall be to develop, maintain, and support efficient databases to store law enforcement information in an efficient and effective manner for use by users and application systems.

B. Organization

1. Section Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Database Administration Unit shall be directly accountable to the Manager of the Software Development and Support Section of the Information Technology Division for the proper development, implementation and administration of databases and reporting.

Assigned duties shall include:

1. Provides database administration support for all phases of the systems development cycle;

2. Assisting with the designing and support of police specific software;

3. Maintain database configurations in compliance with established best practices;

4. Maintaining liaison with all other elements of the department and allied agencies;

5. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

6. Providing support and maintenance of all related software and systems;

7. Providing support and maintenance of all related databases; and

8. Performing other services required for the good of the department and the community.

1.160.210 Body Worn Camera/In Car Camera Operations Division

A. Objectives

The Primary objectives of the BWC/ICC Operations Division shall be:

1. The oversight and management of the MNPD BWC/ICC Program;

2. The development, implementation, and updating of BWC/ICC polices and procedures;

3. The development, maintenance, and delivery of BWC/ICC Training;

4. The coordination of technical matters related to the BWC/ICC Program;

5. The coordination of BWC/ICC matters on behalf of MNPD with other LE agencies; and

6. The development, maintenance, and completion of auditing for BWC/ICC recordings.

B. Organization

1. Division Commander/Program Administrator;

2. Division Lieutenant; and

3. BWC/ICC Quality Assurance Section.

C. Duties and Responsibilities

The Commander of the BWC/ICC Operations Division shall be directly accountable to the Deputy Chief of the Crime Control Strategies Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Research and design departmental training programs and ensure training programs are delivered and appropriately documented;

2. Coordinates with Information Technology Division staff regarding BWC/ICC system technical related issues;

3. Preparing and submitting budget estimates encompassing the total operation of the division;

4. Serve as a representative of the department to any agency concerned with the activities of the BWC/ICC program;

5. Conducting policy and procedure review and evaluation, and assists in development, implementation and updating of policies and procedures;

6. Prepares reports from data generated by random BWC/ICC audits;

7. Developing and maintaining auditing procedures to ensure video evidence is properly uploaded and policies and procedures related to the BWC/ICC program are being followed;

8. Ensures all authorized employees are equipped and trained with currently issued BWC/ICC equipment;

9. Formulates goals and objectives pertinent to the operation of the division on an annual basis;

10. Staying informed of BWC/ICC technology developments to ensure procurement of the best systems available; and

11. Ensuring compliance with all applicable policies, procedures, rules or laws regarding the storage, access, release and/or retention of BWC/ICC video.

1.160.220 BWC / ICC Quality Assurance Section

A. Objectives

The Primary objective of the BWC/ICC Operations Division Quality Assurance Section shall be to perform thorough random audits of BWC/ICC video from across the department. The section is responsible for randomly auditing BWC/ICC video to ensure the high standards of the MNPD are being met and any policy and/or training deficiencies are reported to the appropriate chain of command.

B. Organization

1. Section Supervisor;

2. Police Sergeant auditor positions; and

3. Other personnel required efficient operation.

C. Duties and Responsibilities

The Quality Assurance Section will be directly accountable to the Commander of the BWC/ICC Operations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Development and management of the random auditing assignments allowing for the completion of all random BWC/ICC audits to be completed in a timely manner;

2. Providing continuous training and improvement to all BWC/ICC personnel;

3. Complies reports from BWC/ICC random audit data;

4. Tracks any policy and/or training concern found during random BWCICC audits;

5. Shares data and observations from random BWC/ICC audits with Training Division personnel annually;

6. Forwards any policy and/or training concern found during a random BWC/ICC audit to the appropriate chain of command for review;

7. Immediately reports any gross misconduct observed by an MNPD employee on BWC/ICC video to the Division Commander;

8. Soliciting input for ongoing BWC/ICC training from personnel from across the department;

9. Remaining alert to the need for improved methods and techniques unique to the operations of the section; and

10. Counseling section personnel interested in increasing their potential and preparing themselves for advancement.

11. Remains proficient with the Department Manual, use of force training, and SOP’s from across the department.

12. Performs random BWC/ICC video audits in accordance with BWC/ICC policy and Standard Operating Procedures.

13. Instructs approved BWC/ICC training courses for new users, in-service training, and remedial training.

1.160.230 Investigative Support Division

A. Objective

The primary Objective of the Investigative Support Division shall be:

1. To serve as the information and intelligence hub of the Police Department.

2. To provide real time and investigative support to members of the MNPD and other law enforcement partners

B. Organization

The Investigative Support Division shall be organized to include:

1. Division Commander

2. Community Safety Center

3. Criminal Intelligence Analysis Unit

C. Duties and Responsibilities

The Commander of the Investigative Support Division shall be directly accountable to the Deputy Chief of the Crime Control Strategies Bureau for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities, rules, and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. Preparation of an annual budget encompassing the total operation of the division;

7. Exercising control over all purchases and disbursements for the division; and

8. Seeking the most qualified personnel to fill vacant positions in the division.

1.160.240 Community Safety Center (CSC)/ Intelligence Operations Center

A. Objective

The objective of the Community Safety Center shall be to provide situational awareness during in-progress incidents to include: tracking evolving situations, identification of possible suspects, and suspect vehicles, locating fleeing suspects, and assisting on-scene personnel as needed.

1. Monitor calls for service and provide actionable information to assist officers and investigators in the field. This will be accomplished through monitoring of the CAD, RMS, police radio, and existing cameras;

2. Increase precision policing efforts of departmental personnel with information and technology assistance;

3. Priority shall be given to calls for service where safety of citizens or personnel can be enhanced with technology; and

4. Any other situation where there is potential for injury or death and the Community Safety Center can provide important information that can lead to a safer outcome for all parties.

B. Organization

The Community Safety Center shall be organized to include the following:

1. Section Commander

2. Community Safety Center Investigators

3. Other Personnel Required for efficient operation.

C. Duties and Responsibilities

The Lieutenant of the Investigative Support Division shall be directly accountable to the Commander of the Investigative Support Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Organizing, directing, and controlling all resources of the unit; maintaining operations at a productive level to ensure optimum performance; and

2. The Senior Intelligence Analyst the Criminal Intelligence Analysis Unit, who operate the Community Safety Center.

1.160.250 Crime Intelligence Analysis Unit

A. Objective

The objective of the Criminal Intelligence Analysis Unit shall be to:

1. Provide tactical and/ or strategic intelligence analysis to members of the department conducting ongoing criminal investigations;

2. Analyze crime data and recognize patterns and trends; and

3. Present information to department leadership regarding analytical findings and observed crime trends.

B. Organization

The Criminal Intelligence Analysis Unit Shall be organized to include the following

1. A supervisory analyst (Administrative Services Manager)

2. Criminal Intelligence Analyst (Professional Specialist)

3. Other Personnel Required for efficient operation

C. Duties and Responsibilities

The Supervisor of the Criminal Intelligence Analysis Unit shall be directly accountable to the Lieutenant of the Investigative Support Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules, and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Evaluate work activities in the Criminal Intelligence Analysis Unit;

2. Devise methods of utilizing information submitted by investigators;

3. Prepare both narrative and statistical reports and make presentations;

4. May coordinate related activities in other areas of the department;

5. Details problems, provides supporting evidence, and recommends solutions; and

6. Provide analytical support for investigations, threat assessments, or upcoming large-scale events.

1.170 Organizational Structure of the Community Safety & Partnerships Bureau

1.170.010 Generally

A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Community Safety & Partnerships Bureau and all components that fall under the responsibility of that bureau.

B. It is the policy of this department that each component shall be assigned the sworn and professional support staff personnel required to perform all duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

1.170.020 Definitions

A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police.

B. **Division:** The primary element part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate to the bureau commander.

C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.

D. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the sector commander.

F. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

1.170.030 Community Safety & Partnerships Bureau

A. Objectives

The primary objectives of the Community Safety & Partnerships Bureau shall be to create, cultivate, and maintain relationships within the community through innovative and outreach-centered approaches. The bureau shall engage in continuous research and planning to develop and maintain acceptable standards for meeting demands in:

1. The development of outreach-centered policing approaches, crime prevention, and collaboration with local government agencies to address public safety needs;

2. The development of other specialized services necessary to support patrol, traffic, and investigative efforts; and

3. The formulation of crime prevention programs.

B. Organization

The Community Safety & Partnerships Bureau shall be further organized into divisions, sections, and other such units to include the following:

1. Park Police Division;

2. Office of Alternative Policing Strategies;

3. Office of Community Outreach & Partnerships; and

4. Nashville Police Activities League

C. Duties and Responsibilities

The Deputy Chief of the Community Safety & Partnerships Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same command duties and responsibilities and rules and regulation applicable to any other supervising officer. They shall include the following:

1. Maintaining liaison with all other elements of the department, allied agencies, and the community at large;

2. Serving as the representative of the department to any agency or

community member concerned with the activities and operation of the Community Safety & Partnerships Bureau;

3. Familiarization with the departmental policies and execution of a service program within the area of responsibility of the Community Safety & Partnerships Bureau;

4. Preparing and submitting an annual budget for the Community Safety & Partnerships Bureau;

5. Exercising control over all purchases and disbursements for the Community Safety & Partnerships Bureau;

6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;

7. The formulating of goals and objectives pertinent to the operation of the Community Safety & Partnerships Bureau on an annual basis;

8. Supervising and coordinating service functions such as identification, reports, statistics, training, equipment, and similar activities;

9. Meeting with division heads to discuss and advise on policies and problems;

10. Attending meetings with public officials and explaining police functions;

11. Determining if CALEA standards are being met by the bureau;

12. Notifying the Chief of Police or his/her designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest; and

13. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

1.170.040 Park Police Division

A. Objectives

The primary objectives of the Park Police Division shall be:

1. The oversight of the Metropolitan Park Police, whereas the MNPD and Parks seek to work together to assist the Metropolitan Park Police to operate in a professional and efficient manner;

2. Develop and maintain effective crime control programs with emphasis on reducing criminal activity inside the Metropolitan Nashville Parks;

3. Monitor and development of background, recruitment, and hiring activities for Metropolitan Park Police officers

B. Organization

The Park Police Division shall be organized to include the following:

1. Division Commander;

2. Parks Lieutenant (Park employee);

3. Park Patrol Unit (Park Employees);

4. Parks Community Engagement and Mounted Unit (Park Employee) ;

5. Recruitment and Background Unit (Park Employee); and

6. Parks Special Event/Secondary Employment Unit (Park Employee).

C. Duties and Responsibilities

The commander of the Park Police Division shall be directly accountable to the Deputy Chief of the Community Safety & Partnerships Bureau. Although the Chief of Police remains as the commander's appointing authority, oversight of the commander's job will be accomplished through a joint effort of both the Chief of Police and the Director of Parks. Assigned duties shall include:

1. The commander of the Park Police Division will be expected to oversee all activities of the Metropolitan Park Police Department. This authority includes, but is not limited to, assignment of personnel and enforcement of rules and regulations;

2. The full job duties and the extent of the commander's authority will be established pursuant to guidelines created by the Chief of Police and the Director of Parks.

3. Maintaining liaison with all other elements of both departments, allied agencies, and interested community groups;

4. Serving as a representative of both departments to any agency concerned with the activities and operations of the division;

5. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

6. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;

7. Causing the general inspection of public places in the community and parks to ensure compliance with applicable laws;

8. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community and parks;

9. Analyzing data concerning crime, traffic, and other incidents to aid in the proper development, deployment, and utilization of resources;

10. Preparing and submitting an annual budget encompassing the total operation of the division;

11. Exercising control over all purchases and disbursements for the division;

12. Ensuring the enforcement of all applicable laws;

13. Seeking the most qualified personnel to fill positions in the division and Park Police Department;

14. Developing roll call training programs pertinent to the various elements of the division;

15. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and

16. Providing other services required for the good of both departments and the community.

1.170.050 Office of Alternative Policing Strategies Division

A. Objectives

The Office of Alternative Policing Strategies will work in collaboration with community partners to provide the Metropolitan Police Department personnel with viable evidence-based solutions to quality-of-life issues experienced by residents of Davidson County. The focus of the Office of Alternative Policing Strategies shall include, but is not limited to, situations involving behavioral health crises, struggling juveniles, and adults involved in a cycle of violent crime.

B. Organization

The Office of Alternative Policing Strategies shall be organized to include the following:

1. Captain

2. Sergeant – Gun Retrieval/ Juvenile Diversion Section

3. Sergeant – Partners in Care (Mental Health Co-Response Program)/ Group Violence Intervention Section

C. Duties and Responsibilities

The Captain shall be directly accountable to the Deputy Chief of Police of the Community Safety & Partnerships Bureau for proper administration, general management, and all matters related to the conduct of the office. The Captain shall generally be responsible for the following:

1. Coordinating and collaborating with government, community, and law enforcement entities in order to effectively accomplish the stated objectives of the Office of Alternative Policing Strategies.

2. Maintaining liaison with various elements of the department, allied agencies, and the community at large.

3. Serving as a representative of the department to any agency or community member concerned with the activities and operations of the office.

4. Organizing, directing, and controlling all resources of the office.

5. Formulating annual goals and objections of the office.

1.170.060 Juvenile Diversion Section

A. Objectives

The Juvenile Diversion Section is a pre-arrest program being created with the purpose of diverting youth from the juvenile detention system and into community-based services. Patrol officers, School Resource Officers, and other entities refer at risk or vulnerable youth to the Juvenile Assessment Center. The Assessment Center will provide evaluations and assessments for the youth and their family to determine root causes of the youth’s behavior. The Assessment Center will make referrals to appropriate service providers to address the root causes of the behavior.

B. Organization

This section will be led by a sergeant.

C. Duties and Responsibilities

The sergeant over the Juvenile Diversion Section shall be directly accountable to the Captain of the Office of Alternative Policing Strategies for proper administration, general management, and all matters related to the conduct of the section. The sergeant shall generally be responsible for the following:

1. Acting as a liaison with the Juvenile Assessment center and the Metro Nashville Police Department.

2. Providing training and updates to the department regarding the Juvenile Diversion Program

1.170.070 Group Violence Intervention Section

A. Objectives

The Group Violence Intervention Section is an evidence-based program which partners law enforcement, community leaders, and community-based service providers to create new avenues for those most likely to be involved in gun violence.

B. Organization

This section will be led by a sergeant.

C. Duties and Responsibilities

The sergeant over the Group Violence Intervention Section shall be directly accountable to the Captain of the Office of Alternative Policing Strategies for proper administration, general management, and all matters related to the conduct of the section. The sergeant shall generally be responsible for the following:

1. Acting as a liaison with government, non-profits, and community entities in identifying and providing services to those adults most likely to be involved in gun violence.

2. Provide training and updates to the department regarding the Group Violence Intervention Program

1.170.080 Partners in Care Section (Co-Response Mental Health Program)

A. Objectives

Partners in Care is a collaboration between the Metro Nashville Police Department and Mental Health Cooperative formed to address calls for service involving mental illness, suicidality, and overdoses with a co-response approach. Officers will stabilize a scene and allow the clinician to assess, evaluate, and refer the consumer to most appropriate care needed. Goals of the program include:

1. Improve access to care for those experiencing a behavioral health crisis

2. Divert consumers from the criminal justice system to the health care system

3. Improve communication and coordination across systems of care and service providers

4. Improve safety for consumers, clinicians, and officers

B. Organization

This section will be led by a sergeant.

C. Duties and Responsibilities

The sergeant over the Partner in Care Section shall be directly accountable to the Captain of the Office of Alternative Policing Strategies for proper administration, general management, and all matters related to the conduct of the section. The sergeant shall generally be responsible for the following:

1. Coordinate with government, non-profits, and community entities

2. Coordinate Crisis Intervention training and program updates to all supervisors and officers in the Community Services Bureau

3. Ensure effective data collection efforts are in place, and continually monitor data to better identify program successes, needs for improvement, and potential need for expansion.

1.170.090 Gun Retrieval Section

A. Objectives

The Gun Retrieval Section will provide a pathway for officers to recover weapons without enforcement action which will help create safer communities and households, and improve officer safety. Goals of the program include:

1. Retrieve unwanted firearms before they can be used to commit crimes.

2. Recover firearms that may have already been used in crimes.

3. Recover stolen firearms

4. Reduce suicides, accidental shootings, and other self-inflicted gunshot incidents.

5. Prevent unauthorized access to firearms by minors and otherwise unauthorized persons.

6. Partner with community members to create safer households and neighborhoods, thereby reducing trauma; and

7. Afford community members the opportunity to take ownership of public safety and reduce violent crime in their communities with minimal police interaction.

B. Organization

This section will be led by a lieutenant

C. Duties and Responsibilities

The sergeant over the Gun Retrieval Section shall be directly accountable the Captain of the Office of Alternative Policing Strategies for proper administration, general management, and all matters related to the conduct of the section. The lieutenant shall generally be responsible for the following:

1. Partner with faith-based leaders in order to accomplish the goals of the Gun Retrieval program.

2. Assign gun cases to churches and track the number of guns collected through the program.

3. Coordinate and lead training sessions about gun violence and the Gun Retrieval program.

4. Utilize our faith-based partnerships to push the program's message out to church congregations, community groups, non-profit organizations, and any other organization who may be involved with helping at-risk youth.

1.170.100 Office of Community Outreach & Partnerships Section

A. Objectives

The Primary objectives of the Office of Community Outreach and Partnerships shall be to:

1. Develop meaningful relationships and partnerships with businesses, our many diverse communities and their leaders, organizations, groups and stakeholders through acts of service; as well as keeping them informed regarding community outreach efforts;

2. Engage and partner with community groups to address public safety and quality of life issues;

3. Collaborate with the Department Divisions/Precincts on community policing efforts;

4. Work collaboratively with the various stakeholders and agencies to prevent and reduce youth crime and victimization;

5. Identify 'at-risk' youth and create and implement diversion, intervention, and educational programs for these groups;

6. Provide necessary resources to community members to assist in mitigating urgent and immediate needs as well as everyday quality of life issues;

7. Coordinate within the Department to ensure consistent messaging on key community concerns and issues.

B. Organization

The Office of Community Outreach & Partnerships Section shall be organized into units to include:

1. Section Commander/Chief Community Officer;

2. Unit Commander;

3. Unit Supervisor;

4. Unit Officer; and

5. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Office of Community Outreach and Partnerships section shall be directly accountable to the Captain of Alternative Policing Strategies or his/her designee with the goal of achieving and sustaining gains against crime by strengthening the trust, relationships, and partnerships between the Department and many diverse communities and stakeholders. The OCOP shall be generally governed by the responsibilities, rules and regulations applicable to any other section in the Department. Assigned duties shall include:

1. Research and design of departmental outreach training programs and ensuring the training programs are appropriately delivered and documented;

2. Coordinate with Department Division/Precinct Commanders to address quality of life and public safety related issues involving their community policing efforts;

3. Coordinate and partner with other agencies and organizations on behalf of MNPD, as it relates to community outreach efforts;

4. Provide available essential services and resources to community members during public health and safety emergencies, as well as day to day emergencies that may arise, to help mitigate their effects on the members' quality of life;

5. Inform and educate community members and businesses about crime trends and threats, and partner with them on preventive measures;

6. Partner with the various stakeholders and agencies to prevent and reduce youth crime and victimization by creating and implementing diversion, intervention, and educational programs for 'at-risk' groups.

7. Other duties as required by the Chief of Police.

1.170.110 Nashville Police Activities League (PAL) Section

A. Objectives

The Primary objectives of the Nashville Police Activities League Section shall be to:

1. Connect to children, cops, and the community through community-oriented programs focused on mentorship;

2. Reduce youth victimization, recidivism, and crime through activities and programs designed to support youth and foster an environment of mentorship, education, and family support;

3. Work collaboratively with various stakeholders and agencies to prevent and reduce youth victimization and crime;

4. Identify 'at-risk' youth and create and implement diversion, intervention, and educational programs for these groups;

5. Increase youth engagement by serving in communities where our programs are needed the most;

6. Build meaningful relationships between law enforcement officers and the community by creating lasting relationships with the youth and their parents / guardians.

B. Organization

The Nashville Police Activities League Section shall be organized into units to include:

1. Section Commander;

2. Unit Supervisor;

3. Unit Officer; and

4. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Nashville Police Activities League Section shall be directly accountable to the Deputy Chief of the Community Safety & Partnerships Bureau or his/her designee and shall be generally governed by the responsibilities, rules, and regulations applicable to any other section in the Department. Assigned duties shall include:

1. Researching and designing youth activities and programs;

2. Coordinating with department divisions/precincts throughout the MNPD to aid with addressing youth outreach, youth victimization, and youth offender diversion programs;

3. Coordinating and partnering with other agencies and organizations on behalf of the department as it relates to youth outreach and diversion efforts;

4. Providing available essential services and resources to community members as necessary;

5. Partnering with various community stakeholders and agencies to prevent and reduce youth crime and victimization by creating and implementing diversion, intervention, and educational programs;

6. Identifying ‘at-risk’ youth, who would benefit from P.A.L. programs and work towards recruiting those youth to participate in P.A.L. programs;

7. Creating and implementing programs designed to engage youth in our communities;

8. Actively participating with youth in programs to foster an environment of mentorship and inclusion.

Title 2: Employee Welfare

2.10 Substance Abuse Program

Reference: Civil Service Commission Substance Abuse Policy No. 6.1-II

2.10.010 Purpose

The purpose of this order is to provide all employees with notice of the provisions of the department's substance abuse testing program. The department has a legal responsibility and management obligation to ensure a safe work environment; as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment is an employee who is free from drug or alcohol dependence, illegal drug use, or drug or alcohol abuse.

This order states:

A. Departmental policy relating to the use of alcohol, prescription drugs, illegal drugs, and the abuse of legally prescribed drugs by employees;

B. Conditions under which a mandatory drug and/or alcohol testing examination will be required of an employee; and

C. Substance abuse testing procedures.

D. The authority for conducting these procedures.

2.10.020 Policy

It is the policy of the Metropolitan Police Department to maintain a workplace that is free from the effects of drug and alcohol abuse. The Metropolitan Police Department insists on the highest standards of behavior from its employees to further our goal in providing the most professional police service possible to the citizens of Nashville-Davidson County. Moreover, police officers who are sworn to enforce the laws lose credibility and public confidence if they violate the very laws they are sworn to enforce. This confidence is further eroded by the potential for
corruption created by illegal drug use. Employees of this department must always act in a manner that maintains the integrity and reputation of the department.

Specifically, it is the policy of this department that:

A. It is prohibited for any employee to possess illegal controlled substance(s) on or off duty (except in the performance of his/her duties).

B. It is prohibited for any employee to use alcohol or legal drugs in a manner which might interfere with or affect the employee's performance of duties.

C. Any employee found in violation of these provisions may be subject to disciplinary action in accordance with departmental and/or Civil Service Rules.

D. Employees will be subject to testing for alcohol and controlled substances as established in this policy; and

E. In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Chief of Police of any criminal drug statute conviction occurring in the workplace within five workdays after the conviction.

F. While the MNPD is guided by the United States Department of Transportation (USDOT) regulations as guidelines for its substance abuse testing procedures, the USDOT regulations do not control the specific drugs for which the employee may be tested, and the employee may be tested for any controlled substances and/or drugs and their metabolites deemed illegal pursuant to State and Federal statutes.

G. Authority: The policies and procedures set out in this Order shall be implemented and carried out pursuant to the authority of the Rules and Policies of the Metropolitan Government Civil Service Commission, the policies and procedures of the Metropolitan Government Department of Human Resources, controlling state and federal law and the authority and responsibilities of the Chief of Police as set out in Section 8.203 of the Metropolitan Charter, as applicable to any or each of the provisions contained herein.

(Category: Violation of Substance Abuse policy varies by severity of offense if not otherwise specified within this order.)

2.10.030 Definitions

For purposes of this policy the following definitions apply:

A. **Accident:** An unplanned event that happens with no preparation or deliberate intent and may result in damage and/or injury.

B. **Alcohol Use:** Consumption of any food or beverage, mixture, or preparation, including any medication containing alcohol.

C. **Anabolic Steroid:** A group of hormones most commonly used to increase muscle mass, strength and promote tissue growth.

D. **Authoritative Source:** Any employee who is responsible for the control, conduct or performance of any other employee.

E. **Collection Site:** A designated place, approved by the Metropolitan Nashville Human Resources Division, where employees present themselves for the purpose of providing a test specimen to be analyzed for the presence of alcohol and/or drugs.

F. **Collection Site Personnel:** A person at a collection site who receives the urine specimen provided by department personnel and/or conducts blood/breath alcohol testing. Such personnel shall be considered an authoritative source. Instructions from an authoritative source, as it pertains to this order, are defined in current departmental policy governing deportment.

G. **Controlled Substances:** A drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription. A substance subject to the Controlled Substances Act (1970), which regulates the prescribing and dispensing, as well as the manufacturing, storage, sale, or distribution of substances assigned to schedules I through VII. A drug, substance, or precursor in Schedules I through VII of the Tennessee Code Annotated.

H. **Department Substance Abuse Coordinator:** A member of the department who has been appointed by the Chief of Police and serves as a manager of substance abuse training, substance abuse testing, and reporting the results of substance abuse testing on behalf of the department.

I. **Drug:** For the purpose of this directive, a drug is:

A substance used in the diagnosis, treatment, or prevention of a

disease or as a component of a medication; or

Such a substance as recognized or defined by the U.S. Food, Drug, and Cosmetic Act; or

A chemical substance, such as a narcotic or hallucinogen, which may affect the central nervous system and may cause changes in behavior and often addiction.

J. **Drug Test:** The compulsory production and submission of specimens by an employee in accordance with department and Metropolitan Government procedures, for chemical analysis to detect prohibited drug or alcohol usage. For the purpose of this order "drug test" can be used interchangeably with "substance abuse test".

K. **Illegal Drug:** Any drug for which possession and/or use is prohibited by law.

L. **Illegal Drug Use:** As used herein, illegal use of drugs shall include the illicit use, procurement, possession, distribution, or delivery of narcotics or controlled substances.

M. **Medical Review Officer (MRO):** A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has the appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

N. **Reasonable Suspicion:** Reasonable suspicion is a level or standard of proof that is less than probable cause but more than a mere hunch or belief. Reasonable suspicion must be based on specific and articulable facts and circumstances which, taken together with rational inferences a trained supervisor may draw in light of his or her experience, would lead a reasonable and trained supervisor to believe that certain conduct has been or is being committed. These facts and circumstances may include, but are not limited to, credible reports from others, observations, appearance, behavior, action(s), conduct and/or speech or odors. Reasonable suspicion is 'articulable suspicion' or a suspicion for which reasons can be articulated or explained. For the purpose of this Order, it is a suspicion of illegal drug use, or the impermissible use of alcohol based on reasons that can be articulated or explained.

O. **Reasonable Suspicion Testing:** An employee is subject to reasonable suspicion testing when, after review of the specific facts and circumstances in a particular employee's case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under established policy.

P. **Safety Sensitive Employee:** Employees who are responsible for the health, safety and welfare of the general public and their fellow employees. The MNPD further defines those employees to also include security and related law enforcement positions where an employee is authorized by the department to carry a firearm, or for the security of property, evidence or confidential information collected by law enforcement personnel. This shall also include those who have access to areas in which property, evidence or confidential information may be stored. The list of safety sensitive employees, as authorized by the MNPD substance abuse coordinator, is maintained by the Safety Office and reviewed annually for consistency by assignment. The list will be reviewed and approved annually by the executive staff of the MNPD.

Q. **Substance Abuse:** The use of any illegal substance, of a legal substance in excess of the recommended dosage, of the legal substance prescribed for another person, or of alcohol to the point of impairment. This shall also include the use of prescription drugs outside of their intended use or inconsistent with the purpose and direction under which they were originally prescribed.

R. **Trained Supervisor:** Any MNPD employee that has been promoted or appointed to a supervisory position after undergoing all prerequisite training and testing required for such position. Additionally, such training shall be designed to teach supervisors how to identify and document substance abuse among employees, and to familiarize them with the controlled substances testing program, provisions of this policy, and related laws. Such training shall be provided no less frequently than required by Civil Service Policy, Section 6.1. Said agreement shall be retained by the Strategic Development Division in conjunction with this policy.

2.10.040 Departmental Procedures and Rules

A. Prohibited Activity

The following rules shall apply to **all** applicants, probationary employees, professional support staff employees, and sworn employees, while on and off duty:

1. **The illegal use of drugs is a crime which shall not be tolerated among employees of the department.** The recreational or experimental use of any illegal drug or controlled substance by an employee is prohibited. No employee shall be on duty while under the influence of intoxicants or drugs. An employee shall report for duty and remain free from the influence and odor of intoxicants and/or drugs while on duty. *(Category AA)*

2. The consumption or purchasing of alcoholic beverages while on

duty and/or while in uniform and/or while otherwise identified as a Metropolitan Nashville Police Officer, is prohibited.

a. The consumption of alcoholic beverages while on duty, in any amount, is prohibited. *(Category B-AA)*

b. The purchase of alcoholic beverages while in uniform is prohibited, whether on duty or off duty. *(Category D-C)*

c. The purchase of alcoholic beverages while on duty is prohibited. *(Category D-C)*

d. The purchase of alcoholic beverages while wearing or displaying, in any manner, any item or article identifying the purchaser as a law enforcement officer or a member of the Metropolitan Nashville Police Department is prohibited. *(Category D-C)*

3. No employee shall illegally possess or illegally ingest any controlled substance. *(Category AA)*

4. Employees shall not ingest any controlled or other dangerous substance, unless prescribed specifically for that employee by a licensed medical practitioner and only in accordance with the directions of the prescribing practitioner for the condition or/injury for which it was originally prescribed. *(Category B-AA)*

5. The non-medical use and associated abuse of prescription medications and performance enhancing drugs, as well as the use, possession, and/or distribution of illegal drugs is unacceptable and prohibited by this policy as is the use of masking agents or diuretics taken to conceal or obscure the use of prohibited drugs. *(Category B-AA)*

a. Employees may receive a prescription drug, acquire an over-the-counter drug, dietary aid, or mood/performance enhancing substance which carries warnings that must be considered. Members should discuss these warnings with their physician along with their job tasks and duties to ensure that their performance is not affected nor the safety of the employee or others. *(Category B-AA)*

b. Performance enhancing substances may also have significant warning label concerns that employees should understand. Performance enhancing drugs are any substances taken to increase a particular skill set. These substances may not only be steroids but include many items available over the counter and even in health food type stores. *(Category A-AA)*

6. No employee shall report for duty after they have ingested any alcohol or medication which would impair the employee's ability to perform his/her duties. *(Category: Violation varies by severity of offense)*

7. Any employee who intentionally ingests or is made to ingest a controlled substance or illegal drug shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety and compliance with this policy. *(Category A)*

8. Any employee having a reasonable basis to believe that another employee is illegally using or is in possession (except in the performance of his/her duties) of any illegal drug or controlled substance shall immediately report the facts and circumstances to a department supervisor in his/her chain of command. The supervisor shall then compile all available facts and report these facts to his/her chain of command and to the department Substance Abuse Program Administrator.

   A decision will then be made as to whether enough evidence exists to have the employee tested for substance abuse as provided in Article 2.10.070.

   (Violation of this provision may be charged up to and including the category of the underlying offense not reported.)

B. Mandatory Participation in the Program

1. In order to provide for the protection of the department and the well-being of the employees, the department shall have the right and authority to require employees to submit to substance abuse testing.

2. Participation in the substance abuse program is mandatory. Employees will be required to keep their scheduled appointment and participate in the screening program before being excused from their tour of duty.

3. No action which interferes with the integrity of the process will be tolerated. Any employee found guilty of disobeying any instruction related to this procedure, or in any way providing a false or adulterated sample will be subject to disciplinary action which may result in dismissal. Refusal to submit to or avoidance of drug screening by employees will result in immediate suspension and implementation of dismissal procedures. *(Category A)*

2.10.050 Persons Tested

Safety Sensitive Employees are subject to all testing set forth in Articles 2.10.060 and 2.10.070 below. In addition, Safety Sensitive Employees may also be required to submit to testing as a condition of continued employment in each of the following circumstances:

A. An employee is scheduled to submit to a department-ordered psychological evaluation, or physical examination.

B. Upon application to specialized units within the department, or when subject to promotion (when notice has been given that a substance abuse examination is required); or

C. An employee is returning to the department after an absence of thirty (30) days or more:

   1. From a leave of absence or suspension; and/or

   2. Pursuant to an order by the Chief of Police; and/or

   3. To be re-employed or re-hired.

2.10.060 Required Test

A. The following personnel are subject to testing for alcohol, illegal drugs and controlled substances.

   1. Pre-Employment - All applicants for safety sensitive positions shall be required to submit to drug testing prior to employment. Persons refusing such test will not be permitted to continue the hiring process. Tests will be conducted after a provisional offer of employment has been made.

   2. Provisional Employees - Provisional safety sensitive employees are required to submit to a drug test before performing a health and safety function for the first time.

   3. Probationary Employees - All safety sensitive probationary employees shall be required, as a condition of employment, to participate in any mandatory drug test that may be required (e.g. random, reasonable suspicion, post-incident, post-accident) during the probationary period.

   4. Work/Promotional Test - Following the provisional and probationary periods, employees may be required to submit to testing in each of the following circumstances:

      a. Upon application to specialized units within the department

(when notice has been given that a substance abuse test is required); or

b. When subject to promotion (when notice has been given that a substance abuse test is required).

B. Test for alcohol, illegal drugs and controlled substances are required for the circumstances listed below:

1. Post-Traffic Crash Testing

a. Alcohol and controlled substances tests shall be conducted after traffic related vehicle crashes involving employees when:

(1) An employee is involved in a property damage traffic crash, and whose performance could have contributed to the crash; or

(2) An employee is involved in a personal injury vehicle crash, regardless of the fault determination.

b. The ranking on-scene supervisor, with supervisory responsibility of the involved employee, shall be responsible for ensuring alcohol/controlled substance testing is conducted in accordance with the following guidelines.

c. Alcohol tests should be completed within two (2) hours of the crash, and, in no event, after eight (8) hours, and controlled substances test shall be administered within thirty-two (32) hours of the crash. When possible, employees will be tested before the end of their tour of duty.

2. Post-Accident Testing

a. An employee may be required to submit to alcohol and/or controlled substance testing anytime the employee is involved in an accident that results in minor property damage. The ranking on-scene supervisor shall make the determination as to whether the circumstances of the event warrant testing.

b. An employee may be required to submit to alcohol and/or controlled substance testing anytime the employee is involved in an accident that results in, or may have the potential to result in, injury or significant damage to property. The ranking on- scene supervisor shall determine if property damage is significant.

c. The ranking on-scene supervisor, with supervisory responsibility of the involved employee, shall be responsible for ensuring alcohol/controlled substance testing is conducted in accordance with the following guidelines:

d. Alcohol tests should be completed within two (2) hours of the accident, and, in no event, after eight (8) hours, and controlled substances test shall be administered within thirty-two (32) hours of the accident. When possible, employees will be tested before the end of their tour of duty.

3. Use of Force Testing

   a. An employee may be ordered to test any time he/she uses force, other than the use of firearms, that is reasonably calculated to produce death or serious bodily injury, or anytime the use of force at any level results in death or serious bodily injury. Serious bodily injury is any injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.
   b. It is the responsibility of the ranking on-scene supervisor to make the determination as to whether the use of force requires a test and document why the use of force is classified as such.

4. Firearm Discharge Testing

   An employee shall be ordered to test any time he/she discharges a firearm with the following exceptions:

   a. Authorized firearms training or for legal recreational purposes.

      or

   b. Destroying seriously injured, suffering, or dangerous animals when no other disposition is practical by following current departmental guidelines on the use of force.

5. Reasonable Suspicion Testing

   The MNPD provisions for applying Civil Service Policy Section 6.1 are as follows:

   a. The appropriate supervisory personnel shall complete an MNPD Form 013 to include written documentation of the facts and observations supporting a reasonable suspicion test.

   b. The supervisor will notify, review, and discuss the facts of reasonable suspicion with his/her chain of command. In making a determination to test, the supervisor/chain of command may seek advice and input from the Substance Abuse Coordinator at any stage during the process. In the event any member of the chain of command is not immediately available, the supervisor

will notify the next higher-ranking person within the chain of command of the request for a test. The supervisor will then review their observations with the Chief of Police, or his/her designee.

(1) If the Chief of Police, or his/her designee, agrees, he/she will order the employee to submit to a controlled substance and/or alcohol test.

(2) Any employee who has been directed to submit to testing described in this order, shall not be allowed to report to duty without the prior approval of appropriate supervisory personnel.

c. An employee who is ordered to test based on reasonable suspicion shall be removed from any duties in which he/she might pose a possible safety risk until the test results confirm that he/she is medically fit to perform such duties.

6. Random Testing

Tests are ordered on a random, unannounced basis from the department pool of safety sensitive employees. At least twenty-five percent (25%) of employees in the pool will be tested annually, with selections done on a department-wide basis. Random selection is coordinated through the Department of Human Resources and done with a statistically valid method, such as a computer-based listing of employees by social security or employee number. An employee remains in the pool after being tested so that every employee shall have an equal chance of being tested each time selections are made. Any employee notified by his/her supervisor to report for a controlled substance and/or alcohol test must go immediately to the collection site.

7. Return to Duty and Follow-up Testing

a. Return to Duty - Any employee who tests positive under this policy must test again before returning to work. This test must be negative for alcohol and controlled substances.

b. Follow-up - Following a determination that an employee is in need of assistance in resolving a problem associated with the use of alcohol or controlled substances, the employee is subject to unannounced testing. There must be at least six (6) tests within the first twelve (12) months after an employee returns to work.

c. The length of time an employee is subject to follow-up testing and the number of tests required beyond the minimum six test

required is determined by the Substance Abuse Professional or Counseling Services Division counselor and shall not exceed sixty months.

2.10.070 Testing Procedure

A. Alcohol

Administrative testing for the use of alcohol will be done using evidential breath testing devices approved by the federal government. A screening test will be conducted first and anything less than 0.04 is considered a negative test. If the alcohol concentration is 0.04 or greater, a second confirmation test must be conducted. The department reserves the right to order a blood test as additional confirmation in extraordinary situations.

B. Controlled Substances

1. The current listing of tested controlled substances and steroid profiles including testing thresholds are outlined in Article 2.10.190 of this policy. This listing is subject to change and includes substances not specifically named that have similar chemical structure or similar biological effects.

2. Testing may be requested for other controlled substances. Samples will be given at a collection site designated or approved by the department or may be done on-site according to established procedures. Analysis shall be conducted by a laboratory certified by the U. S. Department of Health and Human Services.

3. If a screening test is positive for a controlled substance, a confirmation test is performed using the gas chromatography/mass spectrometry analysis. Levels constituting a positive test for marijuana, cocaine, amphetamines, opiates and PCP are established by the U. S. Department of Health and Human Services. Minimum threshold levels for steroid testing are established by the drug testing laboratory.

4. As testing and/or analysis procedures are refined, members are reminded that performance enhancing supplements and similar substances may contain prohibited substances that could result in a positive test under our departmental policy and improved testing methods. Members are advised to discuss ALL such substances with their physician or appropriate medical personnel prior to ingesting such substances.

C. Testing Procedures

1. An employee or applicant will be given a written order to report to a

collection site for testing. He/she will then report to the collection site immediately, or as directed, with positive photo identification. He/she will complete the chain of custody form and follow procedures established for the collection site. A breath alcohol test may be conducted at the site and when ordered, the employee will give a urine sample for controlled substances. The urine sample will be split in case of the possibility of retest.

2. In providing a testing sample, the adequacy of the sample shall be determined by the testing facility. Only test results from a Metropolitan Nashville Human Resources approved laboratory will be acceptable.

3. All test and laboratory procedures, including the chain of custody procedures, are those established by the U.S. Department of Health and Human Services and are available for review in the Metropolitan Department of Personnel and in the Human Resources Division of the police department.

D. Attempt to Falsify or Alter Drug Test

1. The use of any masking agent, substance, or technique which is designed to avoid detection of a prohibited drug and/or compromise the integrity of a drug test is prohibited. This includes, but is not limited to, providing false samples (for example, urine substitution), contaminating the sample with chemicals or chemical products, the use of diuretics for the purpose of diluting urine samples, the use of masking agents (such as probenecid and related compounds), and/or the use of epitestosterone either systematically or directly to artificially alter the testosterone/epitestosterone ratio.

2. The use of any such agent or technique shall be treated as, and constitute, a positive test for purposes of disciplinary action in instances pertaining to this policy.

2.10.080 Notification of Results and Role of the Medical Review Officer (MRO)

A. All controlled substance tests are reviewed and interpreted by a physician designated as the Medical Review Officer before they are reported to the employer. If the laboratory reports a confirmed positive result to the Medical Review Officer, the Medical Review Officer contacts the employee or applicant to determine if there is an alternative medical explanation for the substances found in the urine specimen.

B. The department administrator will notify the employee of test results, and if positive, will inform the employee to contact the Medical Review Officer if the Medical Review Officer has been unable to contact the employee.

C. If the employee provides appropriate medical documentation and the Medical Review Officer verifies that there is a legitimate medical explanation for the substance in question, the test result is reported as a negative to the employer. However, the employee may not be medically qualified to perform normal functions. In such instances, the Medical Review Officer shall advise the department in the form of a Safety Concern Notification.

D. An employee who is the subject of a Safety Concern Notification may be required to:

1. Submit to a fit for duty exam administered by the Metropolitan Civil Service Medical Examiner.

2. Be assigned to an alternate duty assignment, as appropriate, until the employee has been released for full duty by the Metropolitan Civil Service Medical Examiner.

3. Submit to additional controlled substance testing.

2.10.090 Refusal to Test or Failure to Provide an Adequate Testing Sample

A. Any refusal to submit to a test or failure to provide an adequate testing sample (without medical justification) shall be considered a positive test. Willful refusal to test, or an attempt to tamper with the test, is in violation of this policy and will subject an employee to disciplinary action. Refusal to submit shall include, but is not limited to, failure to provide an adequate breath or urine sample for testing unless medical reasons for such failure are substantiated by the medical review process conducted by the Medical Review Officer.

B. The following procedures were adopted from USDOT 40.193 (Violation of this provision shall be a category AA):

1. If the employee is unable to provide an adequate urine sample the employee will be urged to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. The collector will inform the employee of the time at which the three-hour period begins and ends.

2. The Collection Site Personnel shall determine if a sufficient breath or urine specimen has been supplied and that the sample has been supplied within the appropriate time limit. Such procedures and time limits shall be in accordance with the collection site's standard operating procedures.

3. Any employee who fails to provide an adequate testing sample shall notify the MNPD Safety Coordinator, via the guidelines

within the established policy on call out procedures, to receive instruction as to what procedures need to be followed.

4. The MNPD Safety Coordinator shall then make contact with the employee's immediate supervisor. At this time, the test will be viewed as a positive result until such time as the department is notified by a physician stating medical reasons that a sufficient sample could not be provided.

5. The Metro Human Resources Substance Abuse Coordinator will then direct the employee to obtain, within five (5) calendar days, an evaluation from a licensed physician, approved by the Metropolitan Nashville Human Resources Substance Abuse Coordinator, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. *(Violation of this provision shall be a category AA)*

6. The physician's examination will be forwarded to the Medical Review Officer (MRO) who will determine if there is a medical justification for failure to deliver a sufficient specimen. If there is no medical justification the MRO will report back to the Substance Abuse Coordinator that it is a positive test.

7. If it is reported by the MRO that there is a medical justification for failure to deliver a sufficient specimen, the employee shall seek the appropriate medical treatment, at the employee's expense, and then shall be re-tested immediately after the medical condition is resolved.

8. Failure to seek appropriate medical treatment shall constitute prima facie evidence of failure to provide an adequate testing sample or refusal to test. *(Violation of this provision shall be a category AA)*

2.10.100 Positive Test Results

A. An employee who tests positive for controlled substances or alcohol, refuses to submit to such tests, attempts to tamper with the test or is unable to provide an adequate breath or urine sample for testing is in violation of this policy, and shall be removed from performing normal duties pending further action and/or decommissioned consistent with established policy. *(Category AA)*

B. Whether prescription medication, over the counter medication, performance enhancing substances, or other substances, each employee is responsible for what he/she voluntarily ingests. Each employee is **responsible** for ensuring that the medication or other substances ingested do not impair his/her ability to perform their dutiesand are not prohibited by law or policy. **A positive test is a positive test, no matter the source of the substance that produces the positive test.**

1. Removal from Register of List

   Employees and applicants who have a confirmed positive pre-appointment test result for controlled substances or alcohol or refuse to test will be denied appointment and removed from the register or list. Employees will also be removed from any regular or regular rotating higher classification assignment involving a Safety Sensitive position for a minimum period of ninety (90) calendar days after presenting a negative return to work test.

2. Rehabilitation

   a. Employees who have a confirmed positive on any test for controlled substances or alcohol, including pre-appointment tests, shall be subject to further action which may include rehabilitation.

   b. The Chief of Police may take into account factors such as the circumstances which led to testing, the employee's work history, length of employment, job performance, and past corrective or disciplinary action in deciding whether rehabilitation will be attempted.

   c. Employees may be afforded an opportunity to avail themselves of a department-approved supervised drug and/or alcohol rehabilitation and treatment program. Rehabilitation program participation will be allowed only for the misuse of prescription drugs or the abuse of alcohol. THERE WILL BE NO ALLOWANCE FOR THE USE OF ILLEGAL DRUGS; those persons will <u>not</u> be afforded an opportunity to participate in a department-approved, supervised drug and/or alcohol rehabilitation and treatment program.

   d. Those employees participating in a rehabilitation program will be subject to the rules set forth in Article 2.10.120, Return to Work and Follow-Up. Participants shall be subject to unannounced periodic testing for a period of up to five (5) years.

   e. Requests for participation in an alcohol/substance abuse rehabilitation program are confidential. Requests should be hand-delivered to the Office of the Chief of Police and are not to be copied or maintained in the employee's personnel file.

   f. Only persons required to act under provisions of this policy shall have access to such requests while in the performance of those duties. Personnel shall not reveal the submission of any such request to any person except as required by this policy. Improper disclosure of such information may result in

disciplinary action.

3. Disciplinary Action

Disciplinary action based on a violation of the department's substance abuse policy is not automatically suspended by an employee's participation in a rehabilitation program. Disciplinary action may be imposed upon the employee if the Chief of Police finds such action warranted.

2.10.110 Re-Test Provision

A. Re-Tests

1. Breath alcohol tests are conducted and confirmed while the employee or applicant is present, eliminating the need for a re-test. For controlled substances, an employee or applicant who has confirmed positive test results may request that the split sample be tested at a separate laboratory with federal certification. Such requests must be made within seventy-two (72) hours of learning of the confirmed positive test. Any action required by this policy as
the result of a positive test is not stayed pending the result of a test on the split sample.

2. If it is reported by the MRO that there is a medical justification for failure to deliver a sufficient specimen, the employee will seek the appropriate medical treatment, at the employee's expense, and then shall be re-tested as soon as medically appropriate.

B. Split Sample Re-Test

The department will pay for the split sample re-test with the provision that the employee will reimburse the department if the re-test confirms the original positive test.

2.10.120 Return to Work and Follow-up

A. Employees with a confirmed positive test for controlled substances or alcohol will be referred to the Human Resources Division for evaluation. No employee shall be allowed to return to normal duties until he/she submits to a return-to-work test with confirmed negative results, and he/she is recommended by the Human Resources Division administrator to return.

B. Any employee with a confirmed positive test shall be required to sign a Return-to-Work Agreement prior to his/her return to work. For follow-up alcohol tests, any level will constitute a positive. Any employee who fails to comply with a Return-to-Work Agreement will be subject to disciplinary action. **NO EMPLOYEE TESTING POSITIVE FOR ILLEGAL DRUGS WILL BE ALLOWED TO RETURN TO WORK.**

2.10.130 Operating Metro Government Equipment

A. No employee shall be allowed to operate a departmental vehicle following a positive test for a minimum period of ninety (90) calendar days after presenting a negative return-to-work test.

B. The same requirement shall apply to an employee whose license is suspended due to a driving under the influence conviction, even if the employee is granted a restricted license. A Return-to-Work Agreement is also required in such cases.

2.10.140 Confidentiality

A. Any information collected in the process of obtaining a substance abuse test, including but not limited to medical information, the results of any substance abuse test, and any reports compiled as a result of enrollment and/or attendance in a treatment of assistance program shall be treated as confidential.

B. Substance abuse testing results will be made available only to laboratory personnel involved in testing, the Medical Review Officer, the program administration personnel, departmental personnel assigned to inform employees of test results, departmental personnel directly involved in processing administrative or disciplinary actions arising from such test on a need-to-know basis. Any employee who breaches the confidentially of any information collected in the process of obtaining a substance abuse test may be subject to discipline.

C. Substance abuse test results shall be made available to the affected employee or to a party designated by the affected employee only upon completion by the affected employee of a voluntarily signed consent form.

D. Any information collected in the process of obtaining a substance abuse test, including but not limited to medical information, the results

of any substance abuse test, and any reports compiled as a result of enrollment and/or attendance of any treatment or assistance program shall not be provided to subsequent or potential employers or be used in any criminal proceeding or in any manner except as provided by

law.

E. Substance abuse test results shall be available to departmental personnel assigned to conduct statistical analysis for the substance abuse program. No individual substance abuse results shall be released for publication.

F. All information designated confidential herein shall be maintained, stored, and disposed in accordance with applicable laws or for an indefinite period. All such information shall be maintained in the employee's medical file and away from any personnel file and other records regarding the employee that are open for inspection.

G. Substance abuse testing results shall be admissible in all disciplinary and administrative proceedings.

2.10.150 Training

A. Informational Program - A program will be presented for all employees covered by this policy to help them understand the department policy on substance abuse. This will include training on the provisions of the policy, information about controlled substances and alcohol use, and treatment resources which are available. The policy will be made known to all new employees and the information will be incorporated in new employee orientation.

B. Supervisors - Training will be designed to teach supervisors how to identify and document substance abuse among employees and to familiarize them with the controlled substance testing program, provisions of this policy, and related laws. Such training shall be provided no less frequently than required by Civil Service Policy, Section 6.1. Said agreement shall be retained by the Strategic Development Division in conjunction with this policy.

C. Substance Abuse Coordinator - The coordinator for this program serves as the liaison with the company who manages testing and reporting.

2.10.160 Due Process Requirements

A. Any employee of the department having a positive test returned will be notified by the Chief of Police or his/her designee, and will be offered an opportunity to explain and contest the results through a hearing before the Chief of Police.

B. The member testing positive will be immediately suspended with pay pending a hearing for suspension following current departmental guidelines and procedures on deportment and discipline.

C. In appropriate cases as set forth in this policy, a petition for dismissal from the Metropolitan Police Department may be presented.

2.10.170 Conflict with Other Laws or Court Action

If any provision of this policy, or the application thereof, to any person or circumstance is held to be invalid, the invalidation shall not affect any other provisions or the application of this program and to this end the provisions of the program are declared to be severable.

2.10.180 Revisions

This policy may be revised to reflect changes in state and federal laws, or for minor housekeeping, without further approval and re-issuance of the full policy. No substantive changes under local authority shall be made without further approval.

2.10.190 Current MNPD drug testing thresholds are maintained by the MNPD Safety Coordinator and are available upon request and on the Safety Section's SharePoint site.

Current MNPD Anabolic Steroid Testing Profile are available below:

Current MNPD Anabolic Steroid Testing Profile**

Androstendiol
Androstendione
Bolasterone
Boldenone
4-Chlorotestosterone Clostebol
Dihydroepiandrosterone (DHEA)
Epitestosterone
Fluoxymesterone
Furazabol Mesterolone
Methandienone (Dianabol)
Methandriol
Methenolone (Primonabol)
Methyltestosterone
Nandrolone (19-Nortestosterone)*
Norandrostenediol
Norandrostenedione
Norethandrolone

Oxandrolone (Anavar)
Oxymesterone (Theranabol)
Oxymetholone (Anadrol)
Stanozolol
Testosterone
Testosterone/Epitestosterone Ratio*
Probenecid (Blocking/Masking Agent)
Clenbuterol (Anti-Catabolic Agent)

Threshold limits for the steroids are 10 ng/mL for the screening and 1 ng/mL for the confirmation. The exceptions are nandrolone which has a 10 ng/mL screen *and* confirm. The current T/E ratio is 6:1.

****This listing is subject to change and includes substances not specifically named that have a similar chemical structure or similar biological effects.****

2.20 Safety Coordinator's Duties and Work-Related Injuries, Illnesses, and Accidents

Reference: Metropolitan Government Safety Program

2.20.010 Purpose

The purpose of this policy is to:

A. Define duties of the department safety coordinator.

B. Provide uniform policy for administrative processing of in-line-of-duty injuries and exposure to infectious diseases.

C. Provide uniform policy for administrative processing of departmental vehicle crashes.

D. Define procedures for a Traffic Crash Review Committee, set guidelines for referral to such committee, and define the authority of the committee.

E. Provide a reference for employees to quickly locate procedures/guidelines when reporting employee injuries, accidents, and vehicle damage.

F. Provide a reference for the requirement of mandatory annual physicals.

2.20.020 Policy

The department will comply with all applicable federal, state, and local laws and ordinances; in doing so, the department will comply with statutory and administrative rules and regulations pertaining to occupational injury, illness, accident, or vehicular crashes. The primary means of compliance shall be through the Safety Coordinator. The safety coordinator shall work closely with the Metro Safety Division of the Metro Human Resources Department to facilitate compliance with said laws and regulations.

2.20.030 Definitions

A. **Department Vehicle:** Includes marked vehicles, unmarked vehicles, and special-purpose vehicles. Special-purpose vehicles include, but are not limited to SWAT vehicles, bomb disposal vehicles, mobile communications vehicles, all terrain vehicles, boats, aircraft, prisoner transport vehicles, motorcycles, bicycles, and utility vehicles.

B. **Traffic Crash Reconstructionist:** An employee certified as a reconstructionist by any of several training organizations that are recognized by the department. This employee may hold any rank or assignment within the department, but employees so certified should not participate in a Traffic Crash Review Committee meeting involving a traffic crash they investigated.

C. **Third-Party Administrator (TPA):** An independent administrator contracted to manage the Metro IOD Program.

2.20.040 Duties of the Safety Coordinator

The safety coordinator is responsible for:

A. Accurate and timely processing of all forms and other documents relating to:

1. Occupational injury or death;

2. Occupational illness;

3. Departmental vehicle crashes; and/or

4. Safety inspections of facilities or working environments.

B. Monitoring all employees injured in-line-of-duty with respect to benefits, per existing Civil Service Rules.

C. Review of all departmental accidents and vehicle crashes.

D. The MNPD Safety Office:

1. Retains all medical records regarding IOD claims;

2. Retains all Form 105 documents (Report of Vehicle Incident) related to crashes involving police personnel;

3. Provides various (daily, weekly, monthly, annual) reports on all injuries and crashes related to police personnel as deemed necessary.

2.20.050 Procedures for Processing In-Line-of-Duty Injuries and Exposure to Contagious Disease

A. In-Line-of-Duty Injury/Illness – Employee Responsibilities

Employees must immediately report any in-line-of-duty injury or illness to their supervisor, regardless of whether medical treatment is sought. When seeking medical treatment for an in-line of-duty injury or illness, employees must follow the rules adopted by the Metropolitan Employee Benefit Board:

1. Report the injury to your supervisor immediately.

2. If injury is urgent or life-threatening, seek immediate medical attention at the nearest hospital.

3. All non-emergency care for occupational injuries must be received at the Metro IOD Clinic for Metro Government to cover the cost.

    a. If non-urgent care is needed outside the Metro IOD Clinic's regular hours, employees may use either:

        (1) Concentra Telemed (via mobile app or at www.concentratelemed.com.); or

        (2) An approved walk-in clinic facility. Employees must provide the healthcare provider with the IOD Report (Form 201) and Metro's Treatment Authorization Card to ensure personal insurance is not billed.

    b. All follow-up care must be scheduled through the Metro IOD Clinic.

4. If specialist care is needed, the on-site TPA representative at the Metro IOD Clinic will offer options from the IOD Specialty Network.

5. Employees must report all in-line-of-duty medical treatment to their supervisor and ensure documentation is forwarded to the Safety Coordinator within 24 hours, including:

    a. A completed Metropolitan Government Form 101, Record of Occupational Injury/Illness, completed by the supervisor;

    b. A completed Metropolitan Government Form 201, Injury on Duty (IOD) Report, completed by the treating physician.

        NOTE: If an employee has any questions concerning benefits or coverage, the employee should contact the Safety Coordinator before the employee obtains treatment.

6. If, after a follow-up investigation, the injury is determined to have not occurred in the line-of-duty, medical services may be billed to the employee.

   NOTE: Normally, if the supervisor initially approves the injury as an IOD, the initial medical visit will be covered. No additional medical expenses will be paid until the claim is officially approved by the TPA and Safety Coordinator. Employees who intentionally file a false IOD claim may be held liable for reimbursement and subject to disciplinary and/or corrective action.

B. Supervisor and Departmental Procedures

Upon immediate notification from an employee of an occupational injury/illness, the supervisor shall:

1. Investigate the injury/illness promptly by gathering details relevant to the occurrence, including, but not limited to:

   a. Witness statements (if applicable);

   b. Confirmation of duty status, relevant to the date and time of incident;

   c. What happened and how;

   d. Nature of injury/illness (e.g., contusion, strain, exposure);

   e. Cause of injury/illness – event or factor that contributed to the condition; and

   f. Any medical or first-aid attention provided.

2. Complete and submit Metropolitan Government Form 101, Record of Occupational Injury/Illness online <u>within 24 hours of the injury/illness</u>.

   Ensure the form is completed fully with accurate, thorough details from the investigation. In the narrative section, include only injury-related facts using plain language. Avoid police jargon such as ten codes and use-of-force terminology. Complete and accurate reporting helps streamline the IOD determination process.

NOTE: Once the reporting supervisor submits the Form 101 online, it is automatically sent to the TPA and the Safety Coordinator. No separate email or fax is required.

3. Forward all relevant documentation (including, but not limited to Form 201, Form 155, witness statements, and any doctor or hospital records) via email to safety.section@nashville.gov within 24 hours of the injury/illness.

4. The Safety Coordinator, in collaboration with the contracted TPA managing the IOD Program, shall determine whether the injury/illness qualifies as in-line-of-duty. This determination is subject to review by the Chief of Police.

5. The employee should not be recorded as "injured-on-duty" (IOD) in the time accounting system until the IOD claim has been officially approved by the Safety Coordinator.

6. Any employee injured in the line of duty shall report the injury to their supervisor immediately. If the injury is not realized upon occurrence, it must be reported the next working day after realization, but in no event later than ten (10) working days from the date of incident. Failure to report the condition within this timeframe will relinquish any right the employee has to benefits relative to the in-line-of-duty injury.

7. An employee that has lost time due to an approved job-related injury or illness will be marked injured-on-duty for the duration of the injury or illness, but not to exceed the maximum time allowed by Civil Service Rules.

C. Contagious Disease Exposure

Employees who believe they have been exposed to a contagious disease shall follow the reporting procedures outlined above regarding the completion of Form 101. In addition, complete MNPD Form 155,Contact with Contagious Disease Report, and forward to the Safety Office via safety.section@nashville.gov. (See Section 2.50 of this Manual for detailed information on exposures.)

2.20.060 Procedures to Follow for Police Vehicle Traffic Crashes

After performing any law enforcement or first aid duties that may be necessary, the following steps shall be followed when administratively processing the accident.

A. The Employee Involved Shall:

1. Notify their supervisor immediately upon damaging any property;

B. The Immediate Supervisor Shall:

1. Complete the online Metropolitan Government Form 105, Vehicle Report within 24 hours of the crash;

2. Complete the online Metropolitan Government Form 101, Record of Occupational Injury/Illness, if applicable, within 24 hours of the injury/illness;

   NOTE: Reference current policy on Post-Traffic Crash Testing, found in 2.10.060, to determine if the employee will be subject to a drug test.

3. Obtain copies of statements and/or release documents from any medical facility, if applicable, and submit them electronically within 24 hours of the injury/illness to the Safety Office;

4. Obtain a copy of the completed traffic crash report from the employee investigating the crash. TITAN crash reports can be retrieved via Online Crash Portal at https://titan.safety.tn.gov/Areas/Public/Login.aspx?ReturnUrl=/;

5. Determine if the employee is, or is not, at fault in the crash;

6. Obtain the employee's driving history, if applicable; and

7. Document the crash in the department's online reporting system and attach all applicable documents.

   NOTE: Exceptions to completing a crash packet may apply in certain cases involving single-vehicle incidents, provided there is no damage to other property or vehicles, and the supervisor's preliminary investigation does not indicate employee negligence. Notwithstanding these exceptions, a Form 105 and crash report still apply.

   Examples of such cases may include:

   (1) A Metro vehicle that strikes an animal.

   (2) A Metro vehicle that strikes road debris or a chipped

windshield caused by a flying rock.

8. In situations where the chain of command believes it is beneficial, they may delay the completion of any disciplinary or corrective action documents until such time as the Traffic Crash Review Committee has had a chance to review the incident and provide a recommendation. Where, however, in the estimation of the chain of command, the employee is in violation of department policy, nothing shall prevent the employee's supervisor from preparing and submitting the relevant disciplinary or corrective action documents prior to a review of the incident by the Traffic Crash Review Committee.

9. Any departmental vehicle crash may be submitted to the Traffic Crash Review Committee upon request of the precinct/division commander. At any time during the review of the traffic crash packet, the precinct/division commander may pause the approval in the online reporting system, and request assistance from the Traffic Crash Review Committee. The precinct/division commander would make this request, via email, to the Safety Coordinator, asking for a complete review of the Traffic Crash. The Safety Coordinator would identify members to sit on the committee and schedule a date and time for the committee to meet.

2.20.070 Non-Traffic Crash Departmental Vehicle Damage Reporting

General reporting procedures for departmental vehicle damage that is non-traffic crash related may be found in 13.30.050 of the Manual and on the Safety Section's SharePoint page.

2.20.080 Traffic Crash Review Committee

A. Establishment of Traffic Crash Review Committee

The Traffic Crash Review Committee is established to review departmental vehicle crashes. The composition of this committee shall be:

1. The commander of the Traffic Division (chairperson);

2. A representative of the Safety Coordinator's Section;

3. The defensive driving instructor of the Training Division;

4. The sector/division commander of the employee whose incident is brought before the committee;

5. A representative of the Fleet Management Section; and

6. When appropriate, a certified Traffic Crash Reconstructionist.

B. Criteria for Referral

Any department vehicle involved in a crash, as defined by TCA, can be referred to the Traffic Crash Review Committee. The committee will determine:

1. If actions are chargeable or non-chargeable on the part of the department employee; and

2. If any driving deficiencies exist that can be corrected by remedial training or other means.

C. Authority of the Traffic Crash Review Committee

The Traffic Crash Review Committee will meet as necessary. The Traffic Crash Review Chairman will draft a letter of explanation, outlining the outcome of a crash/incident that was brought before the committee. The Traffic Crash Review Committee Chairman will request that the affected Division Commander/Captain attach a copy of this letter to the crash review packet as it is forwarded through the chain of command for review.

Generally, the only crashes/incidents that will be brought before the Traffic Crash Review Committee are those crashes/incidents that a determination of chargeable/non-chargeable could not be agreed upon between the affected employee's Division Commander/Captain, the Commander of the Traffic Division, and/or another member of the Traffic Crash Review Committee prior to the crash review meeting. The proceedings of the Traffic Crash Review Committee shall not have any bearing on any disciplinary action or hearing.

This committee serves only to determine whether the employee's actions, in operation of the vehicle, were consistent or inconsistent with MNPD policy or training. The committee may also identify problem drivers, suggest remedial training measures, and correct traffic crash processing errors. This will benefit the individual employee, the department, and the Metropolitan Government.

The committee may recommend to the Chief of Police that:

1. The employee's driving skills and/or habits are not an issue.

2. The employee should receive additional driving instruction by the Training Division, or other instructor, while working unrestricted.

3. The employee should receive additional driving instruction by the Training Division, or other instructor, and prohibited from driving a police vehicle for a specific time period.

4. The employee should be prohibited from driving a police vehicle for a specific time period.

5. The employee should be prohibited from driving a police vehicle permanently, or until driving privileges are restored by the Chief of Police.

2.20.080 Physical Examinations

A. Employees are required to maintain their general health and fitness to a level which would allow them to perform their job responsibilities in accordance with the physical demands of their functional job description.

B. A periodic physical examination is a benefit to both the employees and the agency. Any physical examination should be conducted only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable accommodation.

C. Department employees are encouraged to have physical examinations conducted periodically by their physician. Sworn employees and Police Security Guards shall be required to have an annual physical exam administered consistent with standard operating procedures of the MNPD Safety Office.

D. The results of a physical exam administered at the direction of the Metro Civil Service Medical Examiner will be confidential, and information obtained during this exam will not be provided to the department. The only exception shall be notice that the Civil Service Medical Examiner has determined the member is unable to meet the requirements of the functional job description as a police officer.

E. It is the responsibility of the employee's supervisor to ensure compliance with this directive.

F. Failure to submit to a required annual physical examination may result in that employee being considered unfit for duty pending completion of the required medical examination.

2.20.090 Safety Coordinator Off Duty Notification

The Safety Coordinator shall be notified when he/she is not on duty, pursuant to the following criteria:

A. An employee is involved in a job-related action that results in an injury and is transported to a medical facility by medical personnel;

B. An employee is admitted to a hospital in relation to an injury-on duty;

C. An employee has a significant exposure to a contagious disease or hazardous material;

NOTE: Only a doctor can determine if an exposure is significant.

D. A safety hazard is discovered that could bring life-threatening harm to an employee and requires immediate action by the Safety Coordinator; or

E. At the discretion of the ranking on-scene supervisory personnel whenever there is a serious or life-threatening injury to an officer.

2.30 Early Intervention System

2.30.010 Purpose

The purpose of this policy is to establish a system to provide for the regular and timely review of specific and significant work-related events involving employees of the Metropolitan Police Department. This review will aid supervisors in making informed, consistent decisions regarding the performance of personnel under their command and enable the Department to exercise its responsibility to regularly evaluate, identify and assist employees whose actions indicate stressors that may affect the employees' stability and performance. Additionally, this systematic review of critical performance data can aid the Metropolitan Police Department in identifying training and other management system needs.

2.30.020 Definitions

A. **Early Intervention System (EIS):** The Early Intervention System is a proactive, time-sensitive system designed to effectively organize critical performance and evaluation data in order to promptly identify employees who may be experiencing stress that could potentially affect performance and, if necessary, to facilitate appropriate intervention. The MNPD currently uses the Benchmark – First Sign module as the real time EIS. This machine learning system analyzes data daily for live alerting.

B. **Early Intervention System Advisory Alert**: The Early Intervention System Advisory Alert is a notice sent to the supervisor of an employee who is identified as having an activity rating that indicates a closer review of the employee's activities may be appropriate. The supervisor shall conduct an [informal] evaluation to make this determination. If the supervisor deems further action is necessary, a formal EIS assessment will be completed.

C. **Early Intervention System Action Alert**: The Early Intervention System Action Alert is a notice sent to the supervisor of an employee who is identified as having an activity rating that indicates a formal review of the employee's activities is required.
A Form 014 from the supervisory personnel completing such review is required.

D. **Early Intervention Assessment:** MNPD Form 014 – this form documents the process through which a supervisor considers any elements that may affect an employee's job performance or general well-being. This form is to be completed for ALL Actionable Alert Triggers from the EIS, any Advisable Alerts that require further action and any time a supervisor feels the need to document an evaluation of an employee that may/not require further action.

2.30.030 General Provisions

A. The Early Intervention System is only one of the methods by which employees are identified as possibly needing assistance with performance problems. The Early Intervention System is intended to serve as a systematic approach to identifying a possible pattern of behavior that may otherwise be overlooked.

B. The Early Intervention System is, by itself, a set of objective statistical data. This data is virtually meaningless absent thorough analysis and interpretation. In reviewing the activity of their employees, supervisors must use their unique knowledge of the employee and his or her work assignment with sensitivity to the personal, contextual and environmental factors impacting them. In reviewing summary data provided by the Early Intervention System, a supervisor should take into account such issues as the nature of the employee's assignment, the activity level inherent in that assignment, and how the reported activities compare with the activities of the similarly assigned co-workers. Additionally, while considering an employee's activity, supervisors should also take into account possible physical, emotional, personal and family issues that may be impacting the employee.

C. The EIS will assign an overall risk score to each employee in the MNPD. Supervisors with personnel in the 98th percentile and greater will receive an EIS Action Alert while those scoring in the 95th to 97th percentile will receive an EIS Advisory Alert. Once triggered, this Alert will be delivered by email to the Division Commander and copied to the EISAlerts@nashville.gov mailbox. The EIS Coordinator, the HR Director (or designee) and the BHS Director (or designee) will have access to this mailbox.

D. Using this objective statistical data, in a peer-based analysis, the System is a key element in the MNPD's strategy to address the potential for at-risk behavior. Once the EIS indicates an intervention may be necessary, described by the primary risk factors below, and mandated by the EIS Action Alert, an Early Intervention Assessment (MNPD Form 014) will be completed. An MNPD Form 014 may be deemed necessary upon a supervisor review initiated by the EIS Advisory Alert.

E. The progress of the employee will be carefully tracked within the employee's division. The employee's chain of command shall be personally responsible and accountable for the implementation of the individual program and such other steps as may be necessary to address any at-risk behavior, demonstrated indicators of stress, or training deficiencies, and ultimately achieve the professional goals set for the officer.

F. The EIS is not related to the existing system of corrective or disciplinary action provided for in policy or by Civil Service Rules. Department employees remain fully accountable for adhering to policy and performance standards. Nonetheless, the Early Intervention System seeks to identify and address behaviors flagged as indicators before policy violations arise. The goal is to intervene and offer assistance by identifying and modifying possible problematic behaviors before they result in actions that are contrary to the mission and fundamental values of the Metro Nashville Police Department, including its commitment to constitutional policing and upholding lawful, professional and ethical standards.

G. The Early Intervention System represents the Department's commitment to coach and mentor its employees and to hold the entire chain of command accountable for addressing problematic behavior and managing risk to officers and the public. The system is designed to support the employee through mentoring and coaching by supervisors.

H. The use of the Early Intervention System provides employees:

1. Pathways to remain/obtain a healthy self
2. Training/Education
3. Job performance feedback
4. Opportunities to improve performance
5. Standardized oversight and supervision
6. A clear message to employees that the Department has resources available to assist them in meeting expectations

I. Except as required by law, information relating to the Early Intervention System shall be considered confidential and is not to be shared with persons not having an authorized business need to Early Intervention System reports or data. Violations of this policy may result in discipline.

2.30.040 Early Intervention System Coordinator

The Executive Services Bureau Special Projects Manager shall be designated to serve in the additional capacity of Early Intervention System Coordinator.

2.30.050 Duties of the Early Intervention System Coordinator

A. The Early Intervention System Coordinator shall work closely with the Benchmark Analytics team maintaining the Early Intervention System Database. The EIS will systematically analyze the following information linked to all sworn employees:

1. Citizen Complaints
2. Supervisor Allegations
3. Complaint/Allegation Findings
4. Disciplinary Action
5. Employee Award Data
6. Supervisor Data
7. Employee Leave Data
8. Division/Assignment Data
9. Previous EIS Data
10. Employee Work Data, including, but not limited to:
    a. CFS
    b. Arrests
    c. Incident
    d. Training data
    e. Use of Force Reports
    f. Vehicle Pursuit Data
    g. Arrest Data
11. Any other factors as may be identified as appropriate for consideration as a program element.

B. The data will include, at a minimum, the employee's name, assignment, employee identification number, the date of the incident, the time of the incident, a complaint number where applicable and the type of incident.

C. The analysis will consider historical interactions (opportunities), policy/procedure successes, adherence failures, and duty assignment. The EIS Coordinator will work with Benchmark Analytics to incorporate additional data such as accolades and positive outcomes from personnel.

D. The EIS is a live system and is updated daily. Triggered EIS Alerts are automatically distributed by email on a daily basis when applicable.

E. When an employee's risk score (calculated by the EIS algorithm maintained within the Benchmark system [BMS]) rises past the 95th percentile the BMS system shall cause an email alert to be sent to the HR representative, the BHS representative and the EIS Coordinator.

2.30.060 Early Intervention System Analysis

The EIS shall incorporate appropriate statistical principles and a peer-based comparison approach to evaluate data and generate reports. Each year, these analyses shall be reviewed for statistical validity and updated or modified as necessary to accomplish departmental goals. The EIS Coordinator shall have access to information summarizing the variables considered in the analyses and make such information available for review by any MNPD employee upon request through their chain of command. This summary data is currently available through the BMS EIS and easily accessible by supervisors for employees within their Chain of Command.

A. Early Intervention System Alerts

The Early Intervention System Database is designed to operate independently as data is updated to the system (nightly data refresh).

1. The Benchmark System shall record the following information:

   a. EIS Alerts

   b. Supervisor Responses/completed forms

   c. Workflow / Chain of Command / Approvals / Dates

3. Types of Alerts

   There are two types of alerts that are generated by EIS as a result of the real-time analysis of data based upon established indicators:

   a. The Early Intervention System Advisory Alert and

   b. The Early Intervention System Action Alert.

   The EIS process is not intended to replace the existing Job Performance Improvement Plans, employee evaluation or counseling plans, or other supervisor-initiated methods for evaluating employee performance or behavior.

B. EIS Advisory

An EIS Advisory Alert will be generated when the EIS analysis indicates that an employee is ***approaching*** necessary intervention (risk score calculated from the 95th to the 97th percentile of all MNPD active sworn employees). The Alert(s) shall be sent to the Commander of the departmental component of the employee by the Benchmark EIS System. The Commander shall forward the Alert to the employee's immediate supervisor to be completed. Immediate supervisors will consider the employee's activities and general well-being in order to determine if further action is needed.

C. The Early Intervention System Coordinator shall monitor the real-time risk scores calculated by the EIS as may be necessary for the efficient operation of the program.

1. The EIS Risk Assessment shall list each employee by their assignment, their employee number and their risk score.

2. The Early Intervention System Coordinator shall cause the data supporting the Early Intervention System Risk Assessment scores to be maintained as a confidential file.

3. The Early Intervention System Risk Assessment scores will be distributed to those management and supervisory personnel deemed appropriate by the Chief of Police.

D. EIS Action

The EIS shall issue a real-time email Alert when the employee's risk score rises into/above the 98th percentile of all active MNPD sworn employees. The Alert(s) shall be sent to the Commander of the departmental component of the employee by the EIS. The Commander shall forward the Alert to the employee's immediate supervisor for it to be completed. Immediate supervisors will review this employee and will complete a Form 014 in order to determine if further action is necessary.

E. The EIS Coordinator may review the criteria that give rise to the issuance of an Early Intervention System Advisory Alert. The purpose of this review is to assure that the criteria is based on sound principles of statistical analysis and police management.

2.30.070 Supervisory Duties

A. Early Intervention System Advisory Alert

1. A supervisor receiving an Early Intervention System Advisory Alert will consider their employee's activities and general well-being. Under this consideration, a supervisor may/may not choose to take any action whatsoever (including, but not limited to, having a

conversation with the employee). The supervisor will only take action as may be deemed necessary and appropriate.

2. The sole responsibility of the supervisor is to give consideration to the activities and general wellbeing of the employee during the time he/she has been under their supervision, AND to qualify whether their judgement considers the employee to be in need of assistance at that time.

3. If the review by the supervisor does not indicate a problem or issue with the employee's activities listed in the alert, the supervisor shall complete the Advisory Form in the BMS to acknowledge the alert has been reviewed and no further action is required. An MNPD Form 014 is not required when there are no issues identified under the Advisory Alert.

4. If, upon further consideration of the employee's activities & well-being, the supervisor determines that the employee may have a performance related problem or be under an undue amount of stress, the supervisor shall treat the Advisory Alert as an Action Alert, follow the process for completion of an Action Alert and complete MNPD Form 014.

5. The supervisor receiving an EIS Advisory Alert is not accountable for the complexity of the computer/modeling that gave rise to the advisory memo. Inquiries regarding program methodology should be directed to EIS Coordinator after exhausting materials provided in the EIS Sharepoint Directory.

B. Early Intervention System Action Alert

1. Upon consideration of the employee's activities and general well-being, the supervisor is to determine if the employee's activities may indicate a possible performance-related problem or the employee may be an undue amount of stress.

2. The primary responsibility of the supervisor is to give consideration to the activities and general wellbeing of the employee during the time he/she has been under their supervision, AND to qualify whether their judgement considers the employee to be in need of assistance at that time.

3. Upon consideration of the employee's activities, the supervisor is to determine if the employee's activities indicate a possible performance related problem.

4. The supervisor shall document and explain his or her consideration as to whether or not the employee's activities indicate a performance problem.

5. The supervisor receiving an EIS Action Alert is not accountable for the complexity of the computer/modeling that gave rise to the Action Alert. Inquiries regarding program methodology should be directed to EIS Coordinator after exhausting materials provided in the EIS Sharepoint Directory.

6. A supervisor receiving a request to complete an **Early Intervention System Action Alert** will evaluate the employee's activities and complete the MNPD Form 014 within **thirty-five (35) working days** of receiving it.

7. The supervisor shall submit the MNPD Form 014 using the Benchmark online application through the Chain of Command for approval.

C. The supervisor shall recommend a course of action which may include, but not be limited to:

1. No additional action.

2. Informal counseling by the employee's immediate supervisor.

3. Additional training to improve employee skills.

4. Submitting employee for award or commendation.

5. Referring employee to the Professional Wellness Section or other formal counseling.

6. Recommend mandate employee to the Professional Wellness Section

7. Completing a Job Performance Improvement Plan.

8. Remedial Training.

9. Other necessary and appropriate actions.

2.30.080 Duties of the HR Representative/Designee

A. Monitor/maintain the workflow of the alert through the alerted employees' Chain of Command. Normally, this function can be performed using the BMS.

B. Monitor/maintain the timing of the alerts to ensure adherence to required response within the thirty-five (35) day time allowance.

C. Send reminders to any alerted employees' Captain/Commander when a response has not been received within 29 days.

D. Maintain any required records in the alerted employees' medical file (not public record).

E. Provide responses to subpoenaed documents.

2.30.090 Duties of the Chain of Command

A. Each member of the employee's chain of command shall have the authority to express agreement or disagreement with the findings and / or recommendations of the employee's immediate supervisor.

B. If any member of the chain of command expresses disagreement with the Early Intervention System Action Alert, the Early Intervention System Coordinator shall call for a committee meeting, to be conducted within **fifteen (15) working days** of receipt of the Alert, to discuss its findings and recommendations. If for good cause the committee meeting cannot be scheduled within **fifteen (15) working days**, the Chief of Police may authorize an extension of that time limit. The meeting will consist of the employee's immediate supervisor, the employee's chain of command or designee and a representative of the Behavioral Health Services Division. The committee shall be chaired by the highest-ranking member present. The committee members will be charged with developing a consensus as to the proper follow-up action to recommend.

2.30.100 Authority of the Chief of Police

The Chief of Police shall have the final authority in deciding the appropriate follow-up option for any employee of the Metropolitan Police Department. The Chief of Police may, or may not, adopt the recommendations of the employee's immediate supervisor or the committee called by the Early Intervention System Coordinator.

2.30.110 Confidentiality

A. The Early Intervention System Advisory Alert – In that an Advisory Alert may contain information related to confidential matters such as 108 Reports, references to illness or other personal issues, they shall be treated as confidential documents. Only the Early Intervention System Coordinator, the employee who is the subject of the Advisory Alert, the employee's Chain of Command, members of the Behavioral Health Services Division, and the HR Representative may view an EIS Advisory/Action Alert. Further, they may do so only as such viewing is required to fulfill their authorized duties to the Metropolitan Nashville Police Department.

B. Only the Chief of Police, or his/her designee, may authorize the release of any information or documentation related to the Early Intervention System as outlined in this policy. Additionally, the Chief of Police, or his/her designee, shall be solely responsible for the manner and form in which such information or documentation is released.

2.30.120 Annual Evaluation

The EIS Coordinator shall perform a documented evaluation of the Early Intervention System on an annual basis. Included in the evaluation should be feedback from the CSB Patrol Committee regarding recommended changes/clarifications. Subsequently, the EIS Coordinator will advise the Executive Services Bureau Chief on the system's effectiveness and propose any necessary changes.

2.40 Hazardous Chemicals in Workplace and Employee "Right to Know" Program

2.40.010 Responsibilities of Safety Coordinator and General Provisions

It is the intention of the Metropolitan Nashville Police Department to comply with the OSHA Hazard Communication Standard, Title 29 Code of Federal Regulations 1910.1200, and the Tennessee Hazardous Chemical Right-to-Know Law, by compiling a hazardous chemical list, by using and maintaining Globally Harmonized System of Classification and Labeling of Chemicals (GHS), by ensuring that containers are properly labeled, and by providing all potentially exposed employees proper training.

This program applies to all work operations where employees may be exposed to hazardous substances in the workplace.

The Department Safety Coordinator will be responsible for developing the program, copies of which will be filed with the Metro Safety Office. The Safety Coordinator will be ultimately responsible for the implementation of the program including all training, record keeping and reporting although some portions of these activities may be delegated to others from time to time.

In fulfilling the duties and responsibilities herein, the Safety Coordinator shall maintain current knowledge of applicable laws, standards, and administrative practices. This will necessitate compliance with all mandates of the Metro Safety Office given in meetings, training sessions, memoranda, and written programs or manuals.

A. List of Hazardous Chemicals

   The Safety Coordinator will annually make a list of all hazardous chemicals and related work practices used in the department and will update the list as necessary. A separate list will be provided for each work area and properly posted in a conspicuous place. Each list will identify the corresponding GHS for each chemical. A master list of these chemicals will be maintained by the Safety Coordinator and the supervisor of each workplace.

B. Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

   1. GHS's provide specific information on chemicals used. The Safety Coordinator will maintain a list with a GHS on every substance on the list of hazardous chemicals. The GHS will be a fully completed OSHA Form 174 or equivalent. The Safety

Coordinator will ensure that each work site maintains a GHS for hazardous materials in that area. GHS's will be made readily available to all employees requesting them.

2. The Safety Coordinator is responsible for acquiring and updating GHS's. The Safety Coordinator will contact the chemical manufacturer or vendor if additional research is necessary or if a GHS has not been supplied with an initial shipment. All new procurements must be cleared by the Safety Coordinator. When duplicate GHS's are received from the same supplier on subsequent shipments, the oldest GHS will be retained. If changes are made in the formulas, both the original and replacement should be kept.

C. Labels and Other Forms of Warning

1. The component supervisor for each workplace containing hazardous chemicals will ensure that all hazardous chemicals are properly labeled and updated, as necessary. Labels should list at least the chemical identity, appropriate hazard warnings, and the name and address of the manufacturer, importer or other responsible party. The Safety Coordinator will refer to the corresponding GHS to assist in verifying label information.

2. If there are a number of stationary containers within a work area that have similar contents and hazards, signs will be posted on them to convey the hazard information.

3. If chemicals are transferred, by the user of the chemical, from a labeled container to a portable container that is intended only for immediate use, no labels are required on the portable container. If someone other than the user of that chemical makes the transfer, then labels are required.

2.40.020 Training

A. Initial Training

Everyone who works with or is potentially exposed to hazardous chemicals will receive initial training on the Hazard Communication Standard and the safe use of those hazardous chemicals by the Safety Coordinator or someone qualified to give such training. This might be another departmental employee or an outside expert. The Safety Coordinator will provide a Metro Government Right-To-Know Compliance Program card to each affected employee after their first training session.

B. Non-Routine Tasks

When an employee is required to perform hazardous non-routine tasks (e.g., cleaning tanks, entering confined spaces, etc.) a special training session will be conducted to inform the employee regarding the hazardous chemicals to which they might be exposed and the proper precautions to take to reduce or avoid exposure.

C. New Chemicals or Changes in Hazard

Whenever a new chemical or hazard is introduced, additional training will be provided. Regular safety meetings will be used to review the information presented in the initial training. Retraining of each individual employee will be done at least annually. Supervisors will be extensively trained and retrained quarterly regarding hazards and appropriate protective measures so they will be available to answer questions from employees and provide daily monitoring of safe work practices.

D. Training Records

Each training session of both employees and supervisors will be properly documented. Copies of the documentation of these training sessions will be kept in the files of the Safety Coordinator and copies will be sent to the Metro Safety Office upon request. Since exposures to chemicals can cause damage far into the future, these lists will be permanently maintained.

The training plan will emphasize the following items:

1. Summary of the standard and written program.

2. Identity and physical hazard of the specific chemicals to which exposure is possible.

3. Health hazards, including signs and symptoms associated with exposure to the chemical and any medical condition known to be aggravated by such exposure. Short- and long-term hazards will be discussed.

4. Procedures to protect against hazards (e.g., personal protective equipment required, proper use, and maintenance; work practices or methods to assure proper use and handling of chemicals; and procedures for emergency response).

5. Work procedures to follow to assure protection when cleaning hazardous chemical spills and leaks.

6. Procedures to follow in case of exposure.

7. Where GHS's are located, how to read and interpret the information on both labels and GHS's, and how employees may obtain additional hazardous information.

The Metro Safety Office will review the training program and advise the Safety Coordinator and the Chief of Police on training or retraining needs.

E. Contractor Employers

The Safety Coordinator will advise outside contractors in person of any chemical hazard that may be encountered in the normal course of their work on Metro premises, the labeling system in use, the protective measures to be taken, and the safe handling procedures to be used. In addition, the Safety Coordinator will notify these individuals of the location and availability of GHS's.

F. Additional Information Available

All employees, or their designated representatives, can obtain further information on this written program, the hazard communication standard, applicable GHS's, and chemical information lists from the Safety Coordinator.

2.40.30 Specific Provisions

A. Survey of Department - MNPD Form 440

1. On or about December 1 of each year, the Safety Coordinator shall distribute copies of MNPD Form 440, "Chemicals Used or Produced Within the Workplace Report," to all relevant departmental components.

2. The Safety Coordinator shall provide explicit instructions with each MNPD Form 440 so that personnel completing the reports will be able to do so accurately.

3. Upon receiving the returned MNPD Forms 440, the Safety Coordinator shall review each in detail.

B. List of Hazardous Chemicals - MNPD Form 441

1. The Safety Coordinator shall compile a complete list of hazardous chemicals by reviewing the MNPD Forms 440 and cross- referencing the materials with the current reference sources provided by the Metropolitan Department of Law/Insurance and Safety Division. Such list shall be

forwarded to the Chief of Police on MNPD Form 441, "Safety Coordinator's Hazardous Chemicals Report."

2. The Safety Coordinator shall research his/her training records and provide the relevant training information on the MNPD Form 441 also.

C. Purchasing Procedures

1. Any departmental element which orders materials which may contain a hazardous chemical shall contact the Safety Coordinator for instructions on the current Metro Safety Office Guidelines.

2. The Safety Coordinator shall document the conversation in a memorandum if the material in question is in fact a hazardous chemical.

D. Receiving Procedures

1. The Supply Section, and any other component which receives shipments, shall not sign for receipt of such shipments unless the appropriate GHS's are received, and labels are attached.

2. Any component which purchases items from the "petty cash" fund or receives materials pursuant to a service contract shall not accept such materials unless the appropriate GHS's are received, and labels are attached.

3. Should a shipper not provide such documentation; the receiving component shall immediately contact the Safety Coordinator for instructions.

E. Training

1. The Safety Coordinator shall formulate lesson plans for each particular hazardous chemical.

2. All training sessions, which are required as initial, recertification, or special training, **shall** be documented on the current form (roster) as provided by the Metro Safety Office.

3. The forms shall include: date, time, attendees, instructor, topic (chemical), and space for signature of attendees to indicate their understanding the material.

F. Record keeping

The Safety Coordinator **shall retain the following records indefinitely:**

1. Chemicals used lists - MNPD Form 440;

2. Hazardous chemicals lists - MNPD Form 441;

3. All GHS's; and

4. All training materials - lesson plans and rosters.

2.50 Communicable Disease Protection, Exposure Reporting & Contaminated Crime Scene Procedures

2.50.010 Introduction and General Provisions

It is the intention of the Metropolitan Police Department to comply with the OSHA Bloodborne Pathogens Standard Title 29 Code of Federal Regulations 1910.1030, by adequately protecting its employees from the transmission of communicable diseases during emergency incidents and in all work environments.

Furthermore, the procedures described herein are to be used to report and document exposure incidents involving airborne diseases (tuberculosis, measles, etc.); even though this OSHA standard deals only with blood borne diseases.

A. Infectious Subjects - Universal Precautions

The MNPD recognizes the potential exposure of certain employees to communicable diseases in the performance of their duties. In an emergency incident, the infectious disease status of subjects is frequently unknown. **All subjects must be considered infectious**. Blood and body fluid precautions must be taken with **all subjects and with evidence** contaminated by blood or body fluids.

B. Equipment and Training Provided

To minimize the risk of exposure, the MNPD will provide necessary personal protective equipment (PPE) to include gloves, face masks, gowns, eye protection, resuscitation devices, and necessary cleaning and disinfecting supplies. The MNPD will also provide initial instruction and continuing education in preventive practices so that at-risk personnel possess a basic awareness of infectious diseases, understand the risks and severity of various types of exposures, exhibit skills in exposure control, and understand the methods of disposing of biohazard wastes.

C. Notification to Safety Coordinator

The Safety Coordinator **shall** be notified after an actual exposure incident. Should the employee decide to seek medical treatment, the doctor will determine the need for treatment of the exposed employee.

D. Treatment Available to Exposed Employees

Standard prophylactic medical treatment **will** be given to exposed employees and necessary immunization **will** be made available to protect employees from potentially infectious diseases.

E. Exposure Record Keeping

Initiation of documentation is the employee's responsibility. The Department will maintain a record of exposures and treatment in each employee's **confidential** files. The Safety Coordinator will maintain a record of infectious exposures. The medical records are **confidential** and can only be released by the employee.

2.50.020 Definitions

A. **Airborne Disease** means any disease spread by microorganism in the atmosphere which can cause disease in humans. These diseases include, but are not limited to tuberculosis, measles, influenza, mumps, rubella, etc.

B. **Bloodborne 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).

C. **Contaminated** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

D. **Exposure Incident** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

E. **Hand Washing Facilities** means a facility providing an adequate supply of running portable water, soap, and single use towels or hot air-drying machines.

F. **Occupational Exposure** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

G. **Personal Protective Equipment** is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment. PPE will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through

or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the PPE will be used.

H. **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.

I. **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.

2.50.030 Affected Employees

The MNPD recognizes the potential for exposure in certain work environments. Therefore, the following groups of employees are identified as "At-Risk":

A. All sworn members, and

B. All civilian members.

2.50.040 Precautions and Information on Specific Diseases

A. Hand Washing

The Centers for Disease Control state that "hand washing before and after contact with patients is the single most important means of preventing the spread of infection." Washing your hands after contact is a must. Use waterless hand cleaner when other wash facilities are not available.

The MNPD recommends the following hand washing guidelines:

1. Wet hands to two or three inches above wrists.

2. Apply hand-cleaning agent.

3. Rub hands together to work up a lather

4. Using a rotating motion, apply friction to all surfaces of hands and wrist, including backs of hands, between fingers, and around and under nails. Interlace fingers and rub hands together. Continue for 15 seconds.

5. Holding hands downward, rinse thoroughly, allowing the water to drop off fingertips.

6. Repeat procedure.

7. Dry hands thoroughly with a paper towel.

8. Turn off faucet using a clean paper towel to avoid contaminating hands on the dirty faucet handle.

B. Universal Precautions

In the emergency response setting the responder is frequently placed at risk for exposure to infectious disease. The infection status of the subject is unknown. Medical history and physical examination cannot reliably aid in identifying persons who carry infectious pathogens. Therefore, it is recommended that blood and body fluid precautions be observed in the handling of **all** persons.

1. All responders shall use appropriate barrier precautions to prevent skin and mucous membrane exposure when contact with blood or other body fluids of any person is anticipated. Gloves shall be worn for touching blood and body fluids. Gloves shall be changed after contact with each person. Remove gloves by grasping the cuffs and pulling them off inside out. Masks and protective eye wear or face shields shall be worn during activities that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose, and eyes. Gowns shall be worn during activities that are likely to generate splashes of blood or other body fluids.

2. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids. **Hands shall be washed immediately after gloves are removed.**

3. All responders or other employees must take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during activities and when handling sharp instruments after activities. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, or removed from disposable syringes. Needles, scalpel blades and other sharp items shall be placed in puncture-resistant containers for disposal. The puncture resistant containers will be located as close as practical to the use area.

4. Although saliva has not been implicated in HIV transmission, to minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags, or other ventilation devices shall be available and used.

5. Responders or employees who have exudative lesions or weeping

dermatitis shall refrain from all direct patient care and from handling contaminated items until the condition resolves.

6. Pregnant responders or other employees are not known to be at greater risk of contracting HIV infection than responders who are not pregnant; however, if a responder or other employee develops HIV infection during pregnancy, the infant is at risk. Pregnant responders should be especially familiar with and strictly adhere to precautions to minimize the risk of HIV transmission.

7. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are **prohibited**, in work areas where bio-hazardous evidence or materials are present.

8. **All items or evidence** which are contaminated with blood, any body fluid, or other potentially infectious material **are to be considered infectious even if the contaminant has dried**. This precaution applies **regardless of the length of time that the contaminant has been in a non-liquid state.**

C. Information on Common Bloodborne Diseases

Infectious pathogens are transmitted via an infected person's blood, body fluids visibly contaminated with blood or body fluids which include, but are not limited to urine, feces, vomitus, saliva, tears, mucus, cerebrospinal fluid, semen, vaginal secretions and placental fluids. Generally, the human skin is an effective barrier against exposure to infectious substances. However, if the skin has open sores, cuts, or abrasions, this protective barrier becomes a route for transmitting infections. Contact with a person's blood or body fluids visibly contaminated with blood poses the greatest risk of transmitting certain diseases, such as HBV and AIDS/HIV.

1. Acquired Immunodeficiency Syndrome/Human Immunodeficiency Virus

   Casual contact with persons in high-risk groups for AIDS does **not** place you at risk for acquiring AIDS. No cases of AIDS have been identified among non- sexual household contacts of patients of AIDS. One hundred thousand or more healthcare workers, emergency services personnel, and family members have had close exposure to known AIDS patients. Undoubtedly, many times that number has had similar contact with persons unknowingly infected with the AIDS virus. Family members have routinely hugged, kissed, and shared bathrooms and kitchens with AIDS patients. No person exposed in these ways has yet developed AIDS. Persons briefly exposed to the AIDS virus often do not acquire infection, while people actually infected with the AIDS virus may have few or no symptoms for long periods of time, even years. Persons who are infected with the AIDS virus develop a blood antibody that is detected by a screening test (ELISA).

2. Hepatitis-B Virus (HBV)

   Pre-hospital care providers who have frequent contact with blood or secretions are at a much greater risk of contracting HBV than of contracting HIV. HBV is more infectious and more difficult to decontaminate than HIV. Approximately one in 200 persons in the United States are considered chronic carriers of HBV and can spread the infection to others for an indefinite period of time. Strict adherence to the CDC guidelines for minimizing the risk of exposure to HIV will also minimize the risk of transmission of HBV.

2.50.050 Equipment and Immunizations Provided

The Department will provide the following for at-risk employees:

A. Personal Protective Equipment

   Items to Personal Protective Equipment (PPE) shall include, but not be limited to:

   1. Gloves
   2. Masks
   3. Eye Protection
   4. Gowns
   5. Shoe Coverings

B. Biohazardous Waste Disposal Bags

   1. Biohazardous waste disposal bags shall be provided to all employees using PPE. The bags shall be colored red, and clearly labeled as "Biohazardous Waste." The Safety Coordinator shall ensure that such bags are of adequate quality to conform to current OSHA, EPA, and Metro Safety Office guidelines.
   2. Disposal of such bags shall be accomplished via procedures described in section below titled, "Disposal of Biohazardous Waste."

C. Immunizations

   1. At-risk employees, as identified above, **shall** be offered the Hepatitis-B (HBV) vaccine at departmental expense.
   2. Employees may decline the HBV vaccine, but **must** sign a waiver

indicating the declination.

3. An at-risk employee may rescind the declination at any time and receive the HBV vaccine at departmental expense.

4. Other immunizations, as prescribed by medical authorities as part of a post-exposure incident treatment program, **shall** be offered at departmental expense.

5. HBV immunization shall be offered annually, and non-immunized employees will be required to sign a new declination form annually should they continue to decline the immunization.

6. All immunization documents shall be permanently retained in employees' personnel files.

D. Cleaning & Disinfection Supplies

1. At-risk employees and work sites shall be issued/equipped with a waterless hand cleaning agent for use when hand washing facilities are unavailable and/or to clean contaminated areas.

2. Certain work sites shall be issued/equipped with an aerosol or pump container of cleaning agent suitable for disinfecting surfaces and equipment with large volumes of contaminant.

2.50.060 Training

A. Curriculum and Scheduling

1. The Safety Coordinator shall develop a curriculum for training on this OSHA standard. Training shall consist of initial training and an annual recertification course.

2. The Safety Coordinator shall develop a mechanism for training employees whose change in work status (new hire, transfer, promotion) results in their assignment as an "at-risk" employee.

3. The curriculum shall be approved by the Metro Safety Office prior to any training.

B. Retention of Training Records

1. All training sessions, which are required as initial, recertification, or special training, **shall** be documented on the current form (roster) as provided by the Metro Safety Office. No lists shall be attached to a roster on blank paper. When class size requires a second sheet, a new roster form shall be used.

2. The forms shall include: date, time, attendees, instructor, and space for signature of attendees to indicate their understanding of the material.

3. The Safety Coordinator shall retain all training records indefinitely.

2.50.070 Personal Protective Equipment

As described in section above title, "Equipment and Immunization Provided," the department will provide PPE. The PPE use criteria and disposal methods are included in this section.

A. Use Criteria

1. Individual Decision

   Individuals may use PPE at any time they prefer to do so.

2. Mandatory Use

   Personnel shall use PPE during activities when it may be reasonably anticipated that an occupational exposure to blood or other body fluids may occur.

3. Supervisor's Decision

   Supervisors may instruct or order subordinates to use PPE any time he/she deems it necessary.

4. Crime or Accident Scene

   See section below titled, "Evidence Handling and Crime Scene Procedures".

B. Initial Issue

Bureau Commanders shall determine the content of initial issue to individual members and/or organizational elements within their bureau.

C. Disposal

Upon removing disposable PPE, the items shall be placed in a red bag labeled "Biohazardous Waste." Disposal shall then be accomplished as described in section below titled, "Disposal of Bio hazardous Waste."

D. Documentation of Use - Issued Equipment

Upon disposing of individually assigned items of PPE, or exhausting any other individually assigned cleaning and disinfection supplies, members will document such usage in the MDC/CAD notes for the call for service.

E. Replacement Supplies and Equipment

Each Bureau Commander (Precinct Commanders on Patrol Division) shall maintain an adequate supply of replacement items to allow for restocking members' individually assigned equipment and supplies.

2.50.080 Evidence Handling and Crime Scene Procedures

For information pertaining to biohazardous evidence handling and crime scene procedures refer to Article 15.20.030.

2.50.090 Disposal of Biohazardous Waste

A. All contaminated items shall be placed into a red bag labeled "Biohazardous Waste." Such bags will be supplied by the department.

B. Red receptacles labeled "Biohazardous Waste" will be available for disposal of the bags. These receptacles will be located at both Police Department and Fire Department facilities.

1. Police Facilities with Receptacles:

a. Police Headquarters

b. Crime Scene Investigators

c. Prisoner Processing

d. Property and Evidence

2. Fire Facilities with Receptacles

The Fire Department has granted permission for use of the receptacle at any fire station during the hours of 0600-2200 only.

C. The red bags and red receptacles **shall not** be used for routine refuse disposal. They are to be used **only** for disposal of biohazardous waste.

D. Any biohazardous waste **shall be** disposed of properly. The landfill will not accept biohazardous waste. Personnel **will be held strictly accountable** for biohazardous waste disposed of as routine refuse. This accountability

will extend to the cost of recovery if biohazardous waste is discovered in the landfill and responsibility can be attributed to specific member(s).

E. The commander of the elements having red biohazardous waste receptacles, or his/her designee, shall notify the disposal contractor when the receptacles are full. The contractor will supply another receptacle and transport the contaminated receptacle away.

2.50.100 Uniforms and Clothing

A. Change of Clothing

1. All at-risk personnel are encouraged to have a change of clothing available in their police vehicles or at their offices.

2. Personnel who find it impractical to keep a change of clothing **will, without exception**, be allowed to go to their homes and change should their attire become soiled by blood or body fluids.

3. Contaminated clothing **shall** be changed prior to responding to another call or returning to duty or service.

4. **Extreme caution** should be used to prevent contamination of the home, vehicle, etc.

B. Change of Shoes/Boots

The provisions of Subsection A. above apply to footwear as well.

C. Handling Soiled Clothing and Shoes/Boots

Clothing which has been contaminated with blood or body fluids shall be handled as follows:

1. The department will provide laundry services to employees whose clothing has been contaminated by blood or body fluids. To utilize the laundry service, employees **must** document the exposure incident as described in section below, "Procedures for Reporting Exposures." The department **will not** pay for cleaning if the employee has not documented the exposure incident.

2. Employees shall transport the clothing to the contracted laundry service in a leak proof container (such as a common household trash bag) and **shall** inform the contractor's employees of the location and nature of the contamination.

3. Employees shall utilize appropriate PPE when transporting clothing to the laundry service. The laundry service will provide disposal and hand

washing facilities.

4. Shoes/Boots should be scrubbed with soap and hot water to remove contaminants. Wash soles of footwear at the incident or as soon as possible if contaminated with blood, body fluids, or other contaminants.

D. Firefighting Clothing Assigned to CSI Personnel

Firefighting clothing ("turn-out gear") used during arson investigations shall be placed in common household trash bags (not red bags) and sent to the Fire Department Safety Office for cleaning when contaminated with blood or body fluids. This provision does not cover routine cleaning. Temporary firefighters clothing will be issued by the Fire Department Safety Office. When a member's assigned gear is clean and ready to be returned, he/she will be notified by the Fire Department.

2.50.110 Procedures for Reporting Exposures

A. Employee's Responsibilities

1. Employees involved in an exposure incident must notify their supervisor immediately and

2. Documentation must be made on MNPD Form 155, "Exposure to Contagious Disease Report" and on the current Record of Occupational Illness/Injury form (Form IS-101), regardless of medical treatment.

B. Supervisor's Responsibilities

1. If medical attention is needed, the supervisor may direct the employee to the Concentra IOD Clinic (337 21st Ave North) or the nearest hospital.

2. Supervisors shall consult with the employee and determine if the exposure incident meets the callout criteria for the Safety Coordinator.

3. The supervisor shall assist the exposed employee in completion of MNPD Form 155 and the current Record of Occupational Illness/Injury form (Form IS-101).

4. The supervisor shall treat every exposure incident with utmost confidentiality and adhere to applicable local, state, and federal procedures, rules, regulations, and laws regarding confidentiality.

5. The supervisor shall not discuss the exposure incident with anyone

other than the Safety Coordinator, regardless of rank or assignment. A general notification (one that does not include specific details of exposure) may be provided to Command Staff for personnel planning and liability management.

C. Safety Coordinator's Responsibilities

1. Rating of exposure

   Upon receiving notification of exposure, the Safety Coordinator shall utilize the severity rating levels identified by the Metro Safety Office.

   The levels, and their criteria, are:

   a. Significant exposure occurs whenever a subject's blood or body fluids contact an employee through percutaneous inoculation (e.g., needle stick), an open wound, non-intact skin (e.g., chapped, abraded, weeping, or dermatitis), or mucous membrane (e.g., eyes, nose, mouth). The single most common example is a needle stick.

   b. Moderate exposure occurs whenever a subject's body fluids contact an employee's mucous membranes. Performing mouth- to-mouth resuscitation or a subject sneezing/coughing on a responder are two examples. However, a subject with active tuberculosis, not on medication, who is coughing represents a significant risk of exposure to any responder in the same room.

   c. Minimal exposure occurs whenever a subject's blood or body fluids contact an employee's intact skin or a subject's intact skin contacts an employee's mucous membranes. For example, an officer arrives on a scene without gloves and has a child covered with blood thrust into his/her hands.

      Exceptions to the ratings exist. One example is measles. Simply entering a room which an infectious measles subject has vacated within an hour represents a significant risk of infection.

2. Response of Safety Coordinator

   Should the employee decide to seek medical treatment, and a doctor categorizes the exposure incident as “Significant”, then the Safety Coordinator will be notified.

3. Employee Notification, Investigation, and Counseling

All notifications of test results, medical treatment, investigations of source individuals, counseling, and other services provided by the Safety Coordinator shall be conducted in accordance with 29 CFR 1910.1030, current Metro Safety Office guidelines, and applicable laws.

4. Retention and Confidentiality of Records

    a. All records shall be completely confidential and accessible only to the Safety Coordinator, the employee, and others as identified in 29 CFR 1910.1030.

    b. All employees' medical records shall be retained indefinitely.

2.50.120 Treatment

All treatment relative to employee exposure incidents shall be provided by the department and Metropolitan Government as required by:

A. 29 CFR 1910.1030, and

B. The Metropolitan Government Safety Program, and

C. The Metropolitan Government Bloodborne Disease Program, and

D. Civil Service Rules, and

E. Employee Benefit Board pronouncements, and

F. Any federal, state, or local law, ordinance, or regulation which may affect or regulate such treatment.

2.50.130 Adoption of Metropolitan Government Bloodborne Disease Program

A. The Metropolitan Government Bloodborne Disease Program is hereby adopted by reference as the model for this order and MNPD policy.

B. The Safety Coordinator, as an integral element of his/her duties and responsibilities, shall maintain a full complete working knowledge of the Metropolitan Government Bloodborne Disease Program and shall abide by all policies, procedures, and regulations contained therein.

2.60 Sick Leave Bank Rules and Regulations

2.60.010 Purpose

The purpose of the Sick Leave Bank is to provide sick leave to contributors who have suffered an unplanned personal illness, injury, disability, or quarantine and whose personal sick leave, vacation, comp time, holiday, personal leave days and accrued vacation days are all exhausted.

2.60.020 Administration

A. The Sick Leave Bank shall be administered by the Sick Leave Committee**.**

B. The Sick Leave Committee shall be composed of three (3) members; one (1) shall be the President of the Fraternal Order of Police, one (1) shall be the Payroll Manager, and one (1) shall be the President of the National Black Police Officers Association, Nashville Chapter, or their respective designees. The chairperson shall be the president, or his/her designee, of the employee group that has been designated in compliance with Chapter 3.56, Labor Policy, of the Metropolitan Code as the exclusive representative for the employee unit which includes Police Officer II.

C. Employees participating in the Bank shall agree to abide by the rules and regulations (and any revisions) established herein.

D. All actions of the Sick Leave Committee shall require two (2) affirmative votes. Decisions of the Committee shall be final.

E. The Payroll Section of the Metropolitan Police Department will maintain the records of the Sick Leave Bank. The records of the Bank shall be open for inspection.

F. All requests to utilize days from the sick leave bank will be forwarded to the Sick Leave Bank Committee Chairperson. The Sick Leave Bank Committee will then have ten (10) working days to review the request and make a determination.

G. The Sick Leave Bank Committee shall inform the Police Department Payroll Section supervisor, in writing, of its decision. A written record of the Committee disposition will simultaneously be issued to the employee by the Committee Chairperson. This record may include a brief statement of why the request was approved or denied.

H. All requests to draw from the Bank must be accompanied by a

statement on the request form (MNPD Form 353) certifying that leave is medically required by the specified illness or disability (which must be stated on the form). MNPD Form 353 must be signed by a physician.

I. The Human Resources Division, Payroll Section of the Metropolitan Police Department will maintain records of employees enrolled in the Bank and employee contributions and/or withdrawals. This information will be available for inspection during normal business hours.

J. No employee shall be authorized to utilize days from the sick leave bank for any purpose other than the employee's own illness or injury.

2.60.030 Membership Provisions

A. Any full-time employee of the Metropolitan Police Department shall be eligible to participate in the Bank; however, a minimum participation of one hundred (100) employees shall be required to establish the Bank.

B. Any full-time Police Department employee who elects to participate in the Bank shall initially have two (2) days of sick leave deducted from his/her personal accumulation and deposited in the Bank by completing and signing the Sick Leave Bank Enrollment / Termination Form (MNPD 352).

C. The signing of the enrollment/termination form relieves the Metropolitan Government, the Chief of Police, the President of the Fraternal Order of Police, and the President of the National Black Police Officers Association, Nashville Chapter, from any liability as a result of action taken by the Sick Leave Committee or at their direction.

D. Enrollment shall be open during business hours of any regular workday for the Police Department Personnel Division during the months of January and July of each year. New employees may elect to participate within thirty (30) calendar days of their employment.

E. Full-time Police Department employees wishing to join who do not currently have the necessary two (2) sick days accrued, may enroll with the understanding that their two (2) day contribution will be deducted from the first two sick leave days accrued subsequent to their application. Requests for withdrawal from the Bank will not be granted until after the employee has satisfied the two (2) day contribution.

F. Donations of sick leave to the Bank are **non-refundable** and **non- transferable** except in the event of termination of the Bank. In the event the Bank is terminated, the total days on deposit shall be returned proportionately to the then participating members and credited to their personal sick leave accumulation not to exceed the maximum number of sick days allowed by the Civil Service Rules and Regulations.

G. If at any time the number of days in the Bank is less than one per member, or at any time deemed advisable, the Sick Leave Committee shall have the authority to assess each member one (1) day of accumulated sick leave.

H. A department wide announcement will be made prior to any new assessment and employees wishing to rescind their membership may do so without loss of the additional assessed day. No previously assessed days will be recouped upon termination of membership by an individual employee.

I. If, at the time of assessment, a member does not have the accrued time necessary to fulfill the assessed days, the next accrued sick day subsequent to the assessment will be applied to the Bank.

J. The enrollment authorization shall remain in effect for the current and subsequent years unless canceled in writing. A member's withdrawal from the Bank will be effective thirty (30) calendar days after submitting the request to the Sick Leave Committee. Membership withdrawal shall result in forfeiture of all days contributed.

2.60.040 Sick Leave Bank Usage

Requests to draw from the Bank shall be reviewed by the Sick Leave Committee for approval or denial. The following guidelines shall be used in determining whether to grant requests for withdrawal from the Bank. The Sick Leave Committee shall review instances not specifically falling into
the categories below on a case-by-case basis.

A. Sick Leave Bank requests may be granted for instances of disabling illness, injury, or quarantine of the individual member.

B. Grants of sick leave from the Bank shall **not** be made to any member on account of cosmetic surgery, illness of a member of the participant's family or injury in the line of duty. Disability benefits from individually purchased insurance policies shall not affect eligibility to draw from the Bank.

C. A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated paid leave (sick leave, personal leave, comp time, holidays, and accrued vacation days).

D. There shall be a waiting period of six (6) consecutive working days (excluding extensions for the same illness or injury) following the exhaustion of all available paid leave before days from the Bank may be used.

E. Members of the Bank shall be eligible to request use of the Sick Leave Bank only after meeting the following requirements:

1. Must have been a member of the Bank for thirty (30) consecutive calendar days;

2. Must have contributed their initial two (2) days of sick leave from their personal accumulation; and

3. Satisfied all assessments not previously fulfilled during the time in which they were a member.

F. All requests to draw upon the Bank must be made upon a MNPD Form 353 (Request for Use of Sick Leave Bank) and forwarded to the Sick Leave Bank Committee Chairperson who will convene the Committee for review and consideration of the request.

G. An applicant or member drawing on the Bank may be required at any time to undergo at his/her expense a medical review by a physician approved by the Sick Leave Committee.

H. Leave grants from the Bank may be in retroactive units of no more than twenty (20) consecutive working days for the individual applicant. This reimbursement will not include the six (6) consecutive working day waiting period required before drawing from the Bank. Reimbursements will be allowed in full day increments only.

I. The maximum number of leave days any participant may receive from the Sick Leave Bank during any twelve (12) month period is forty (40) days. The maximum number of days any participant may receive from the Sick Leave Bank as a result of any one or the same illness or accident during any twenty-four-month period is (60) days.

J. In the case of chemical dependency, mental illness and maternity leave, or family sick leave related to these events, the maximum number of days that may be granted is ten (10). In the cases of extenuating circumstances resulting from these conditions,

exceptions may be approved by the Sick Leave Committee. The Committee shall state it reason(s), in writing, for granting such exceptions.

K. In the event a member is physically or mentally unable to make request to the Sick Leave Committee for use of sick leave days, a family member or agent may file the request.

L. Sick leave granted to a member from the Bank need not be repaid by the individual except as all members are uniformly assessed.

M. A member shall lose the right to obtain the benefits of the Sick Leave Bank by:

1. Resignation or termination of employment from the Metro Police Department;

2. Cancellation of participation in the Sick Leave Bank program;

3. Refusal to honor such assessment as may be required by the Sick Leave Committee;

4. Being on an unapproved leave of absence without pay; and

5. Refusal to comply with the guidelines, rules, and regulations of the Bank.

2.70 Light Duty

The purpose of this order is to establish Metropolitan Police Department policy and procedures for light duty assignments and responsibilities to accommodate an employee's injury or illness on a short-term basis.

2.70.010 Policy

Temporary light duty assignments are for eligible personnel in the Metropolitan Nashville Police Department who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternate duty assignments.

Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignments. Therefore, it is the policy of the Metropolitan Nashville Police Department that eligible personnel are given a reasonable opportunity to work in temporary light duty assignments where available and consistent with this policy.

Light duty assignments are not mandatory and are granted at the discretion of the department. The MNPD will consider the needs of the department and the employee's restrictions when determining light duty assignments.

Generally, sworn employees who are not capable of working in a full duty capacity, due to medical restrictions, and have been assigned a light duty assignment, shall retain their service commission during the length of their light duty assignments.

However, when there is sufficient reason to believe the continued exercise of police authority may be detrimental to the department, to the safety of anyone, or is in the best interest of the department, the employee, or both, the Chief of Police, or authorized designee, may decommission an employee assigned a light duty assignment until the circumstances that gave rise to the decommissioning have been resolved.

2.70.020 Definitions

A. **Eligible Personnel:** For the purposes of this policy, any full time sworn or professional support staff employee of the MNPD suffering from a medically certified injury, illness or disability requiring treatment of a licensed health care provider and who, because of injury, illness or disability, is temporarily unable to perform their regular assignment but is capable of performing alternative assignments.

B. **Family and Medical Leave Act (FMLA):** Federal law providing for up to 12 weeks of annual leave for workers in addition to leave provided by the MNPD due to injury, illness or certain other family conditions/situations.

C. **Light Duty:** A medical designation allowing an employee to return to work with specific and detailed limitations or restrictions.

2.70.030 General Provisions

A. Light duty assignments are not mandatory and are granted at the discretion of the department.

B. Assignments may be changed at any time upon the approval of the treating physician, if deemed in the best interest of the employee or the department.

C. This policy in no way effects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.

D. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, or retirement benefits.

E. No specific position within the MNPD shall be established for use as a temporary light duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.

F. Light duty assignments are strictly temporary and normally should not exceed six (6) months in duration. After six (6) months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:

   1. Present a MNPD Form 354B, Request for Light Duty Extension and a MNPD Form 354 Light Duty Accommodation, with supporting documentation, to their chain of command; or

   2. Pursue other options as provided by the Metropolitan Employee Benefit system or federal or state law, including but not limited to:

      a. Resign your position;

      b. Seek an ADA accommodation through Metro HR; or

      c. Contact the Metro Benefit Board to discuss any benefits in which you may be entitled.

G. Requests for extended light duty assignments must be approved through the appropriate chain of command through

the Bureau Commander of the requesting employee.

H. Sworn employees on temporary light duty are prohibited from engaging in any secondary employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of the MNPD and that form the basis for their temporary light duty assignment.

I. An employee on temporary light duty shall be prohibited from wearing the departmental uniform, driving a Metro vehicle, carrying any departmentally issued or authorized firearm and are limited in employing police powers as determined by the Chief of Police.

J. Light duty assignments shall not be utilized for disciplinary purposes.

K. Employees may not refuse temporary light duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health care provider.

2.70.040 Temporary Light Duty Assignments

A. Temporary light duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to:

1. Administrative functions,

2. Clerical functions,

3. Desk assignments, or

4. Report taking.

B. Assignment to a light duty assignment or the continuation of a light duty assignment shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, availability of light duty assignments, the physical limitations imposed on the employee, and the employee's continued adequate performance of the assigned duty tasks.

C. Every effort will be made to assign employees to positions consistent with their rank and pay classification. However, where appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees such assigned shall:

1. Retain the privileges of their rank but shall answer to the supervisory personnel of the unit to which they are assigned with regard to work responsibilities and performance. And

2. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

2.70.050 Requests for Assignment to Temporary Light Duty

A. Requests for temporary light duty assignments shall be submitted to the employee's immediate supervisor and forwarded through the appropriate chain of command. Approval from the employee's appropriate chain of command must be obtained **prior** to the employee being assigned for temporary light duty.

B. Requests for temporary light duty assignments must be accompanied by a MNPD Form 354, Request for Temporary Light Duty which must be signed by the requesting employee's treating physician, or other licensed health care provider.

C. The MNPD Form 354, Request for Temporary Light Duty must include an assessment of the nature and probable duration of the disability, nature of work restrictions, and an acknowledgement by the health care provider that the employee can physically assume the duties of the light duty assignment consistent with the outlined limitations.

D. The MNPD Form 354, Request for Temporary Light Duty shall be forwarded to the MNPD Human Resources Division Director, who shall make a recommendation regarding the assignment to the requesting employee's Bureau Commander.

E. The MNPD may require the employee to submit to a medical examination by the authorized Civil Service doctor who may in turn refer the employee for an independent medical exam to a health care provider of the MNPD's choosing.

F. As a condition of continued assignment to temporary light duty, employees shall be required to submit a monthly physical assessment of their condition by their attending physician or other licensed health care provider as specified by the Director of the MNPD Human Resources Division.

G. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the employee's precinct/division commander. Such request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing a need for temporary light duty or a request/order for a medical or psychological fitness for duty examination.

2.70.060 Return to Full Duty Status

A. An employee placed in a temporary light duty assignment must submit a MNPD Form 354A, Return to Duty form to the Director of the MNPD

Human Resources Division prior to retuning to full duty.

B. The MNPD Form 354A, Return to Duty form must be signed by the employee's attending physician or other licensed health care provider and include an acknowledgement that the employee can physically resume the duties and tasks required of his/her regular assignment.

C. A functional job description of the employee's regular assignment shall be attached to MNPD Form 354A, Return to Duty form for the attending physician to review. The attending physician must acknowledge review of the employee's function job description on the form. Functional job descriptions can be obtained from the MNPD Human Resources Division.

D. No employee shall be permitted to return to their regular duty status until all required medical documentation has been filed with the Director of the MNPD Human Resources Division.

E. The MNPD may require the employee to submit to a medical examination by the authorized Civil Service doctor who may in turn refer the employee for an independent medical exam to a health care provider of the MNPD's choosing before authorization is given for the employee to return to full duty.

2.70.070 Reasonable Accommodation for Employee Welfare

Consistent with Civil Service Rule, law, and best practices, it is the policy of the MNPD to provide reasonable accommodation for the welfare of all employees.

The MNPD Police Human Resources Division shall assign a liaison to any employee who requests a reasonable accommodation or who returns to work from leave related to family medical, pregnancy, injured on duty, extended illness, or other such leave as may be determined by the MNPD Human Resources Director to be in the best interest of the employee and the MNPD.

In fulfilling its mission, the MNPD Human Resources Division may consult with and/or issue notices to the affected employee's chain of command authorizing accommodations for such employees as may be necessary to ensure employee welfare requirements are accomplished.

2.80 Use of the Professional Wellness Section

The purpose of this order is to establish and clearly define the role of the Professional Wellness Section or PWS (formerly known as PASS). This Section which will function as both a direct care provider of mental health counseling services and as an educational, screening, and referral source providing confidential, appropriate, and timely problem assessment services. Therefore, this order establishes policy for identifying and assisting employees and their eligible dependents who may be experiencing emotional and/or psychological difficulties and communicates to supervisors and employees a clear understanding of the Professional Wellness Section so that services may be used in a timely, reasonable, and optimal manner.

The service array of the Professional Wellness Section includes, but is not limited to: individual counseling, couples counseling, family counseling, group counseling, stress management, substance abuse counseling, conflict management, divorce adjustment, retirement counseling, and referral to community health agencies.

2.80.010 Policy

The department recognizes the need to prevent emotional crises of personnel whenever possible, and to assist those employees who are experiencing emotional, psychological, and/or psychiatric conditions. Persons experiencing such conditions will be afforded every reasonable opportunity to secure the assistance needed to preserve their mental and physical health.

2.80.020 Privileged Communications and Confidentiality

TCA 63-11-213, Privileged communications states:

“For the purpose of this chapter, the confidential relations and communications between licensed psychologist or, psychological examiner or, senior psychological examiner or certified psychological assistant and client are placed upon the same basis as those provided by law between attorney and client; and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.”

TCA 63-22-114, Confidentiality states:

“The confidential relations and communications between licensed marital and family therapists, licensed professional counselors or certified clinical pastoral therapists and clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this part shall

be construed to require any such privileged communication to be disclosed."

2.80.030 Goals of the Professional Wellness Counseling Unit

The goals of the Professional Wellness Counseling Unit are as follows:

A. To provide mental health related services for the purpose of prevention and/or remediation of personal and professional difficulties for employees and their eligible dependents.

B. To provide support to employees and their eligible dependents through counseling and education. These support services are provided through individual, family, and group formats, basic training, and referrals to community agencies when appropriate or necessary.

C. To provide support to supervisory personnel regarding the identification of employee behaviors which would indicate the existence of employee problems and/or issues that could impact employee job performance, and the identification of appropriate preventative actions and interventions. This service is provided through individual consultation and in-service training.

2.80.040 Organization

The Professional Wellness Counseling Unit shall be administered by a counseling supervisor who will hold a valid license as a mental health service provider within the State of Tennessee, possessing a minimum of a master's degree in a counseling-related field with at least three (3) years of counseling experience.

2.80.050 Procedures

There are three methods to enter the services of the Professional Wellness Section. They are voluntary counseling, mandatory referral, and critical incident stress management:

A. Voluntary Counseling

Any police department employee, sworn or professional support staff, and of any rank or assignment, and their immediate family (father, mother, spouse, children) may seek counseling services or information about counseling services from Professional Wellness. The staff of Professional Wellness, as part of the Professional Code of Ethics, will not acknowledge that an employee is seeking voluntary counseling to anyone inside or outside the department, nor will they respond to any

questioning regarding the client except at the client's or guardian's request. Exceptions to the policy of confidentiality and anonymity extend only to the state and federal statutes that mandate the reporting of behavior indicating risk to self or others, and applicable statutes governing the reporting of all known or suspected child abuse cases. In cases where felony criminal charges exist, or the likelihood of felony criminal charges will exist, Professional Wellness personnel may only intervene for the purpose of crisis intervention and/or referral to another counseling agency.

A conflict of interest or potential conflict of interest may preclude the Professional Wellness personnel from providing on-going counseling services.

B. Mandatory Referrals

1. Counseling: In cases where a supervisor mandates an employee to the Professional Wellness Section, the employee may expect the same confidentiality as if they were seeking voluntary counseling with the exception that the supervisory chain of command may be notified regarding attendance and compliance with treatment recommendations. Supervisors mandating an employee to the Professional Wellness Services Section will use the following procedures:

   a. Complete MNPD Form 357, Counseling Mandate Form, in the Office of the Chief of Police, and concurrently notify the Chief of Police, the involved employee's commander, and the Director of Behavioral Health Services or his/her designee of the request for the mandate.

   b. Upon confirmation of referral from the Chief of Police back to the referring supervisor, the employee's Bureau Commander will be notified of the mandate and the employee will be notified through his/her chain of command that they must contact the Professional Wellness to schedule an appointment.

      NOTE: Under no circumstances shall a referral to the Professional Wellness Section be used by a supervisor in a disciplinary action, nor shall it be recorded as such. A referral shall not be used in place of, or as part of, any disciplinary action. A referral should be viewed as a positive, preventative response and intervention in order to assist employees with their personal and professional lives. Although a particular incident may ultimately

lead to both a disciplinary action and/or a mandate to the Professional Wellness Section, they are still to be considered separate and distinct actions. Therefore, separate recordings of each are necessary. At no time should there be mention of or indication of a referral to the Professional Wellness Section listed in any disciplinary documents.

c. Reasons for a mandate to the Counseling Unit include, but are not limited to, the following;

(1) Incidents involving violent or threatening behavior;

(2) Incidents related to substance abuse;

(3) Incidents related to sexual impropriety;

(4) Life threatening behaviors toward self or others; and/or

(5) Inappropriate behavior patterns, which include but are not limited to:

(a) Verbal/physical display of anger;

(b) Destruction of property;

(c) Sexist or racist remarks, behaviors, or harassment;

(d) Abuse of authority; and/or

(e) Chronic absenteeism or other manipulation or abuse of work time.

2. Fitness For Duty: The procedural order for psychological fitness-for-duty evaluations of MNPD personnel adhere to the Psychological Fitness-For-Duty Evaluation Guidelines adopted by the IACP Police Psychological Services Section. The Fitness-For-Duty Evaluation (FFDE) is a specialized examination of an incumbent employee that results from: (1) objective evidence that the employee may be unable to perform their job safely or effectively and (2) a reasonable basis for believing that the cause may be attributable to psychological factors. The purpose of the FFDE is to determine whether the employee is able to safely and effectively perform his or her essential job functions. The following procedures will be observed when a supervisor requests an FFDE:

a. The Supervisor completes MNPD Form 357, Counseling Mandate Form, indicating a Fitness for Duty Evaluation is requested, and sends it to the Chief of Police along with a letter documenting the concerns prompting the request. The Supervisor should provide a very thorough understanding of the concerns, along with any supportive documentation. No employee will be considered mandated for a FFDE until the request is approved by the Chief of Police's office.

b. The COP office will notify the BHS Director and the HR Director or Designee. The BHS Director will notify the requesting supervisor that the request was approved. The employee's chain of command shall notify the employee of the Fitness-for-Duty recommendation.

c. BHS will coordinate the appointment with the evaluator, as well as provide the requesting supervisor with a referral form detailing any additional information needed. BHS will advise HR of the date and time for the FFDE.

d. HR will notify the employee of the time and date of the FFDE.

e. Once report is completed, the examiner will provide the BHS Director with a written report. The report will contain recommendations for employment based on the results of the evaluation, justification for the recommendation and any reservations that the examiner might have regarding the validity or reliability of the results.

f. The psychologist/BHS Director will communicate the findings to the Chief of Police, the employee's Assistant Bureau Chief, the Director of Human Resources, and, when necessary, meet with the employee to discuss the results of the examination.

3. Critical Incident Stress Debriefing

a. Automatic referral of personnel involved in critical incidents is essential. A "critical incident" is an incident where the impact of this incident may have an effect on a person's physical and/or emotional wellbeing.

b. The primary purpose of Critical Incident Stress Management is to evaluate the impact of a specific traumatic event or series of events upon personnel. Critical Incident Stress Management is not only mandatory for the personnel directly involved in a critical incident but is highly recommended for personnel who

are indirectly involved in the incident. It provides the opportunity for education and gives the employee the opportunity to process the experience of the critical incident/traumatic call.

c. The Professional Wellness Section staff are only obligated to report that an employee has complied with attending the critical incident stress management session. However, Professional Wellness personnel reserve the right to recommend extended time away from work should it appear necessary and/or any other recommendations that are appropriate.

d. Supervisors will use the following procedure for Critical Incident Stress Management referrals:

(1) Contact the Professional Wellness Section Office or on-call counselor and advise them of the incident and the referral.

(2) Notify the employee that they must contact the Professional Wellness Section within 48 hours to obtain a debriefing with the Professional Wellness Section staff.

(3) Professional Wellness Section personnel will notify the supervisor of the debriefing date and time.

(4) Professional Wellness Section personnel will contact the Chief of Police and the employee's Bureau Commander to verify that the Critical Incident Stress Management has taken place and any recommendations that may evolve from the interview.

e. Referrals for Critical Incident Stress debriefing shall include, but not be limited to, the following examples:

(1) Anytime an employee is involved in a fatal shooting or witnesses a fatal shooting;

(2) Anytime an employee's actions or use of force results in a death;

(3) Discharge of a weapon in a life and death situation;

(4) Incidents where personnel are disarmed by a suspect;

(5) Incidents where personnel are held hostage or subjected to life threatening situations beyond the normal range of duty events;

(6) When a police officer witnesses death or serious injury of personnel;

(7) When a police officer witnesses death or serious injury of a child (e.g., SIDS cases);

(8) Audio or visual witness to an event which results in the premature, unnatural, or gruesome death/serious injury of an individual;

(9) Traumatic personal loss which appears to be impacting job performance (e.g., 911 operator responds inappropriately to a suicide call after a recent death of a family member); or

(10) Extraordinary event that impacts groups of personnel such as the Special Weapons and Tactics Unit, police negotiators, etc.

4. Critical Incident Stress Management

Interventions range from *proactive* (general wellness check, annual wellness check) to *reactive* (stress wellness check, crisis wellness check, follow-up wellness check, defusing/critical incident stress debriefing:

a. Proactive Services: Services that are intended to promote and provide wellness prior to specific events or critical incident. Proactive services include both general and annual wellness checks.

(1) Wellness Check: An interaction between an MNPD employee and a "representative" from the PWS. The employee may be sworn or professional support staff and any rank or assignment. Although the wellness check is often conducted by a counselor, <u>it can also be conducted by a sworn wellness member or chaplain from the PWS.</u> Wellness checks are 100% confidential. There are no audio, video, notes, or case files. A wellness check is NOT therapy.

(2) Goals for a wellness check:

(a) Opportunity to talk and "vent."

(b) Lessen stress

(c) Normalize reactions

(d) Process thoughts, feelings and reactions

(e) Assess support systems

(f) Psychoeducation. Teach basic concepts of trauma, stress management and resiliency.

(g) Identify issues or concerns that the employee would like to change or further explore

(h) Assess need for further interventions

(3) General Wellness Check: Can occur with anyone, at anytime, anywhere. A general wellness check can be scheduled or occur naturally. It is defined as a more meaningful dialogue and conversation that promotes genuine care and support.

(4) Annual Wellness Check: Available for anyone in the department, regardless of assignment and rank. They are generally scheduled on an annual basis and conducted during the month of the employee's birthday. But they can be scheduled for any month.

(5) Goals for annual wellness checks include:

(a) Discuss current and past assignments (Pros/Cons);

(b) Discuss goals for future (career/personal);

(c) Identify and discuss challenges of past year;

(d) Identify and discuss success/achievements of past year;

(e) Identify critical incidents in past year, with opportunity to process thoughts and feelings ;

(f) Identify support systems, coping skills, and self-care;

(g) Talk about family, relationships; and

(h) Evaluate stressors at home, work.

b. Reactive Services: Reacting to a single event or to cumulative stressors. *Reactive services* include:

(1) Stress Wellness Check: provided to any employee who is experiencing personal or professional stress;

(2) Crisis Wellness Check: provided to any employee who has experienced a critical incident or is experiencing some type of crisis;

(3) Follow-Up Wellness Check: interaction that typically occurs after the initial stress or crisis wellness check;

(4) Defusing: A structured small group discussion provided within hours of a crisis for purposes of assessment, triaging, and acute symptom mitigation; and

(5) Critical Incident Stress Debriefing refers to the “Mitchell model” (Mitchell and Everly, 1996). It consists of a 7-phase, structured group discussion, usually provided 48-72 hours to 10 days post crisis, and designed to mitigate acute symptoms, assess the need for follow-up, and if possible, provide a sense of post-crisis psychological closure.

2.90 Naloxone

2.90.010 Purpose

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of Naloxone by trained personnel within the Metropolitan Nashville Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved exposure by Metropolitan Police personnel and victims in the field.

2.90.020 Policy

MNPD personnel may possess and administer Naloxone so long as they have successfully completed training approved by the Metropolitan Police Training Academy to administer Naloxone to an individual undergoing or reasonably believed to be undergoing an opioid-related drug overdose.

2.90.030 Definitions

A. **Naloxone**: A prescription medication that can be used to treat the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous and respiratory system. It is marketed under various trademarks, including Narcan®.

B. **Naloxone Kit**: Authorized kit issued to MNPD personnel for treatment of apparent opioid overdose. The kit contains two (2) 4 mg doses of Naloxone HCL in a nasal spray applicator.

C. **Opioid**: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these can reduce pain, induce sleep, and in overdose, result in respiratory failure. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone, and hydrocodone.

2.90.040 General Provisions

A. The Director of the MNPD Training Academy Duties:

1. Ensure compliance with State training standards for Naloxone administration and maintain records of compliance.

2. Coordinate with outside and departmental entities to establish required training protocols.

3. Maintain training records for MNPD personnel.

4. Implement proper inventory controls and safeguards for Naloxone issued to MNPD personnel.

5. Ensure that Naloxone issued to employees, or held in reserve, are regularly removed from service prior to the manufacturer's expiration date.

B. MNPD Safety Coordinator Duties:

1. Maintain administrative records regarding the Departmental use of Naloxone on employees of the MNPD.

2. Establish protocols for the purging of any files regarding the use of Naloxone on MNPD personnel consistent with current policy governing the disposition of MNPD files.

3. Follow up with all on-duty/accidental overdoses of any opioid consistent with current policy governing IOD injuries and exposures to hazardous materials.

C. Naloxone Use by Personnel:

1. Employees shall summon emergency medical personnel to any scene where any person is in a potential overdose state. Additionally, any person treated for a drug related overdose with an opioid antagonist shall be taken to a medical facility by emergency medical services for evaluation, unless the person refuses medical treatment, according to NFD guidelines.

2. Employees should use universal precautions and protections from blood borne pathogens and communicable diseases when administering Naloxone.

3. Employees shall determine the need for treatment with Naloxone and administer Naloxone by following established training guidelines when they have a good faith belief that the person is experiencing an opioid related overdose.

4. Employees who have received department approved training in the administration of Naloxone shall use reasonable care and proper tactics when administering Naloxone.

Caution: Individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.

5. Employees shall remain with the complainant/victim until emergency medical personnel arrive.

6. Employees shall inform medical personnel upon their arrival that Naloxone has been administered.

7. Disposal: Used Naloxone Kits must be disposed of in appropriate hazardous waste receptacles.

8. Employees who administer Naloxone shall promptly notify a supervisor.

D. Maintenance/Replacement

1. Naloxone Kits shall be carried/secured in such a manner as to minimize the risk theft, loss, or access by unauthorized persons and consistent with storage guidelines provided by the MNPD Training Academy.

2. Naloxone Kits may be stored on the employee's person, in a secure location in their workspace, or inside a vehicle during shift hours. Naloxone Kits should not be left stored inside a vehicle for extended periods of time.

3. Used, lost, damaged or expired Naloxone Kits may be replaced via memorandum to appropriate MNPD Training Academy personnel.

4. Expired Naloxone Kits may be maintained by the MNPD Training Academy for use in training, or properly documented and disposed of in accordance with current policy/procedure.

2.90.050 Naloxone Administration Form, MNPD Form 717

A. Employees shall complete a Naloxone Administration Form 717 and submit it to their immediate supervisor for review and processing anytime Naloxone is administered.

1. When Naloxone is administered to an employee of the MNPD, the Naloxone Administration Form 717 shall be completed and routed to the Safety Coordinator, along with MNPD Form 101, Record of Occupational Injury/Illness. It is not necessary to complete a MNPD Form 100 to document administration of Naloxone to an employee exposed in the course of their duties.

2. When Naloxone is administered to any individual outside MNPD, the Naloxone Administration Form 717 and a MNPD Form 100 shall be completed, documenting the accidental overdose. Form 717 shall be routed to the Records Division, along with the Form 100.

B. The Naloxone Administration Form MNPD Form 717 is not open to public inspection as governed by the Tennessee Public Records Act § 10-7-503.

C. Copies of the Naloxone Administration Form MNPD Form 717 shall not be maintained in supervisory, Precinct or Division files.

2.90.060 Immunity from Prosecution When Seeking Medical Assistance for Drug Overdose

Pursuant to T.C.A. § 63-1-156, any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for a violation of § 39-17-418 (Simple Possession or Casual Exchange) or § 39-17-425 (Drug Paraphernalia) if the evidence resulted from seeking such medical assistance. Seeking medical assistance includes, among other things, contacting 911 or law enforcement.

Title 3: Employment

3.10 Employee Performance Evaluations

3.10.010 Purpose

The purpose of this policy is to establish departmental policy and procedure for conducting employee performance evaluations and ensuring annual criminal history checks are completed, thus ensuring the highest levels of departmental standards of performance.

3.10.020 Policy

In accordance with the Metro Charter and the Civil Service Rules, each employee's job performance shall be evaluated and documented on at least an annual basis. Additional evaluations may be done when necessary or required by current job description. The requirements of the position constitute the standards of performance or the basis upon which supervisors will rate the efficiency of employees. The standard of performance shall be the minimum level of performance expected after a reasonable period of training for a fully qualified, competent and acceptable employee. The goal of the Metropolitan Nashville Police Department (MNPD) is to establish a performance evaluation system enabling employees to exceed those standards.

3.10.030 Definitions

A. **Appointing Authority:** The Chief Executive Officer of the department; for the MNPD the Chief of Police, or designee.

B. **Criminal history check:** For the purposes of this directive, a formal records check conducted by authorized MNPD personnel to obtain updated nationwide criminal history (Triple I) information on MNPD employees to maintain departmental integrity and accountability.

C. **Rater:** The immediate supervisor of the employee being evaluated.

D. **Reviewer:** The immediate supervisor of the rater.

3.10.040 General Provisions

A. Performance evaluations are used to give employees feedback on their job performance, to help them improve future performance and to document performance for the following purposes:

   1. To complete probation or work test.

2. To determine whether or not an employee's performance meets the standard required to proceed to the next pay increment.

3. To determine eligibility for promotions and advancement.

4. As an aid in determining layoff actions.

5. To determine reemployment eligibility; and

6. To facilitate other Human Resource (HR) decisions which may be appropriately determined by employee performance.

B. Roles and Responsibilities

Each employee involved in the performance evaluation process should be mindful of job performance and evaluations on a continuous basis, not only when an evaluation is due. Roles in completing an evaluation are stated for each person:

1. Rater – Performance evaluation ratings are the responsibility of the immediate supervisor, who directs, observes and has first-line responsibility for the day-to-day performance of an employee.

    a. The rater should communicate his/her work expectations clearly to the employee and discuss work performance with the employee on an on-going basis.

    b. Any time during the rating period the overall performance of an employee, or performance in critical job areas, has reached a level which is below the acceptable rating for the performance evaluation system used, the supervisor will counsel the employee on how he/she can improve to an acceptable level. Supervisors should ensure the annual performance evaluation is not the first time the employee is made aware of unsatisfactory performance.

    c. The rater is to complete and document the evaluation form, discuss the ratings with the reviewer and employee and ensure that completed forms are properly routed.

    d. If an employee is reassigned the rater will complete an evaluation form for the period of time he/she has supervised that employee, as long as it was for a period of at least sixty (60) days. In such a case, the immediate supervisor at the time the evaluation is due is responsible for ensuring that the final evaluation is a composite result of evaluations done during the year.

2. Reviewer – The rater's immediate supervisor serves as the reviewer.

    a. The reviewer should carefully review the rater's evaluation for compliance with the standards set out in the appropriate guidelines and for consistency in the application of those guidelines.

    b. The reviewer should discuss job expectations and employee performance with the rater on an on-going basis.

    c. In the event that the reviewer determines a rating to be inappropriate he/she will discuss it with the rater who will make any changes he/she finds appropriate.

    d. The reviewer will not make any changes in the rater's evaluation unless there is objective documentation to support the change. In no event will a reviewer change a rater's evaluation without discussing it with the rater.

    e. Evaluations must be reviewed prior to the counseling interview with the employee.

3. Employee – Each employee should know the expectations of his/her supervisor and strive to meet them.

    a. Prior to an evaluation interview it is the responsibility of the employee to consider his job performance for the period covered so that he/she is prepared to discuss the ratings with his/her supervisor.

    b. An employee is required to sign the evaluation after it is discussed with him/her. The employee's signature documents that the evaluation has been discussed, the employee has had the opportunity to review the evaluation and has had the opportunity to ask questions pertaining to the evaluation. The employee's signature does not signify that the employee agrees or disagrees with the evaluation. In accordance with provisions in this policy an employee shall have the right to include comments as they relate to the evaluation. These comments shall be attached to the evaluation and forwarded with the original forms.

    c. An employee, who refuses to comply with instructions regarding the signature of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in corrective or disciplinary action for failure to comply with instructions from an authoritative source.

C. Types and Frequency of Evaluations

1. Probationary - Employees in this status shall be evaluated at two months, four months and a final evaluation at six-month and given clear opportunities to reach an acceptable standard. An employee is evaluated in the last month of his probationary period, prior to the person gaining Civil Service status in the classification. This will not apply in the event of major disciplinary violations.

2. Work Test – Employees completing a work test period shall be evaluated in the last month of that period. Additionally, employees in this status may be evaluated more than once and be given clear opportunities to reach an acceptable standard.

3. Annual - Each employee is evaluated within the month prior to the anniversary date of his original appointment, promotion, or demotion, to his present position, whichever date is more recent or the adjusted date in case of re-employment or a break in active service, such as leave without pay, military leave, return from pension, etc. This is to be done even if there is no increment possible.

4. Change of Rater - An employee whose rater changes will be given an evaluation by the out-going rater to cover the period of time since the employee's last evaluation.

D. All supervisors are required to attend performance evaluation training.

Such training will be provided for sworn members, at a minimum, to all newly promoted supervisors at required New Supervisor Training. The MNPD Human Resources Division will ensure ongoing performance evaluation training occurs for civilian supervisors. Records of such training will be maintained by the Training Division.

3.10.050 Procedures

A. Officer in Training (OIT)

Evaluations of OIT's shall be completed by the assigned Field Training Officer (FTO) according to the current Field Training Officer SOP.

B. Supervisors shall ensure that the criteria used for performance evaluation are specific to the assignment of the employee during the rating period. Those criteria should be found in the functional job descriptions available for each position.

C. Prior to any performance evaluation period the supervisor shall meet with the employee for a planning session to mutually agree on job

responsibilities, goals, and the measurement criteria.

The Performance Feedback Form shall be used to document this meeting and is available from the Metro Human Resources Division online.

D. Supervisors shall continually observe the performance of employees under their direct responsibility in order to facilitate an annual evaluation that is beneficial to both the employee and the department.

E. Annual Performance Evaluation

1. All employees' job performance shall be evaluated on at least an annual basis.

2. Employees shall be rated on the following scale:

   a. ***1 – Needs Improvement*****:** Performance does not meet minimum acceptable standards, expectations, and requirements of the job, or is below what can be expected of average performance. Employee requires a high level of supervision or assistance to accomplish work results. Improvement is necessary to meet desired level of performance results.

   b. ***2 – Successful*****:** Performance meets acceptable standards, expectations, and requirements. Performance contributes what is expected of a qualified, experienced employee performing in this position.

   c. ***3 – Exceptional*****:** Consistently meets standards and expectations, regularly exceeds them, and shows initiative in additional assignments. Successfully completes all responsibilities, even for projects that require versatile skills. Employee strives to grow professionally through development activities.

3. Any rating found to be "Needs Improvement" or "Exceptional" must include a written explanation of the deficiency and suggestions for improvement, or explanation of exemplary performance, whichever is applicable.

4. The reviewer shall evaluate the form for correctness and compliance with procedures, sign it, and return it to the rater.

5. Employee Evaluation Discussion

   a. The rater shall discuss the ratings with the employee during the performance review. This discussion should concentrate on the development of, or clarification of, clear performance criteria and the employee's performance in meeting those criteria during the

rating period.

b. An employee shall be informed of any incidents of marginal or unsatisfactory performance. Such incidents shall be documented on the performance evaluation form as outlined in provision 3.10.050, (E), (3) above.

c. The rater shall discuss level of performance expected, rating criteria, or goals for the new reporting period.

d. The employee shall be provided with counsel regarding career goals relative to topics such as advancement, specialization, or appropriate training.

e. An employee shall have the right to include comments presenting his/her concerns as they relate to the evaluation. These comments shall be attached to the evaluation and forwarded with the original forms.

6. The employee shall sign and date the form. The employee's signature acknowledges that he/she has seen and had an opportunity to discuss the evaluation and does not signify agreement or disagreement with the rating.

7. Once the performance evaluation is completed, the employee shall be provided with a copy of the completed evaluation form and any other attached performance documentation.

F. Annual Nationwide Criminal History Checks

1. To ensure the high standards of integrity and accountability of the department, each supervisor shall ensure a nationwide criminal history (Triple I) check is conducted on each employee in conjunction with his/her annual employee evaluation. For probationary employees, a 2-, 4- and 6-month check will also be done to ensure the employee is in compliance with MNPD standards.

2. Only authorized and appropriately certified MNPD personnel shall conduct a criminal history inquiry.

a. Each Division Commander shall identify an authorized employee to be responsible for conducting Triple I checks of employees under their command.

b. If no employee under their command is authorized to perform the checks then personnel outside that division shall be identified.

3. The authorized MNPD personnel performing the criminal history inquiry shall ensure the inquiry is recorded in the Triple I Log using the purpose code “J” and the reason for the request shall be listed as “review employee background”. Personnel conducting the criminal history checks shall ensure every field in the log is completed.

4. The supervisor shall ensure the “Criminal history check completed” box is checked on the annual employee performance evaluation form.

5. If an employee is found to have a “hit” on the Triple I check then the supervisor shall immediately notify their chain of command to ensure an appropriate investigation is initiated.

G. Annual Driver License Checks

1. In conjunction with an employee’s annual evaluation, supervisors shall ensure a driver license check is conducted:

   a. If an employee’s job duties and responsibilities require them to operate a departmental vehicle based on their job description; or

   b. If the employee requests mileage reimbursement.

2. The supervisor shall ensure the “Driver license check completed” box is checked on the annual employee performance evaluation form, if applicable.

3. If an employee is found to have a driver license status of other than valid then the supervisor shall immediately notify their chain of command to ensure an appropriate investigation is initiated.

H. Employee Job Performance Improvement Plan (JPIP)

1. A Job Performance Improvement Plan (JPIP), MNPD Form 309, shall be utilized if an employee’s performance is rated less than acceptable on any performance evaluation and additionally may be used any time it is determined an employee’s performance is below an acceptable standard (Refer to Department Manual Chapter 3.20 governing Employee Job Performance Improvement Plan).

2. Supervisors shall ensure written notification of unsatisfactory performance is provided to the employee at least ninety (90) days prior to the end of their annual rating period, when applicable.

3.10.060 Appeals

A. Grounds for Appeal:

An employee may appeal a performance evaluation based on the following grounds:

1. The procedures for completing the evaluation have not been properly followed.

2. Explanation was not given for below standard ratings.

3. The performance evaluation prevents the employee from receiving an increment. In such a case, the employee should be prepared to substantiate the ratings he/she believes to be appropriate.

4. The employee was rated as not meeting expectations on a section.

B. Appeal Procedure

1. An appeal filed on the above grounds begins with the rater. The employee should discuss his feelings with the rater and request adjustment to the appropriate evaluation ratings.

2. If the rater believes the initial ratings were correct and does not believe that a change is needed, the employee may request that the reviewer consider the desired changes.

3. If the reviewer upholds the original rating, the employee can appeal to the Appointing Authority or his designee who has the final decision.

4. If changes are made at any time in the process, they shall be in writing and initialed by all parties involved with a copy given to the employee.

5. All aspects of the appeal are handled within the department, as people in outside organizations (such as HR or the Civil Service Commission), would have no effective way of accurately assessing the employee's performance. However, the employee may ask the Director of HR to review the issues to determine if a major policy or procedural violation exists.

C. Appeal Limitations

1. An employee may not appeal an evaluation simply because he/she disagrees with particular ratings unless such ratings result in the grounds listed above.

2. Employees may indicate agreement or disagreement with ratings

on the evaluation form when it is discussed. If an employee feels that this is insufficient, he/she may attach a separate statement to the evaluation form to be maintained in the employee's file in the HR file. Such rebuttal should be signed by the rater, reviewer and Appointing Authority.

3.10.070 Distribution and Maintenance Provisions

A. All original performance evaluation forms will be forwarded to the MNPD Human Resources Division after all required signatures are obtained.

B. A copy shall be placed in the employee's personnel file and maintained indefinitely.

C. The original shall be forwarded to Metro Human Resources by the MNPD Human Resources Division; and

D. A copy shall be distributed to the employee by their chain of command.

3.20 Employee Job Performance Improvement Plan

3.20.010 Policy

It shall be the policy of the Metropolitan Nashville Police Department (MNPD) to utilize the Job Performance Improvement Plan (JPIP) to document attainable objectives and measures when an employee's performance is unacceptable and/or below standard. It is the goal of the department to give every employee the opportunity to be successful, and in those cases where the JPIP is necessary, to provide a clear and documented exchange between supervisors and an employee regarding performance expectations to assist in meeting this goal.

Although a JPIP may be used at any time to improve an employee's job performance, a JPIP shall be utilized if an employee's performance is rated less than acceptable on any performance evaluation and additionally may be used any time it is determined an employee's performance is below an acceptable standard.

A JPIP is generally used to assist in improving an employee's performance before disciplinary or corrective action may be required. However, an employee, when appropriate, may be required to participate in a JPIP in addition to any sanctions resulting from corrective or disciplinary action.

Failure of an employee to successfully complete the terms and conditions of a JPIP shall be grounds for corrective and/or disciplinary action with sanctions up to and including termination.

3.20.020 Definition

Employee Job Performance Improvement Plan (JPIP): A written plan designed to address unsatisfactory and/or below standard employee performance and/or behavior with clearly defined performance objectives and established timelines for improvement to assist the employee in obtaining an acceptable standard of performance.

3.20.030 Performance Evaluation and Corrective/Disciplinary Action

A. A JPIP, (MNPD Form 309, Employee Job Performance Improvement Plan), shall be initiated any time an employee's performance is rated less than acceptable on any performance evaluation.

B. A JPIP, (MNPD Form 309, Employee Job Performance Improvement Plan), may be initiated any time an employee receives corrective/disciplinary action resulting from a violation of Deficient or Inefficient Performance of Duties (as outlined in the current policy governing Deportment and Personal Appearance) when the supervisory chain of command determines a JPIP may be effective at

assisting the employee in resolving the noted inefficient or deficient performance.

C. A JPIP, (MNPD Form 309, Employee Job Performance Improvement Plan), may be used at any time to improve an employee's job performance.

3.20.040 General Provisions

Supervisors, managers, and/or administrators must determine when it's appropriate to move from the verbal to written level when seeking to improve an employee's performance. Once supervisory personnel determine that written documentation is necessary to assist in bringing an employee's performance up to an acceptable level, a MNPD Form 309, Job Performance Improvement Plan, shall be initiated. The JPIP should be a realistic plan for improvement with attainable objectives and measures to reach the goal of acceptable performance. The following should be included in the MNPD Form 309, Job Performance Improvement Plan:

A. All methods, discussions, meetings, etc., to be utilized in meeting the objectives and observations of performance that initiated the JPIP.

B. A listing of each area in which the employee does not meet acceptable performance, specifically identifying the deficiencies.

C. A discussion of each area in which improvement is needed and an attempt to reach a mutual agreement on the nature and severity of the deficiency.

D. A determination of a mutually agreed course of action which will increase performance up to an acceptable level. There should be a corroborative effort by the employee and the supervisor in setting performance objectives.

   Ideally, the employee will set the objectives with the supervisor acting as an advisor to ensure that they are attainable. Objectives should be measurable and realistic, yet sufficient to cause the employee to expend the effort to bring about positive changes in behavior and/or performance.

   NOTE: While collaboration is clearly the preferred course of action, supervisors shall retain all duties and authorities to ensure the acceptable performance of employees is attained.

E. An outline of the methods to be utilized in meeting the objectives set. Supervisors should explain their role in assisting the employee in achieving satisfactory levels of performance. If formal training is applicable (i.e., Academy, reassigned to an FTO, etc.) all efforts should be made to make these resources available. Informal training (i.e., ride along with supervisors, etc.) should be provided when appropriate.

F. Controls must be established to measure progress. The controls should be outlined, and the employee shall be informed of the controls in the JPIP written plan.

G. There should be established time frames for follow-up. Sufficient time should be provided to reach the objectives, but in no circumstances should a JPIP exceed six (6) months. Both the supervisor and the employee shall follow the time frames established for review and follow-up.

H. Once the JPIP has been thoroughly reviewed by the initiating supervisor and the affected employee, both the supervisor and the employee shall sign and date the form where indicated.

I. The JPIP shall be reviewed and approved through the affected employee's chain of command through the Bureau Commander.

J. The original signed copy and all supporting documentation shall be disseminated as follows:

1. The original signed copy shall become part of the employee's permanent personnel file in the Human Resources Division;

2. A copy shall be maintained in the employee's file at the Precinct/Division (When the employee transfers to a new assignment, the Precinct/Division file copy will be forwarded to the Commander of the new assignment.);

3. A copy to the employee;

4. A copy to the Precinct/Division Commander or Civilian equivalent; and

5. A copy to the employee's Bureau Deputy Chief or Director.

K. If there is a change of assignment of the affected employee for any reason before a JPIP is completed, the JPIP shall follow the employee to the new assignment. It shall be the duty of the originating supervisor to inform the new supervisor of the JPIP.

If the new assignment does not require the same job responsibilities that necessitated the JPIP, then the initiating supervisor and new supervisor shall communicate in order to determine if the JPIP should be continued. If it is determined that the JPIP should not continue, those reasons shall be noted in the JPIP.

If the employee's unsatisfactory job performance continues after completing all required provisions outlined in the MNPD Form 309, Job

Performance Improvement Plan, the formal disciplinary process shall be initiated. Failure of an employee to successfully complete the terms and conditions of a JPIP shall be grounds for corrective and/or disciplinary action with sanctions up to and including termination. Supervisors will consult with their Precinct/Division Commanders, Human Resources (HR), or the Office of Professional Accountability (OPA), as appropriate, when determining the appropriate disciplinary action.

3.20.050 Guidelines for Supervisors to Use In Determining When the Job Performance Improvement Plan (JPIP) is Appropriate

A JPIP may be used at any time to improve an employee's job performance. A JPIP shall be utilized if an employee's performance is rated less than acceptable on a performance evaluation. A JPIP shall accompany any corrective or disciplinary action resulting from a violation of Deficient or Inefficient Performance of Duties as outlined in the current policy governing Deportment and Personal Appearance.

Additionally, supervisors must determine when it's appropriate to move from the verbal to written level in working to improve the employee's performance in situations that are not related to corrective or disciplinary action. Once it's recognized that employee performance has failed to improve after coaching and verbal direction, the supervisor must assess the necessity to initiate written documentation. The following questions may be pertinent in determining when it is appropriate to transition to a MNPD Form 309, Job Performance Improvement Plan. *(It is important that <u>any</u> conversations and/or actions related to an employee's performance be documented by the supervisor.)*

- Is this a new problem or a continuation of a problem that has resulted in verbal discussions?
- What actions have been taken to date?
- How serious is the issue?
- Have there been one or more verbal discussions about performance issues?
- What training was provided? When?
  - ✓ Did the training relate to the performance issue?
  - ✓ How recent was the training?
- What has been put in writing? How recent?
- Did the employee receive and/or understand the directions or expectations provided? Did the employee initial written directions/expectations?

- Have any contributing factors or causes (e.g., personal problems, motivation, skill, etc.) been identified that might mitigate the need to move to a stronger action until other actions are taken (e.g., referral to PWS, treatment, training, accommodations, etc.)

3.20.060 Guidelines for Conducting a Job Performance Improvement Plan Meeting

Before Meeting with Employee:

- Advise/consult with the additional supervisors in the employee's chain of command, as appropriate, to ensure the JPIP is consistent with other plans and expectations.

- Check with the appropriate chain of command to ensure that disciplinary action or an OPA investigation is not being considered based on any of the performance problems identified in the JPIP.

- Arrange for a private setting and ample time for discussion of the plan.

- Plan the agenda and make notes for reference.

- Complete the MNPD Form 309, Job Performance Improvement Plan.

During Meeting:

- Review completely the MNPD Form 309, Job Performance Improvement Plan with the affected employee.

- Focus on the performance deficiency – not the person.

- State any deficiencies clearly and with examples of errant behavior. (e.g., reports that were sent back, apparent insufficiency of daily activity, evidence of no self-initiated activity, etc. – all of which establish the need for the JPIP and must be included on the MNPD Form 309, Job Performance Improvement Plan.)

- Use examples to augment the written plan.

- Maintain a positive, respectful, and helpful attitude.

- Listen to any explanations or statements of the employee.

- Remain calm and professional.

- Consider having a second supervisor present if circumstances warrant.

- Ensure you recognize any contributing factors outside the employee's

control. (e.g., training not provided, unclear instructions provided, etc.)

- If possible, work out a joint solution.
- Set clearly defined objectives for improved performance.
- Set a timeframe for positive change.
- Take notes.
- Summarize the discussion.
- Express confidence the employee will improve.
- Set a review date for a progress check.
- Advise the employee of consequences, should progress not be attained.
- Keep the employee focused on the problem and help him or her take ownership. (e.g., don't allow the employee to rationalize or minimize poor performance.)

<u>After Meeting:</u>

- Follow up on progress; as set forth in the MNPD Form 309, Job Performance Improvement Plan.
- Document all follow up meetings during the JPIP process in writing on MNPD Form 309, Job Performance Improvement Plan.
- Ensure the appropriate chain of command is notified and approves of any contingency plan in the event the employee is not successful with the JPIP.

<u>Follow-Up to the Job Performance Improvement Plan (JPIP):</u>

- Monitor progress, documenting any progress in writing.
- Meet regularly with the employee, as necessary.
- Record behaviors, discussions, etc. through notes and documentation.
- Ensure time frames are met.
- Ensure offered assistance is provided.

3.20.070 Completing the MNPD Form 309, Job Performance Improvement Plan

A. Only employees designated as having supervisory authority shall complete a MNPD Form 309, Job Performance Improvement Plan.

The supervisor shall complete a MNPD Form 309, Job Performance Improvement Plan once he/she determines that written documentation is necessary to assist in bringing an employee's performance up to an acceptable level.

The MNPD Form 309, Job Performance Improvement Plan shall be used to document and address unsatisfactory and/or below standard employee performance and/or behavior with clearly defined performance objectives and established timelines for improvement to assist the employee in obtaining an acceptable level of performance.

Complete all sections of the MNPD Form 309, Job Performance Improvement Plan. If additional space is needed for any section of the form, the reporting supervisor shall attach a MNPD Form 104, Supplement Report. Clearly indicate which Part the additional information references.

B. Filling out the MNPD Form 309, Job Performance Improvement Plan

1. Indicate if the report is for the initial JPIP or a follow-up report.

2. Enter all applicable information concerning the affected employee and the initiating supervisor as well as the date of the meeting.

3. <u>Part I:</u> Describe in detail the facts and/or circumstances necessitating the employee JPIP.

    a. Identify/define the problem. (Be specific with dates, times, names, and/or other details.)

    b. Summarize the history and actions taken to date.

    c. Emphasize the significance of the problem, why the performance/ behavior is unacceptable.

    d. Explain the impact of the unacceptable performance/ behavior.

    <u>Example of Part I Narrative:</u>

    You transferred to the B detail of the South Precinct on November 13, 2015. (Note here if any expectations as new member of the detail were discussed by the Sgt. or Lt.). (State here any other items that have already been addressed/discussed, with specificity and dates, etc., which demonstrate the employee has not performed to expectations, e.g., "We have met three times since the end of December (dates) to discuss the following areas of concern regarding your performance

(list)."

In an effort to give you every opportunity to be successful in the MNPD, and to ensure that we are both very clear regarding those expectations, I have determined to institute a JPIP. Despite the efforts to assist you in learning the responsibilities and expectations of your assignment, there have been noted deficiencies in your decreased productivity noted in evaluating your daily performance, and the quality of your police reports as submitted for supervisory approval has been less than expected of similarly situated police officers. Verbal discussions with you, as noted above, concerning these areas of deficient performance have not resulted in sustained or notable improvement. Therefore, the purpose of this plan is to identify the specific areas of concern and to outline efforts necessary to correct those deficiencies.

4. Part II: List specific areas of concern and/or deficiency requiring improvement.

   Example of Part II Narrative:

   Your daily activity for the period of _____ through _____ has reflected several noted concerns. For example, documentation of your activity for the month of January and February show little self-initiated activity of any sort, and little time spent on investigations or arrests. Additionally, when comparing these dates to the calls for service you were assigned, the records clearly indicate that there were several hours, per day, where self-initiated proactive efforts would be expected of professional police officers. However, you have recorded no proactive efforts during that time. (*Cite examples and reference that copies of those reports are being held by supervisor*).

   It has been necessary to return your paperwork for corrections due to grammatical errors, incomplete information, or it is illegible. The re-writes have resulted in reports not being turned in on time. During the period of _____ through _____, you completed 43 reports. Of those reports, 14 were returned because they lacked basic information (*cite examples, and reference that copies of those reports are being held by supervisor*); 6 were returned because they contained errors (wrong information, failing to check boxes, etc.) and 3 were so poorly written as to be illegible. Please understand that these types of errors and subsequent returns produce inefficiencies throughout this command and the department and is not the standard behavior of officers assigned.

5. Part III: List the plan of action and follow-up measures developed to assist in correcting deficiencies to include the meeting schedule and duration of the JPIP.

a. The JPIP should be a collaborative effort to ensure the employee and supervisor jointly develops the work directives and identifies responsibilities for both parties.

   (1) Specify the steps necessary for the employee to correct the problem, and include time frames for the completion of each step. (Get the employee to take responsibility/ownership of the problem.)

   (2) What assistance will the supervisor provide? (e.g., training, referral to PWS or departmental psychologist, etc)

b. Where appropriate, include a directive. (e.g., employee directed to complete the expectation by a specific date, etc.)

c. Record the actions taken or training provided to make the necessary corrections.

d. Set data/records/examples of behavior to be monitored to demonstrate improved performance for meetings with employee.

e. Explain future action if the problem persists. (e.g., additional corrective/disciplinary action etc.) This may not always be appropriate, and the issues of progressive discipline must be taken into account. Confer with Precinct/Division Commander, OPA, or Police HR as needed.

f. State the desired performance. (e.g., how it will be achieved, etc.) Be specific.

g. Specify the job expectations in detail.

h. Set date(s) to review progress.

Example of Part III Narrative:

Per our discussion of today, the following measures we have identified will be taken to assist you in correcting the above noted deficiencies:

We will meet once every two weeks to review your daily activity and other paperwork. The purpose of this meeting will be to review your work for accuracy, timeliness and acceptable activity.

You will vary your patrol practices to ensure that when not on a call for service or an assignment authorized by a supervisory officer you are conducting proactive police work consistent with the needs of your area of patrol and the direction of your supervisors.

You will be rescheduled for training at the Academy with an emphasis on report writing skills and police tactics.

You will be assigned to FTO _____ for a period of _____ to reacquaint you with proper MNPD procedures regarding report writing and police tactics.

The duration of this Job Performance Improvement Plan will be _____ from the initial meeting date. *(Sufficient time should be provided to reach the objectives, but in no circumstances should a JPIP exceed six (6) months.)*

6. Indicate which, if any, documents are attached to the form.

   NOTE: Employees shall be allowed to submit a statement documenting any explanation or documentation for their performance resulting in the JPIP. Any written statements will be attached to the MNPD Form 309, Job Performance Improvement Plan.

7. The employee and initiating supervisor shall sign and date the form. By signing this JPIP, the employee acknowledges that he/she has received a copy of the JPIP.

8. The form shall be forwarded through the affected employee's chain of command through the bureau commander for review/approval and signatures.

9. The original with supporting documentation shall be disseminated according to 3.20.040, (J). of this directive.

3.30 Bid Process

3.30.010 Definitions

A. **Close Relationship:** For the purpose of this directive, “close relationship” shall include any relationship, past or present, whether by blood, marriage or other circumstance, wherein there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the workplace.[1]

B. **Relative:** A member of the immediate or extended family that is related by blood or marriage.

1. **Immediate Family:** Spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.

2. **Extended Family:** aunts, uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.

3.30.020 General Provisions

A. Rebid procedures and employee assignments notwithstanding, administrative changes may be made in an employee's assignment by the Chief of Police or with the approval of the Chief of Police to enhance the efficient and effective operation of the department.

In addition, administrative changes may be made to ensure the safety of the employee or the public. However, notwithstanding this directive or any other departmental procedure to the contrary, and consistent with Metropolitan Charter, the Chief of Police establishes the bidding process set out in this order but shall retain the authority to assign up to fifteen percent (15%) of the total eligible departmental personnel in a calendar year.

B. Within the Metropolitan Police Department no employees who are relatives or wherein a “close relationship” exists should be placed within the same direct line of supervision whereby one employee is responsible for supervising the job performance or work activities of another employee.

1. In no event will any employee be within two levels of the chain of command of a relative or any other employee wherein a close

[1] See also current policy governing the MNPD Transfer Selection Process

relationship exists with authority to supervise that employee, including participation in a performance evaluation and excluding emergency situations wherein the health, safety or welfare of the public are at risk. The Deputy Chief, or professional support staff equivalent, in the employees' chain of command shall make the final determination as to whether such relationship exists.

2. For any position within the Metropolitan Nashville Police Department, whether supervisory or non-supervisory, the Deputy Chief of Police may make any changes in personnel assignments wherein a close relationship exists, as described in this directive, where there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the work place

The Deputy Chief in the employee's chain of command shall make the final determination as to whether such relationship exists.

3.30.030 Seniority

A. Lost Time

1. For the purpose of calculating seniority, accumulation of time lost due to being on leave without pay status or off the department payroll in excess of twenty cumulative working days in a calendar year will be deducted from employees' continuous service time in calculating their seniority for the purpose of these provisions. An exception may be granted by the Chief of Police in extraordinary or exceptional circumstances.

2. For sworn personnel, the lost time will be subtracted from the time in classification in which the lost time occurred.

3. For professional support staff supervisory personnel lost time will be subtracted from the total time within the supervisory classification. For all other professional support staff personnel, lost time will be subtracted from total time employed within the department. Military leave, beyond the fifteen working days granted each year will be calculated for seniority purposes, as per Rule 4.12 of the Civil Service Rules and shall be in compliance with the Veteran's Reemployment Rights Act.

   The Human Resources Division of the MNPD shall maintain all seniority lists in accordance with these provisions and applicable rules, policies, and interpretations of the Metropolitan Government Department of Personnel.

B. Sworn Personnel

1. Police Officer, Sergeant, and Lieutenant will be allowed to use their seniority to bid for shift assignment. Police Officer I's will be given no preference as to shift or precinct.

2. For the classification of Field Training Officer (FTO), bidding shall be conducted in accordance with current policy governing FTOs.

3. In all other classifications of Police Officer (excluding POI), seniority will be calculated from the date of entrance into the MNPD Academy class from which that officer graduated. If a tie exists, then seniority will be determined by the employee's academic standing in the recruit class from which they graduated.

   a. Anyone unable to continue in, or graduate from, a recruit class due to unexpected or emergency military leave will be credited with time lost for that purpose.

   b. Time employed in any professional support staff classification will not be taken into consideration in calculating the seniority of any sworn
   personnel.

4. In all classifications of Sergeant or Lieutenant, seniority will be calculated by time within that classification. In a situation where a tie exists, then time in previous classification(s) will be utilized beginning with the most recent. Should a tie exist through the entrance date in the MNPD Academy, then seniority shall be determined by the employees' academic standing in the recruit class from which they graduated.

5. For the purposes of calculating seniority, any sworn personnel reduced in classification shall have all such time served in the previous classification, plus such time in the higher classification, counted as continuous time served in the present classification.

   Example: an employee is promoted to Lieutenant after having five years as a Sergeant. After two years, the Lieutenant is reduced in grade to Sergeant and serves an additional three years. The employee has ten years in grade as a Sergeant.

C. Professional Support Staff Personnel

1. For the purpose of calculating seniority for professional support staff personnel, the classifications of Police Operations Supervisor, Computer

Operations Shift Supervisor, and Police Identification Supervisor will be calculated by time within said classification.

2. In all other professional support staff classifications, seniority will be determined by date of employment with the Metropolitan Police Department. If a tie exists, then seniority will be determined by the date and time on the application for employment.

3.30.040 Bidding

A. In any component where there is more than one assigned shift, there shall be an annual or bi-annual bid procedure.

B. When possible, taking into account workload distribution requirements, employees will be assigned the shift of their preference on a seniority basis.

C. In any component where there is more than one permanent assigned shift, all assigned employees will be allowed to bid on any shift in which there is an open position, but only within their classification. Additionally, employees assigned to The Community Services Bureau will be allowed to bid on any position within their Precinct/Division

3.30.050 Temporary Assignments

A. In order to carry out the mission of the department, it may be necessary from time to time to assign employees to a temporary assignment for a limited period of time.

B. In order to update all personnel in new techniques and procedures, especially employees newly assigned to a section or unit, it may be necessary to place employees on a shift, other than their permanently assigned shift, for an appropriate period of time required for such training.

3.30.060 Hardships

A. Requests for shift or precinct due to hardship or for safety purposes may be granted administratively by the Deputy Chief (or the professional support staff equivalent) where the employee is assigned, on a case-by-case basis.

B. Hardship requests shall be approved for a period of time not to exceed one (1) year. An employee may request that a specific hardship be renewed subject to the approval of the appropriate Deputy Chief (or the professional support staff equivalent).

C. Requests for hardship consideration must be made in writing and submitted though the requesting employee's appropriate chain of command for approval. Requests for hardship shall include:

1. The nature of the circumstances resulting in the hardship;

2. The anticipated length of time the hardship shall apply; and

3. The length of time for which the hardship is requested.

3.40 Transfer Selection Process

3.40.010 Purpose

The purpose of this order is to establish departmental policy and procedure concerning the transfer selection process and guidelines used in selecting applicants for new or vacant positions, whether sworn or professional support staff. For each position, the posting shall include a defined set of criteria that the selection panel will use to fill the position.

3.40.020 Definitions

For the purpose of this order, the following words or terms shall be defined:

A. **Appointed Position:** A position, sworn or professional support staff, that may require a specific set of skill sets and is not required to be posted. Generally, appointed positions are filled by personnel already assigned within the component where the position exists.

B. **Close Relationship:** For the purpose of this directive, "close relationship" shall include any relationship, past or present, whether by blood, marriage or other circumstance, wherein there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to discord, distraction or disruption in the work place.[1]

C. **Relative:** A member of the immediate or extended family that is related by blood or marriage.

   1. **Immediate Family:** Spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.

   2. **Extended Family:** aunts, uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.

D. **KSAs:** Knowledge, skills, and abilities needed for a specific position.

E. **Selection Standards:** A predetermined set of measures that provide a detailed list of objective criteria to be used in the selection process. The standards are defined so that an applicant knows what a selection panel may consider in their review of the applicant.

[1] See also current policy governing the bid process

F. **Selection Panel:** A panel of persons knowledgeable of the duties of the position being filled that will assess performance, work history, and other selection standards to rank applicants and determine the candidate with qualifications and attributes that make them the best suited for the position. Successful applicants are ranked according to score beginning with the highest scoring applicant. Selections from established lists with ten or fewer names must be made from the five highest ranking applicants plus any applicants with a score equal to the fifth ranking applicant. Selections from established lists with more than ten names must be made from the ten highest ranking applicants plus any applicants with a score equal to the tenth ranking applicant. To ensure that there is a choice of five to ten names for each appointment, an applicant's relative position on the register will move up as selections are made.

3.40.030 General Provisions

A. The purpose of the selection process is to promote the fair and equitable selection of applicants for positions within the police department. It will provide applicants with a defined set of standards so that an applicant can prepare himself/herself to be qualified for a preferred position. This will assist the department in filling positions with the most qualified person. It also allows an applicant who fails to meet criteria set forth in selection standards to improve his/her performance/behavior so that he/she might be better qualified for future openings by better understanding what KSAs are required for the position.

B. The selection process will provide management with the tools necessary to make informed decisions when selecting personnel for positions within the police department. This is accomplished by providing measurable selection methods upon which to make those decisions. Measurable selection methods may include, but are not limited to oral Interview, written assessment, oral presentation, training and work product or physical agility.

C. The selection criteria shall remain consistent with functional job descriptions, and will only be modified if knowledge, skills, and abilities (KSAs) for a given position change so significantly that it no longer reflects the requirements of the position. KSAs for all positions will be maintained in the Police Human Resources Division.

D. For sworn posted positions, the applicant shall have been employed as a Metropolitan Nashville Police Officer (defined as

beginning at the time the applicant became a sworn member of the Police Department) for a minimum of three (3) years of service preceding the deadline of the posting application period. With approval of the Chief of Police or authorized designee, prior relevant training or experience may substitute for up to two (2) years of the three (3) year requirement.

Applicants hired as Lateral Officers must have one (1) year of service with Metropolitan Nashville Police Department immediately preceding the deadline of the posting application period.

Applicants for supervisory positions will have served in the same rank of the position for a minimum of (1) one year.

The disciplinary history of any employee considered for transfer or appointment shall be considered by the selection panel. With the approval of the Police HR Manager, minimum standards may be included within the vacancy announcement.

Specifically, for the provisions of this directive, time spent by the employee for military service would be counted as time of service.

E. For professional support staff non-supervisory positions, the applicant shall have completed their most current probationary period.

F. Applicants for professional support staff supervisory positions will have served in the same classification of the position for a minimum of (1) one year immediately preceding the date of the application. An applicant may be excluded from this requirement if he/she possesses specialized knowledge and/or experience necessary for the position, and there is no other applicant with the minimum service requirement (e.g., Police Crisis Counselor, Research Analyst, and Helicopter Pilot).

Employees who have not completed their most current probationary period and/or work test period are not prohibited from requesting a transfer. However, this factor shall be considered in evaluating the necessary knowledge, skills, and abilities for the requested position.

If the employee is in a decommissioned status, they are eligible for interviewing. However, if discipline is applied, they may no longer qualify for transfer at the discretion of the Appointing Authority.

G. When an employee applies for multiple positions, a practice that is not prohibited, the department presumes that the employee has an equal interest and desire in each of the positions for which he/she has applied. Employees may withdrawal from the selection process at any time prior to the oral interview. Employees that need to withdraw once the list is established may request to be skipped if they have need to remain in their current assignment. Further, the employee may be selected for any of the positions and the selection for any position will not be deferred pending the completion of the selection process of any other position.

H. When an employee is transferred to another area within the police department through a request, he/she has submitted, that person will not be eligible to request another transfer for a minimum of one year from the effective date of the transfer, unless the posting specifically states a greater minimum time requirement for that position. If an employee is assigned to a position for which they did not apply or the position was not posted, then the one-year period to apply for another posted position is not applicable.

I. Applicants required to obtain training and/or certification after selection shall do so within a reasonable time to be determined by the Division Commander. Failure to do so may result in a transfer.

J. In addition, administrative changes may be made to ensure the safety of the employee or the public. However, notwithstanding this directive or any other departmental procedure to the contrary and consistent with Metropolitan Charter, the Chief of Police establishes the transfer process set out in this order but shall retain the authority to assign up to fifteen percent (15%) of the total eligible departmental personnel in a calendar year.

3.40.040 Specific Provisions

A. Selection Panel

It shall be the responsibility of the selection panel to perform the following tasks under the direction of the bureau/division commander or professional support staff equivalent wherein the position exists:

1. Develop any oral or written tests, scenarios for presentation, or role-playing that is involved in the selection process.

2. Conduct a review of criteria established in the selection standards.

a. The selection panel shall be responsible for establishing the weight used for scoring each selection method for a given position. (Example: Written Exam 50%, Oral Interview 50%)

b. Weights assigned to each selection method will be determined in advance of any interview or examination and will be listed on all position postings after submission to Police Human Resources Division for approval.

c. The weights for the selection method may vary for different positions within the department; however, weights established for a specific position will remain constant for each applicant.

3. The chairperson shall document and maintain the interview, and/or examination material for each applicant.

4. Within thirty (30) days of the eligibility list being received by Police Human Resources Division, applicants will be given the opportunity to review the panel's results and the scores used in making the selection. An applicant who is not selected may also review the results and scores of the applicants that were selected for the position. The applicant should contact the member of the panel designated as the chairperson to obtain an appointment to review the results and criteria of the applicants selected for the position. This is allowed so that a comparison can be made to ensure fairness and so the applicant can see what is expected in future position openings.

5. The chairperson on the selection panel shall be responsible for notifying the applicants of their final rank after the conclusion of the selection process.

6. Make recommendations for modifications to the process as necessary. The Chief of Police will make all final determinations of any recommended modifications.

B. Police Human Resources Division

1. The Police Human Resources Division will ensure that selection standards for a specific position are listed on all position postings. The position will be announced on the Career Development electronic bulletin board. It will also be posted on the Police Human Resources bulletin board and Community Board for the duration of the posting.

2. The duration of postings is fourteen (14) calendar days, unless otherwise shortened, with all eligible parties notified.

   NOTE: Employees applying for, or are eligible to apply for, a position shall not request the names of applicants for a posted position from Police Human Resource Division personnel.

3. Generally, the lifespan of an eligibility list will be four (4) calendar months.

   a. An eligibility list may be rescinded with the approval of the Chief of Police or designee.

   b. An eligibility list may be extended with the approval of the Chief of Police or designee.

4. A representative from the Police Human Resources Division may sit as an observer during applicant interviews to ensure interviews are conducted in a uniform, fair, and impartial manner.

5. The Police Human Resources Division will maintain a current list of KSAs for all positions within the police department. Should changes become necessary for a KSA, the commander of the division in which the position is located will be informed. The commander will then cause changes to the selection standards to be made as necessary.

C. All component commanders will be required to ensure selection standards for positions within their component are current and representative of the requirements for the position posted.

D. It is in no way implied that a particular position is a permanent position. The Chief of Police expressly reserves the authority to create, delete, or temporarily leave vacant any position or assignment as the needs of the department dictates. Likewise, a particular position, which has become open, may remain vacant for any period of time deemed necessary.

3.40.050 Appointed Positions

Several positions within the police department are not posted positions but are appointed positions. However, these positions may be posted to provide a suitable list of interested candidates. Examples of appointed positions include but are not limited to:

A. Assistant Chief
B. Deputy Chief of Police
C. Inspector
D. Commander
E. Precinct Investigative Supervisory Personnel (Sergeant and/or Lieutenant)
F. Community Affairs Coordinator (Sergeant Position)

3.40.060 Federal/State Task Forces

The Metropolitan Nashville Police Department participates in several Federal/State task forces by providing MNPD personnel to work on assignment to selected federal agencies by agreement with the federal agency assisted. The department is committed to these collaborations. They assist the department in achieving its goals by improving communications and information sharing among federal, state, and local agencies; allowing for the greater leveraging of limited resources; and serving as excellent training grounds for department participants.

Because of the excellent training, experience, and education provided to participants in these task forces, it shall be the policy of the MNPD to rotate the personnel participating in them. Assignments to serve in a task force position will be for a time period not to exceed forty-eight (48) months, unless approved by the Chief of Police or his/her designee. By rotating personnel on a regular basis, the opportunity to serve on a task force is provided to a greater number of MNPD personnel. Those personnel can come back to the department and share their knowledge, skills, and abilities improving the effectiveness and knowledge base of the department.

At the same time, the rotation schedule shall provide sufficient length of service on a task force so that participants are able to become proficient in their duties and provide an effective, efficient, and consistent level of service to the task force to which they are assigned.

Federal/State Task Force assignments are posted positions. Selection criteria for these positions will be listed on each position posting and maintained in the Police Human Resources Division.

Selection panels for Task Force positions shall also include a representative from the agency overseeing the Task Force wherein the position exists.

3.40.070 Close Relationships/Relatives

A. Within the Metropolitan Police Department, no employees who are relatives or wherein a “close relationship” exists should be placed within the same direct line of supervision whereby one employee is responsible for supervising the job performance or work activities of another employee.

B. In no event will any employee be within two levels of the chain of command of a relative or any other employee wherein a close relationship exists with authority to supervise that employee, including participation in a performance evaluation and excluding emergency situations wherein the health, safety or welfare of the public are at risk.

C. For any position within the Metropolitan Nashville Police Department, whether supervisory or non-supervisory, the Deputy Chief of Police may make changes in personnel assignments wherein a close relationship exists, as described in this directive, where there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the workplace.

D. The Deputy Chief in the employee’s chain of command shall make the final determination as to whether such relationship exists.

3.40.080 Notification of Transfer

Whenever possible, all personnel being transferred, whether at their own request or involuntarily, will be notified of the transfer at least five (5) calendar days prior to the transfer becoming effective. Though such notification is the preferred procedure, the Chief of Police or his/her designee shall reserve the right to make transfers without such notification, or consent of the affected employee(s) when required for the good of the department.

3.50 Employee Grievance

3.50.010 Purpose

The purpose of this order is to establish provisions relative to the police department to facilitate the employee grievance procedure established in the Civil Service Rules.

3.50.020 Definition

A grievance is defined as follows:

An employee's claim that they have been adversely affected by a violation, misinterpretation, misapplication or non-application of a specific law, ordinance, resolution, executive order, Civil Service Rule or written policy.

3.50.030 General Provisions

A. Employees and management should recognize that grievances can be helpful to an organization to call matters to the attention of officials when action is needed. If a grievance procedure is used properly, it can assist in establishing a harmonious and cooperative working relationship between employees of the Metropolitan Police Department. The grievance procedure is used to give every employee who has a grievance the opportunity to express themselves and to allow Metropolitan Government officials to take prompt action where needed.

B. Every employee shall have the right to present his/her grievance under the provisions of the grievance procedures free from fear, interference, restraint, discrimination, coercion or reprisal. Any aggrieved employee or group of employees shall have the right to have reasonable representation of their choosing at all stages of the grievance procedure. If the grievance decision is appealed to the Civil Service Commission, representation will be in accordance with Civil Service Rules.

C. The Employee Relations Division is specifically tasked to track the process of all grievances, along with making certain all timelines are followed in each stage.

D. A group of employees appealing a grievance to the Civil Service Commission without counsel shall designate one member of the group as spokesperson.

E. All grievances must be filed within sixty (60) calendar days after the event giving rise to the grievance. Back pay shall not be awarded for

any period earlier than six-months prior to the filing date of the grievance.

3.50.040 Non-Grievable Matters

A. While the grievance procedure can be beneficial to the department, there are boundaries that must be set concerning issues that are not grievable. These boundaries are set in order to maintain the efficient operation of the Metropolitan Police Department and to prevent the obstruction of its goals and objectives.

B. The list found below outlines subject areas which are considered to be non-grievable. Complaints concerning these areas must not be filed as grievances by employees, nor may they be accepted as grievances by supervisors. If accepted, it can be ruled non-grievable later by the Chief of Police or the MNPD Human Resources Division. Management should attempt to resolve these types of complaints through routine procedures, in that complaints of this nature will usually involve an established rule or policy. Employees should be encouraged to suggest revisions to a rule or policy to the MNPD Human Resources Division at any time. Non-grievable issues include:

   1. Changes or requests for changes in the approved pay plan or approved benefits;

   2. The merits of any uniformly applied personnel practice, policy or procedure established by laws, ordinance or Civil Service Rule;

   3. Reductions in the work force;

   4. Management rights to schedule and organize work, to make work assignments, and to prescribe methods and procedures by which work is performed, unless otherwise provided in these rules; and

   5. Complaints alleging discrimination or other violations of applicable EEO laws must be filed as discrimination complaints and will be processed in accordance with the EEO Complaint Procedures described in the Civil Service Rules.

C. In the event of a disagreement as to whether a complaint is grievable within the scope of this procedure, the employee may, by written request, ask the Director of the Human Recourses of the Metropolitan Government to make the determination.

3.50.050 Grievance Procedures

A. Stage I: Written Complaint to MNPD Human Resources Coordinator

1. The first stage of any grievance consists of the employee's written complaint form to MNPD Human Resource Coordinator.

2. Written presentation shall be made by submitting an Employee Complaint Form (Located on the MNPD Intranet Site) and must contain detailed information on how the employee has been adversely effected by:

   a. violation;

   b. misinterpretation;

   c. misapplication; or

   d. non-application of a specific law, ordinance, resolution, executive order, Civil Service Rule or written policy.

3. The MNPD Human Resource Coordinator shall cause the grievance submitted to be assigned a tracking number that shall be recorded on the original document and any attachments.

   NOTE: All documents, including letters and/or memorandums submitted by the employee filing the grievance, must have the assigned tracking number recorded on the documents before submitting through the chain of command.

4. The MNPD Human Resource Coordinator shall promptly consider the complaint and determine if the matter is grievable as outlined in Article 3.50.040 of this directive.

5. The MNPD Human Resource Coordinator shall take the appropriate action to resolve the grievance or to deny the grievance. He/she shall take action and/or notify the employee of his decision in writing within ten (10) calendar days of receipt of the written complaint. The notification shall include:

   a. Description of the matter under grievance;

   b. Date and time reviewing supervisor received notification of grievance;

   c. Reviewing supervisor’s determination of status of grievance (grievable or non-grievable);

d. Facts supporting reviewing supervisor's determination;

e. Employee's approval or disapproval of reviewing supervisor's decision; and

f. Any deadline date for response.

NOTE: Notification should be made through the departmental email system or by hand delivering the notification as soon as feasible. Inter-Departmental mail should not be utilized due to the time restrictions for each stage of the grievance process.

6. The MNPD Human Resource Coordinator shall take action and/or notify the employee of their decision, in writing, within ten (10) calendar days of the submission date of the grievance.

7. The employee shall acknowledge the MNPD Human Resource Coordinator's decision by signing the Grievance Report where indicated.

8. If the complaint is grievable and cannot be resolved between the employee and the MNPD Human Resource Coordinator, the employee may proceed to Stage II.

B. Stage II: Appeal to Appointing Authority

1. The employee must write a letter to the Chief of Police stating his/her complaint/grievance and requesting to proceed to Stage II. The letter must be received by the Chief of Police within ten (10) calendar days of receiving the MNPD Human Resource Coordinator's decision.

2. Once received, the Office of the Chief of Police shall time stamp and forward the employee's original request to proceed to Stage II to the MNPD Human Resources Division and a copy to the requesting employee's Deputy Chief or Bureau Commander.

3. The Deputy Chief or Bureau Director of the Bureau of the employee having the grievance shall provide a separate review of the grievance, prepare a report, and forward a copy of the review to the Chief of Police. The original report shall be forwarded to the MNPD Human Resources Division. This report may also include additional recommendations for disposition of the grievance.

4. The Chief of Police or designee shall attempt to resolve the grievance and shall send a letter to the employee, within ten

(10) calendar days of receipt of the written appeal confirming any agreed upon resolution.

5. The Chief of Police or designee will notify the employee within the same time period that he may appeal the decision to the Civil Service Commission.

6. If there is no resolution acceptable to both parties, the Chief of Police shall notify the MNPD Human Resource Coordinator.

7. If the employee is not satisfied with the Chief of Police's final decision, he/she may appeal this decision to the Civil Service Commission. A hearing will then be scheduled with an Administrative Law Judge assigned by the TN Secretary of State's Office. The decision of the Judge will be reviewed by the Civil Service Commission under the same procedures as for disciplinary appeals.

8. The request must be made in writing to the Director of Human Resources for the Metropolitan Government within ten (10) calendar days following receipt of the Appointing Authority's final decision. The Director of Human Resources for the Metropolitan Government will schedule a date for the hearing and will notify all parties.

3.50.060 Final Decisions and Orders

A. A grievance may be settled, in whole or in part, at any time during the grievance procedure.

B. A final decision or order in a grievance review shall be in writing and stated in the record.

C. A final decision shall include findings of facts and reasons for the ultimate decision.

D. Parties shall be notified in writing either personally or by mail of any decision or order and such written notice shall include a statement of a party's right to administrative or judicial review.

E. A copy of the decision or order will be delivered or mailed to each party or to his/her representative of record.

3.50.070 Enforcement of the Grievance Decision

A. After a decision has been rendered in settling a grievance, the decision shall be placed into action as soon as possible.

B. If there is an unusual delay in placing the decision into effect, the employee may seek the reasons for the delay from the Chief of

Police.

C. If no satisfactory answer is obtained and/or the delay continues, the employee should present the matter to the Director of Human Resources of the Metropolitan Government. Full information will be presented which will enable the Director of Human Resources to implement the decision.

D. If for any reason this action is unsuccessful, the Director of Human Resources for the Metropolitan Government will direct this matter for enforcement to the attention of the Civil Service Commission.

3.50.080 Miscellaneous

A. Time Limitations

1. The time constraints referred to throughout this order were included to assure a swift yet fair grievance process. They may be extended by mutual agreement. The time limits are to be strictly observed.

2. In the event a grievance is not filed or is not appealed by the employee within the specified time limit, at any point in the grievance process, the matter will be considered as having been accepted by the employee or settled on the basis of the last disposition.

3. In the event a grievance is not answered within the specified time limit, the employee may appeal the grievance to the next step in the process.

B. Hours/Compensation

1. Any employee officially involved in the handling of a grievance will be considered on official duty during their normal working hours. This will include the employee filing the grievance, their representative, any employee assigned to the investigation, and any employee called as a witness.

2. All hearings, investigations, and settlements of grievances shall be processed during regular working hours whenever possible.

3. All grievances shall be settled in accordance with the provisions of these procedures and there shall not be any undue interruptions, interferences or work stoppages.

C. Witnesses

1. Metropolitan Government employees who have direct,

firsthand knowledge of the specific event or circumstances giving rise to a grievance may be required to give evidence at any step of the grievance procedure.

2. The number of witnesses will be limited to those necessary for a fair presentation of the grievance.

3. When there appear to be unnecessary witnesses the Chief of Police will hold a pre-hearing conference with the employee and/or their representative to discuss the necessity of each witness.

4. When several witnesses are testifying to the same incident or circumstances or there are numerous character witnesses, the witnesses will be limited to a reasonable number.

D. Burden of Proof

The employee will bear the burden of proof in all grievance proceedings.

3.50.090 Record Provisions

A. All original grievance reports (and attachments) will ultimately be forwarded to the MNPD Human Resources Division where they shall be maintained in a secure grievance file, regardless of what stage of the process was completed.

1. Pending any further disposition initiated by the employee; or

2. As a matter of record.

NOTE: Only the latest original copy of the report (and attachments) need be maintained for record purposes.

B. As part of the grievance process, in order to maintain a ready reference as to the types and numbers of grievances filed, the Human Resources Division will maintain an on-going summary report of all grievances filed to include:

1. The assigned tracking number;

2. Employees involved;

3. Classifications and assignments; and

4. The nature and disposition of each grievance.

C. At the beginning of each calendar year the Bureau Director of the Human Resources Division shall cause a summary report of all grievances filed and processed in the previous year to be submitted to the Chief of Police, or a designated representative, for review and analysis.

   The purpose of such review and analysis is to determine if any adjustment or changes in the department's standard operational procedures, regulatory provisions, training, or other established practices may be needed in order to minimize employee grievances.

3.60 Attendance, Time Accounting and Compensation

Reference: Fair Labor Standards Act, Civil Service Rules, Family Medical Leave Act

3.60.010 Purpose

The purpose of this order is to structure an accurate time accounting system to ensure compliance with the appropriate Federal and State laws and the Metropolitan Civil Service Rules as they apply to employees of the Metropolitan Police Department. In addition, this order offers guidance and direction for supervisors and employees.

3.60.020 Policy

It shall be the policy of the Metropolitan Police Department that all employees adhere to the provisions within this order concerning time accounting, compensation, and related practices. Failure to adhere to these standards may be cause for disciplinary/corrective action.

3.60.030 Personnel Distinctions

A. Top Level Management Personnel

As a condition of employment, top level management personnel are not eligible for overtime, compensatory time, or holiday pay. Top Level Management are referred to as Administrative Personnel in the Fair Labor Standards Act and a listing of those MNPD classifications is maintained in Police Human Resources.

B. Exempt Personnel

Exempt personnel are not subject to the overtime requirements of the Fair Labor Standards Act because they perform the duties of a classification determined not to be covered under the act. They shall receive compensatory time, at straight time, for extra time worked. Compensatory time earned by exempt employees shall be accrued on a calendar year basis. The accrued time must then be used by June 30th following the year it was earned or forfeited on that date. Exempt employees will not be paid for unused compensatory time except when laid off. A listing of these MNPD classifications is maintained in Police Human Resources.

C. Non-Exempt Personnel

Non-exempt personnel are subject to the overtime requirement of the

Fair Labor Standards Act because they perform the duties of a classification determined to be covered by the act. They may elect to be compensated for extra hours worked by pay or by accruing compensatory time. Election of compensatory time must be voluntary on the part of the employee. Extra time compensation for non-exempt personnel will be calculated at straight time or time and one-half depending on the type of leave taken during a twenty-eight/seven (28/7) day work period.

A sworn non-exempt employee may accrue up to four hundred eighty (480) hours of compensatory time. A civilian non-exempt employee may accrue up to two hundred forty hours (240) of compensatory time. Anything over the four hundred eighty/two hundred forty (480/240) hours maximum must be paid. All compensatory time "earned" should be taken within four months after the end of the calendar year in which it was accrued (i.e., by April 30th of the following year). Any compensatory time not taken by April 30th of the next year will be paid no later than May 22nd of that year. Employees will be paid at their regular rate of pay as of April 30th.

D. School Crossing Guards and School Crossing Guard Supervisors

School Crossing Guards and School Crossing Guard Supervisors may receive extra time pay for hours worked in excess of scheduled hours at straight time pay until the forty (40) hour limit in a seven (7) day work period is exceeded. Any time worked in excess of forty (40) hours in a seven (7) day work period will be paid at time and one-half. If a holiday is worked, they will receive time and one-half for the hours worked. They will not receive a floating holiday and do not have the option to choose compensatory time.

In the event a Crossing Guard is paid IOD time that has been approved by Safety it will be paid as taxable IOD and paid at three (3) hours per day.

Additional information on Crossing Guards can be found in the SOP for the Crossing Guard Section. Up to 65 days not including holidays or days off.

In the event a Crossing Guard Supervisor is paid IOD time that has been approved by Safety it will be paid as taxable IOD and paid at six (6) hours per day. Up to 65 days not including holidays or days off.

E. Essential/Non-Essential Personnel

An employee will be considered essential/non-essential personnel due to an event, holiday, hazard, or weather condition, etc. The decision to

classify an employee essential or non-essential will be made by the affected employee's bureau commander.

F. Secondary Employment

Specific guidelines covering employee compensation for secondary employment hours worked are covered in current departmental policy governing secondary employment.

3.60.040 Work Periods

A. Work Period

For the purpose of computing overtime compensation:

1. Sworn personnel will be assigned to a twenty-eight (28) day/one hundred seventy (170) hour work period. The work period begins on Monday and ends on Sunday. The first one hundred seventy hours (170) "worked" are compensated at a salary straight time rate.

2. Non-sworn personnel will be assigned a seven day (7) / forty (40) hour work period. The work week for non-sworn begins on Monday and ends on Sunday.

3. The MNPD utilizes the Twenty-four (24) hour Military Style Time Keeping Method when recording time for official time accounting and all other reporting purposes. See figure 1.1 below for conversion chart.

    a. The twenty-four (24) hours of the day are designated in chronological order, 0100-2400 hours.

    b. Whole hours (1:00, 2:00, and 3:00) are expressed in designations of hundreds. 1:00 am is expressed 0100 hundred hours, 2:00 am is 0200 hundred hours and continues on through 12:00 Midnight which is expressed as 2400 hours.

    c. Any portion of an hour is expressed in tens and one's place. Therefore, 1:25 AM is 0125 hours.

FIGURE 1.1 Standard Time to Military Time Conversion Chart

Standard Military	Standard Military
12:01 AM = 0001 Hours	12:00 NOON/PM = 1200 Hours
12:30 AM = 0030 Hours	12:30 PM = 1230 Hours
1:00 AM = 0100 Hours	1:00 PM = 1300 Hours
2:00 AM = 0200 Hours	2:00 PM = 1400 Hours
3:00 AM = 0300 Hours	3:00 PM = 1500 Hours
4:00 AM = 0400 Hours	4:00 PM = 1600 Hours
5:00 AM = 0500 Hours	5:00 PM = 1700 Hours
6:00 AM = 0600 Hours	6:00 PM = 1800 Hours
7:00 AM = 0700 Hors	7:00 PM = 1900 Hours
8:00 AM = 0800 Hours	8:00 PM = 2000 Hours
9:00 AM = 0900 Hours	9:00 PM = 2100 Hours
10:00 AM = 1000 Hours	10:00 PM = 2200 Hours
11:00 AM = 1100 Hours	11:00 PM = 2300 Hours
11:55 AM = 1155 Hours	12:00 PM = 2400 Hours

B. Scheduled Hours

1. Scheduled duty hours are hours listed on the daily timesheets that are the normal assigned work hours for the personnel involved.

2. All sworn personnel are normally scheduled to work an eight and a half (8.5) hour or ten (10) hour thirty-seven (37) minute or ten (10) hour thirty-eight (38) minute shift. Since sworn personnel are subject to call during the thirty (30) minute meal period, it will be considered as time worked for the purpose of calculating overtime. In some situations (i.e., recruit training, etc.), sworn personnel may be scheduled for shifts in excess of eight and a half (8.5) hours. In

these instances, a non-interrupted meal period will be provided so that the actual working time will not exceed eight and a half (8.5) hours or ten (10) hour thirty-seven (37) minutes or ten (10) hour thirty-eight (38) minutes.

3. All non-sworn personnel are normally scheduled to work an eight (8) hour shift or ten (10) hour shift even though the starting and ending time on the daily timesheet will indicate a period of eight (8) and one-half hours, due to a thirty (30) minute unpaid meal break or ten and a half (10.5) hours. If non-sworn personnel are required to work during the meal period, the employee will receive extra time compensation. The electronic overtime form submitted in Workbrain should indicate the thirty (30) minutes directly after the shift.

4. Non-Exempt Civilian Personnel Meal Breaks

   a. All non-exempt civilian personnel assigned to an eight and a half (8.5) hour, or ten and a half (10.5) hour work shift shall take a thirty-minute unpaid meal break each day.

   b. Supervisors shall encourage non-exempt civilian employees on an unpaid meal break to leave their work area. Employees on an unpaid meal break, especially those who choose not to leave their work area, shall not be allowed to perform any work-related functions (i.e., answering phones, etc.) during these thirty (30) minute unpaid meal break periods.

5. Supervisors Work Shift Responsibility

   Supervisory personnel who have been assigned to report to work before the start of their regularly scheduled duty shift to handle worksheet entry, vehicle assignments, roll call training/shift briefing preparation, etc., will have their regular duty shift hours adjusted. Shift commanders and sergeants will report for duty fifteen (15) minutes before roll call.

   EXAMPLE: A patrol shift normal duty hours are 0600 hrs. – 1630 hrs. The shift commander and sergeants would report at 0545 hrs. and work through 1615 hrs.

C. Regular Days Off

1. All personnel should be assigned two (2) days off a week for an eight (8) hour shift or three (3) days for a ten (10) hour shift. Due to workload requirements, regular days off may be changed or split for a given week when necessary.

2. Non-sworn personnel on an eight (8) hour shift should have two (2) days off in a week (Monday – Sunday) or three (3) days for a 10 hour shift.

3.60.050 Compensation

A. Pay Periods

1. Employees are paid twice a month. The first (1st) pay period is from the first (1st) of the month through the fifteenth (15th). Payment for the period is on or before the twenty-second (22nd) of the month.

2. The second (2nd) pay period begins on the sixteenth (16th) of the month and runs through the last day of the month. The second (2nd) pay period is paid on or before the seventh (7th) day of the following month.

3. Extra time will be paid as follows:

   a. All overtime hours worked in the pay period shall be paid as straight time hours on that pay period check. The remaining balance shall be paid as half time (.5) of the total number of overtime hours on the paycheck completing the twenty-eight (28) day cycle.

      EXAMPLE: Officer Jones works four (4) hours of overtime during the pay period for the first half of the twenty-eight (28) day cycle Officer Jones' paycheck for that pay period (1st through the 15th) would reflect his regular duty hours plus four (4) overtime hours paid at straight time. Officer Jones' paycheck for the end of the 28-day cycle (16th through the last day of the month) would reflect his regular duty hours plus four (4) hours paid at half his hourly rate (4 X.5 = 2 hours), providing he was not listed in an unpaid status anytime during the twenty-eight (28) day pay cycle.

   b. All overtime hours worked during the pay period ending the twenty-eight (28) day cycle would be paid in the same manner on that paycheck.

      EXAMPLE: In the EXAMPLE above, if Officer Jones worked an additional two (2) hours overtime during the pay period ending the twenty-eight (28) day cycle (16th through the last day of the month): His paycheck for that pay period would reflect his regular duty hours plus two (2) overtime hours paid at straight time. Additionally, his paycheck would reflect six (6) hours paid at half

his hourly rate (6 X.5 = 3 hours), providing he was not listed as SK, SKF, FMLSK, PFL, ADLP, or SKM, using comp time, or in an unpaid status anytime during the twenty-eight (28) day pay cycle.

Pay Schedules will be sent out periodically to identify what is being paid on each check.

B. Straight Time

Straight time includes regular hours actually worked and can include extra time and compensatory time during a specified work period if time is reduced in the pay cycle.

C. Half Time

Half time is paid for any extra hours actually worked in excess of the one hundred seventy/forty (170/40) hours in a twenty-eight/seven (28/7) day work period if the time is not reduced to straight time by the employee being in an unpaid status during the twenty-eight/seven (28/7) day cycle. See 3.60.050, A, 3 above.

D. Shift Differential

Shift differential pay shall be paid for regularly scheduled non-overtime hours worked by regular full-time employees who work one-half or more of their shift after 1800 hours on the evening shift; or 0200 hours on the night shift. Current shift differential rates may be found in the current Civil Service Rules.

E. Actual Hours Worked

1. The hours listed on the daily timesheets, as submitted, are considered the actual hours worked (the actual “on duty” time).

   Note: The only exception to this is a Call Out or Court Time where minimum hours are applied. Time scheduled as Vacation, Holiday, Injury In-Line of Duty, Jury Duty, Administrative Assignment, Fraternal Order of Police Youth Camp, Bereavement Leave, Military Leave, Military Training Leave, Light Duty Medical, Light Duty IOD, and Personal Leave Days shall be construed as actual hours worked for the purpose of calculating overtime and compensatory time.

2. The hours listed on the daily timesheets, for FLSA management and exempt employees, are for data entry purposes only and may not be the actual hours worked.

3.60.060 Overtime Hours

A. Extra Time

Any additional, non-scheduled hours worked will be considered extra time. This includes working before or after the end of a shift, working days off, call outs, call backs, court time, etc.

Some regularly scheduled special event and/or grant related hours worked may also be considered extra time for the work period.

B. Extra Time Constraints

The decision to work extra time rests within the sound discretion of the employee initiating the work but should be confirmed by an immediate supervisor if possible. In any situation where it can be anticipated that the working of extra time will be necessary, prior arrangements will be made with supervisory approval. Supervisors shall be responsible for monitoring the extra time worked by their personnel during a work period and determine whether or not it is excessive. Whenever a supervisor requires an employee to complete an assignment (i.e., attend meeting, receive counseling from PWS, obtain a warrant) that necessitates working during non-scheduled duty hours, the supervisor should adjust the employees shift so that this assignment does not require additional compensation, if possible.

C. Electronic Overtime Form

1. Electronic overtime form in Workbrain, shall be completed for all non-scheduled work hours. All extra time worked must be properly recorded on this form and forwarded to the employees' supervisor via Workbrain. It will be considered a violation of this order to record extra time worked in any other manner. All personnel working extra time will be responsible for initiating this electronic overtime form and sending it to a supervisor for verification via Workbrain. Employees shall enter this electronic overtime form to their immediate supervisor as soon as possible for final approval. This form shall be submitted in Workbrain within twenty-four (24) hours of the work being completed as backup for other agency billing reconciliation purposes.

2. The total extra time worked will be listed to the nearest minute by the employee. All personnel must indicate if a meal period is taken in the appropriate space on the electronic overtime form.

3. In the "Claimants Reason for Extra Time" section of the electronic overtime form, the appropriate overtime job code shall be listed for budgetary reasons. When the extra time worked necessitates a court appearance, the employee will enter the proper identification code number on MNPD Form 218, Court Appearance Timecard, when clocking in for court and not on an Extra Time Voucher. The code number will be entered into Workbrain.

4. Hard Copies of MNPD Form 325 should be used for Crossing Guards and counselors required to be reimbursed for call outs.

D. Call Outs/Call Backs

A call out occurs when an employee is contacted and advised to report to duty during non-scheduled hours and is relieved of duty prior to the start of a regular shift. Reporting to work early, working late, or being notified in advance of a duty assignment is **not** a call out since it requires only one round trip to and from work. A minimum of two (2) hours compensation shall be given for each call out unless the actual time overlaps your scheduled work hours or previous call outs.

EXAMPLE: An Employee receives a call out at 0700 hours when their scheduled work period begins at 0800 hours. The employee shall be paid for one (1) hour call out pay.

E. Telephone Calls/Text Messages

When an employee receives a telephone call or returns a text message concerning their job assignment at the department during non-scheduled hours, the employee may be compensated for thirty (30) minutes or the time actually spent, whichever is greater. The telephone call or text message exchange must be for an immediate need and should not include a response that could be given during on-duty hours. This time shall be submitted electronically via Workbrain using the electronic overtime form. Detailed justification shall be provided in the narrative section of the overtime form. As with other forms of overtime compensation request, supervisors shall monitor these submissions for possibilities of abuse.

F. Daylight Savings Time

The time accounting application automatically updates for the beginning and end of Daylight Savings Time. At the end of Daylight Savings Time, employees working between 0200 and 0300 automatically receive an extra hour of pay for that time.

G. Excess Scheduled Duty Hours

When an employee is assigned more than one hundred seventy (170)/forty (40) hours within their work period, all excess time will be treated as overtime.

H. Off-Duty Traffic Stops

Sworn personnel issuing traffic citations during non-scheduled hours may receive ten minutes extra time per traffic stop. An electronic overtime form must be completed and processed through Workbrain.

I. In-Service Training/Specialized Training

1. Personnel attending In-Service Training (IST) are assigned a duty period of 0600 to 1700. **Supervisors are responsible for making the necessary adjustments to days off, so employees receive the correct number of days off during the twenty-eight/seven (28/7) day work period.** All personnel undergoing training for the department will be compensated the same as for their regular tour of duty. Employees working 8.5 hour shifts will submit an overtime voucher based on the instructions given by the Training Academy.

2. Employees attending training sessions scheduled for less than a full working day shall report back to their duty assignment if their regular shift is in progress. **Supervisors are responsible for making the necessary adjustments to days off, so employees receive the correct number of days off during the twenty-eight/seven (28/7) day work period.** Days off shall be adjusted to reduce overtime. Extra time for completion of individual assignments will be authorized only when the assignment is mandatory and sufficient time to complete it is not provided during the regular training session.

J. Transporting Prisoners

1. Personnel traveling to another jurisdiction to transport prisoners on a regular scheduled workday will receive a minimum of eight (8) and one-half hours if held overnight. Personnel transporting prisoners back to Nashville from another jurisdiction on a regular scheduled workday will report to their duty assignment if their regular shift is in progress at the completion of their assignment. Personnel transporting prisoners on a regular day off will receive time for only those hours worked. Employees held over in another jurisdiction on a regular day off will receive eight (8) and one-half hours extra time.

2. All overtime hours must be reported using an electronic overtime form through Workbrain. Days off shall be adjusted to reduce the necessity for overtime, when feasible.

K. Court Time

All non-exempt sworn personnel and all non-sworn GS-10 and below whether exempt or non-exempt appearing in court, before the Grand Jury, or other official appearance on behalf of the Metropolitan Government will be compensated at straight time or at time and one-half, depending on the total hours actually worked during the specific work period. They may elect to be compensated for court time by pay or by accruing compensatory time.

1. Employees will receive at least a two (2) hour minimum for the first court appearance starting or ending more than two (2) hours before or after their scheduled shift hours worked. All other additional court appearances occurring on that day will be compensated at actual time.

2. Court appearances starting within two (2) hours of an employee's shift start time will be considered continuous time and the employee will be compensated from the start time of the court appearance to the start time of the shift.

3. Court appearances ending within two (2) hours of an employee's shift end time will be considered continuous time and the employee will be compensated from the end of the shift time to the end of the court appearance.

4. No court time shall be accrued for all or any portion of the appearance occurring during regular working hours.

5. Employees electing to accrue compensatory time for court appearances will indicate this by writing "COMP" on their court appearance timecard.

Please reference Chapter 3.70 Court Appearance, for additional information.

L. Holidays

With the exception of Top-Level Management Personnel, employees of the department scheduled to work a holiday shall be compensated an additional one-half time their regular rate of pay for all hours actually worked on the holiday (EXAMPLE: sworn personnel who work their

regular scheduled shift (8.5 or 10.62 or 10.63) will receive their full shift hours at half time, non-sworn personnel who work their regular scheduled shift (8 or 10) Will receive eight (8) or ten (10) hours half time). Employees will also receive a floating holiday. The floating holiday will be equal to the number of hours actually worked during the employee's scheduled work hours.

M. Celebrated Holidays

Except for employees required to maintain essential operations, holidays that fall on Sunday will be observed on the following Monday and holidays that fall on Saturday will be observed on the Friday before, by those employees working Monday through Friday. Holidays will be observed in a similar manner by employees with days off other than Saturday and Sunday.

EXAMPLE: When an employee's regular days off fall on Tuesday and Wednesday and a holiday falls on Tuesday, that employee will observe the holiday on Monday. If the holiday falls on Wednesday, that employee will observe the holiday on Thursday.

N. Consecutive Holidays

On those occasions when Christmas Day falls on Monday, the Christmas Eve holiday will be observed on the Tuesday following Christmas Day. On those occasions when Christmas falls on Saturday, the Christmas holiday will be observed on the subsequent Monday. On two (2) days holidays (Thanksgiving & Christmas) observance of the holiday will be as follows, for employees who do not work Monday through Friday. If a holiday is observed on an employee's day off, the employee may be scheduled for a floating holiday during the week.

EXAMPLE: When an employee's first (1st) day of days off falls on the holiday then the holiday will be observed on the day before. If the second (2nd) day of the days off, falls on the holiday then the holiday will be observed on the day after. If both days off fall on the holidays, then the holidays will be observed on the day before and the day after regular days off.

O. Observed Holidays

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th

Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

P. Extracurricular Activities should be marked Admin leave w/pay

Personnel participating in activities other than their regular scheduled assignment will generally not be credited with hours worked even though they may be associated with the department. At the discretion of the Chief of Police, employees may be carried in an administrative leave with pay (ADLP) status. Administrative Leave With Pay (ADLP) status may be authorized where employees are assigned to an activity for legitimate purposes that is away from an MNPD duty station at the discretion of the appointing authority when no other type of leave is appropriate. This leave will not exceed five working days per calendar year unless the employee is on Administrative Leave with Pay pending a disciplinary action, wherein the leave may be extended to 20 working days. Once the ADLP has been approved by the Chief or designee you must email payroll to have this code marked on the timesheets.

Q. Reduction of Overtime

The following timesheet designations will reduce overtime: Sick, Compensatory Time, Administrative Leave with Pay, Military Sick Leave, Sick Family Leave, Late to Work, Leaving Early from Work, Leave Without Pay, Absence Without Authorized or Approved Leave, Docked, Suspended Without Pay, Family Medical Leave when using Sick time, Family Medical Leave without Pay, and Paid Family Leave.

3.60.070 Utilization of Available Time

When an employee is excused from duty, unless a request is submitted by the employee to take time in different sequence, their available time will be used in the following order:

A. Compensatory Time (comp carry over and comp);

B. Personal Days;
C. Holidays - When an employee is working on the day of the employee's holiday, the next time the employee is excused, the earliest accrued holiday will be utilized; then

D. Vacation Days.

3.60.080 Types of Paid Leave

Paid leave consists of Compensatory (comp carry over and comp) Time, Personal Days, Holidays, Vacation Leave, Sick Leave, Sickness in Family Leave, Jury Duty, Bereavement Leave, Administrative Leave, Military Training Leave, In- Line-of-Duty-Injury, some forms of Family Medical Leave and Fraternal Order of Police Youth Camp.

A. Compensatory Time (COMP)

1. When an employee elects to receive compensatory time, he/she receives time and one half the time worked, providing he/she was not listed as sick, sick family, excused using comp time or in an unpaid status anytime during the twenty-eight (28) day pay cycle. In such cases, the compensatory time shall be reduced to straight time accordingly.

2. When compensatory time is earned and used in the same pay period, the employee will not receive credit for the half time. The half time is added after the pay cycle is closed.

3. When compensatory time is used and the employee has overtime pay in the same pay period, overtime pay will be reduced the amount of time equal to the compensatory time used.

B. Personal Days (PER)

Employees receive 1,530 minutes for Sworn and 1,440 minutes for Civilian of personal time at the beginning of each year. These days cannot be carried over to the next year. New employees hired in January, February, March, or April will receive 1,530 minutes for Sworn and 1,440 minutes for Civilian of personal time in that year. If hired in May, June, July, or August employees will receive 1,020 minutes for Sworn and 960 minutes for Civilian of personal time in that year. If hired in September, October, November, or December employees will receive 510 minutes for Sworn and 480 minutes for Civilian of personal time in that year.

C. Holidays (HOL)

Employees earn twelve (12) holidays a year, depending on when hired and if the employee is in a paid status the day before and day after a holiday. These days may be utilized as they are earned, depending on days off. See Holiday Schedule for additional information.

D. Vacation (EXC)

Employees who are employed a full calendar year and are in a paid status will accrue 10,200 minutes for Sworn and 9,600 minutes for Civilian of vacation time a year. This time is not available for use until the following calendar year. Employees are allowed to carry over into the next calendar year 20,400 minutes for Sworn and 19,200 for Civilian of vacation time. 2,550 minutes for Sworn and 2,400 minutes for Civilian of holiday time are allowed to be carried over and will expire at the end of the fiscal year (6/30). Employees taking a service pension can accrue and be paid a maximum lump sum payment for 510 hours for Sworn and 480 for Civilian days. If an employee's hire date is less than a full year, the maximum annual vacation days will be pro-rated based on the hire date.

E. Sick Leave (SK)

1. Employees earn 510 minutes for sworn and 480 minutes for civilian of sick time a month if in a paid status (up to 6,120 minutes for sworn and 5,760 minutes for civilian of sick time a year). Employees hired after July 1989 may accrue a maximum of one thousand twenty (1,020) hours for sworn and nine hundred sixty (960) hours for civilian. Employees hired before July 1989 may accrue one thousand seven hundred (1,700) for sworn and one thousand six hundred (1,600) for civilian. A Sick Leave Request & Certification (MNPD Form 362) signed by a physician, shall be required for any sick leave absence in excess of five (5) consecutive workdays unless the employee is on approved or provisional FMLA. This form shall be submitted through the chain of command for approval and then placed in the employee's medical file in the Police Payroll Section.

2. If an employee's sick leave spans ten (10) or more working days, they are required to present a physician's certification (MNPD Form 362) which shall include the date the employee is anticipated to return to work unless the employee is on approved or provisional FMLA. If necessary, an additional physician's certification shall be required every ten (10) days thereafter until the employee returns to work unless they are on approved or provisional FMLA.

3. Supervisors with employees who do not submit the required documentation in a timely manner shall not approve use of sick leave. The employee shall be marked AWOL (absence without authorized or approved leave) until the proper documentation is submitted.

4. Supervisors may require a physician's certification (MNPD Form 362) for any number of sick days taken when there is an indication or suspicion of an abuse of sick leave. (EXAMPLE: An officer who request to be marked excused, the request is denied, and the officer calls in sick) This form should be submitted through the chain of command.

5. On occasion, supervisors will have to determine (on a case-by-case basis) if an employee will be allowed to use excused time if they call in sick. If the employee cannot come to work, then the supervisor has the authority to enter “EXC” on the timesheet if the employee has excused time available. However, the supervisor will notify the employee immediately of this action. If deemed appropriate, the supervisor may request the employee present a Sick Leave Request & Certification Report (Form 362) upon their return to work.

6. The above practice shall not be permitted in situations where the employee is calling in sick to circumvent the system (i.e., the calendar is full but the employee wants off so they call in sick, with no sick time, knowing that excused time will be used) or the supervisor believes that is the case. This request should be denied, and the employee marked AWOL because they are absent without AUTHORIZED leave. The employee should immediately be advised of the consequences of being absent without Leave.

7. A supervisor does not have the authority to approve use of excused time or sick time when the employee has exhausted all of their available time. If the employee does not report they will need to be marked AWOL.

8. Supervisors are encouraged to monitor the number of sick and vacation days available for their subordinates, although the ultimate responsibility for this knowledge is with the employee. It is a good practice for supervisors to counsel with those employees who are in danger of exhausting any type of available time and advise them of the possible consequences. Supervisors will be held accountable to the chain of command for knowingly marking an employee sick or excused when the employee has no time available and may, themselves, be subject to disciplinary action.

F. Sick Family Leave (SKF)

Up to 2,550 minutes for sworn and 2,400 minutes for civilian in a calendar year may be used for the illness of an employee’s spouse, parent, or child who lives in the employee’s household or for whom the employee is the primary caretaker. When this type of leave is used, the relationship of the family member must be indicated in the "comments"

section on the timesheet. These days will be included in the total of the 10,200 minutes for sworn and 9,600 minutes for civilian of sick time that you may use for FMLA leave.

G. Jury Duty (JD)

Jury duty shall be charged as time worked. Employees shall retain the per diem received for jury duty. The employee should obtain a form or letter completed by the court clerk's office and return them to his/her immediate supervisor. These forms are to be kept on file in the employees Section (Unit) Personnel File.

H. Bereavement Leave (BRL)

In the event of a death in an employee's immediate family, the employee shall be granted forty-two hours thirty minutes (42.5) for sworn and forty (40) hours for civilian paid working time. An employee may be granted up to one (1) full work shift to attend the funeral of a member of the extended family. When this form of leave is used, the relationship of the family member must be indicated in the "comments" section on the timesheet. Family members are defined as the following:

1. Extended Family: aunts, great aunts, uncles, great uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.

2. Immediate Family: spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law, or son-in-law, grandparents-in-law, legal guardians or dependents of the employee; step, great, and half relations shall be given the same consideration as blood relatives of the same type.

It shall be the responsibility of the employee's supervisor to complete and forward MNPD Form 011, "Hospitalized and Deceased Employees Report", to the Office of the Chief of Police. A verbal report will also be made through the chain of command so all commanders in the bureau are notified. The information will be provided to employees by the Office of the Chief of Police via email.

I. Administrative Assignment (AA)

When an employee has been approved by the appointing authority to be absent from their normal assigned tour of duty and no other type status is appropriate. Most often this status will be used when an officer has been involved in a use of force that is under investigation and the officer must be readily available to assist investigators. Being placed on this type assignment requires the employee to stay in

contact with the investigative unit and respond immediately to any investigative request.

J. Military Training Leave (MTL)

1. Military Training Leave is applicable when an employee is under orders from the military with pay from their normal assigned tour of duty. Employees receive twenty (20) days per year for military leave. Orders/memo must be attached to MNPD Form 351, Alternate Leave Notification/ Request Report, and forwarded through the chain of command.

2. MNPD Form 144M, Military Leave Equipment Checklist must be completed and turned in through chain of command to MNPD HR.

K. Family Medical Leave

1. The Family Medical Leave Act of 1993 entitles eligible employees up to twelve (12) weeks of leave in a twelve (12) month period for qualified family and/or medical circumstances. The twelve (12) month period of entitlement is measured forward from the date an employee's first FMLA begins. Paid leave shall be substituted for unpaid leave as long as the time is available according to department policy. Compensatory time shall not be used for FMLA. If paid leave is not sufficient to cover the time requested, it may be interspersed with FML (without pay) to cover insurance premiums. For insurance purposes see Civil Service Policy 4.16.

2. In the event that the Family Medical Leave is authorized due to the serious medical condition of an employee’s relative (covered under the FMLA), an employee may opt to use up to 10,200 for sworn and 9,600 for civilian minutes of their sick (FMLSK) time. The remainder of the time would be personal, holiday, or vacation days (FMLEX) or unpaid days (FML).

3. An employee who takes advantage of the Family Medical Leave Act entitlement for his or her own serious medical condition may be required to submit a fitness for duty certification from a physician before their anticipated return to work. This certification is only as it relates to the particular health condition that caused the employee's need for FMLA leave.

4. Specific guidelines and required forms are available from the Police Payroll Section. Any leave pursuant to the Family Medical Leave Act will be addressed on a case-by-case basis, in consideration of the duration and circumstances of the leave request.

L. In-Line-of-Duty-Injury (IOD)

1. Every injured employee shall, immediately upon the occurrence of an injury, even if medical attention is not needed, give written notice of the injury to their supervisor. The employee's immediate supervisor shall be responsible for completing the Record of Occupational Injury/Illness (Metropolitan Government Form 101) as soon as feasible after notice has been given of a qualifying event. If an injury is not realized upon occurrence, written notice must be given the next working day after realization and within ten days after the occurrence of the injury. The day an employee is injured in the line of duty, the employee's working status shall remain as originally marked on the worksheet. Thereafter, the employee will be marked sick. The final decision as to an employee's IOD status will be made by the Chief of Police, in consultation with available resources. Police Payroll Section will change the sick entries to IOD if the leave is approved as IOD.

2. When an in line of duty injury occurred before September 1994 employees received up to one hundred eighty (180) IOD days (which includes days off) per injury, after September 1994 employees receive up to six (6) months per injury. An additional six (6) weeks will be granted per calendar year for the purpose of having surgery performed and recovery from surgery. An employee shall be allowed to use up to 2,550 for sworn and 2,400 for civilian minutes of his/her sick time available in each subsequent year for a recurrence of an IOD after the initial six (6) months of injury leave have been exhausted.

M. Fraternal Order of Police Youth Camp (FYCL)

Authorized employees may be carried in a Fraternal Order of Police Youth Camp Leave (FYCL) status. The purpose of this status is for employees, acting in a non-law enforcement capacity, to participate in the Fraternal Order of Police Youth Camp.

N. Paid Family Leave (PFL)

1. Full-time employees who have been employed with Metro for at least six (6) months are eligible for up to six (6) weeks of Paid Family Leave (approximately six business weeks) for:

   a. The birth of the employee’s child;

   b. The placement of a child with the employee for adoption; and/or

c. To provide care for a spouse, parent, or child as defined by the Federal Family and Medical Leave Act (FMLA).

2. The Paid Family Leave program will be administered within the guidelines of the FMLA Policy Handbook maintained by Human Resources and publicly available to all employees. Paid Family Leave time will run concurrently with time designated as FMLA leave.

3. The leave may not be taken for the employee's own serious health condition.

4. In the case of birth or adoption, Metro Paid Family Leave will be available starting with the date of birth, date of adoption, or date that legal custody is granted.

5. The leave shall run concurrently with, and be counted as, regular FMLA leave (if the employee is eligible for FMLA leave).

6. Employee eligibility is dependent upon six months of continuous, full-time employment (thirty-two (32) hours per week or more). Part-time, seasonal, and probationary employees are not eligible for Paid Family Leave.

7. A total of six (6) weeks Paid Family Leave days may be taken.

   a. Paid Family Leave commences on the first date leave is taken and must be concluded no later than twelve (12) months from that date.

   b. Any Paid Family Leave not taken during the twelve (12)-month period just described shall not carry over to any subsequent FMLA year or need for leave.

8. For spouses who are both employed by Metro, each spouse shall be entitled to six (6) weeks days of Paid Family Leave.

9. Additional conditions/restrictions may apply. Employees should contact MNPD Police Payroll Section for questions and/or guidance.

O. Military Sick Leave (SKM)

1. Sick Military Training Leave is applicable when an employee is under orders from the military <u>with pay</u> from their normal assigned tour of duty. Employees can use up to 5 sick days per calendar year. Orders/memo must be attached to MNPD Form 351, Alternate

Leave Notification/ Request Report, and forwarded through the chain of command.

2. MNPD Form 144M, Military Leave Equipment Checklist must be completed and turned in through chain of command to MNPD HR.

P. Temporary Special Assignment (TPSPA)

Temporary Special Assignment (TPSPA) may be authorized where employees are assigned to an activity for legitimate law enforcement purposes for an undetermined period of time based upon an identified need for an employee to temporarily fill a position, train for a position, or perform a particular or unique duty within the MNPD. TPSPA may also be a form of paid temporary absence from regularly assigned duties. Examples may also include employees attending to or participating in events related to a national, state or local organization that directly supports the MNPD and/or its activities and employees, such as members who may be elected to positions in state and national board positions for such groups as the Special Olympics, NLEOMF, FOP, PERF, IACP, TACP, NOBLE, FBINAA, or other activities approved by the Chief of Police. TPSPA may be approved by a Bureau commander. TPSPA beyond forty-five (45) continuous days shall be approved by the Chief of Police.

3.60.090 Types of Unpaid Leave

Unpaid Leave includes Military Leave (ML), being marked Late to Work (LW), Leaving Early from work (LE), Absence Without Approved or Authorized Leave (AWOL), being granted a Leave With Out Pay (LWOP) by the Chief of Police, and Family Medical Leave unpaid (FML). An employee who is requesting any type of unpaid leave other than FMLA or Military Leave (ML) must notify their chain of command by using Form 351C (Alternate Leave Request/Notification form).

NOTE: Employees who are in an unpaid status for any time during a calendar month do not accrue vacation or sick time for that month.

A. Military Leave (ML)

1. When an employee has been activated, or when the twenty (20) MTL (paid days) have been exhausted Vacation (EXCM) or military leave without pay (ML) may be used for reservists ordered to duty, weekend drills and /or training maneuvers.

2. MNPD Form 144M, Military Leave Equipment Checklist, and MNPD Form 351 must be completed and turned in through chain of

command to MNPD HR.

B. Late to Work (LW)

A timesheet designation that is used to indicate an employee who reported late to work without approval to be late.

C. Leaving Early from Work (LE)

A timesheet designation that is used to indicate an employee who leaves work early without approval.

D. Absence Without Authorized or Approved Leave (AWOL)

1. If an employee has exhausted all available sick and / or vacation time and asked to be marked sick or excused, the supervisor shall not approve an employee to take time they do not have available. The supervisor should advise the employee of the necessity for them to report to work.

2. If the employee does not report to work, then the employee shall be marked Absent With Out Approved or Authorized Leave (AWOL) on the timesheet. While an instance of being marked AWOL does not necessitate corrective or disciplinary action (in and of itself), it will be cause for a documented (written) counseling session between the supervisor and the employee.

3. A copy of this written documentation shall be forwarded through the chain of command. Included in the counseling session shall be an indication that future AWOL events shall be cause for corrective and/or disciplinary action (if appropriate) and a recommended course of action.

4. The recommended course of action could range from disciplinary action being taken (accompanied by MNPD Form 313), to an explanation of the circumstance surrounding the AWOL event and a recommendation to the Chief of Police to grant a Leave With Out Pay (LWOP) request. Written documentation shall be included with either request that the employee was advised of the availability of options (FMLA, LWOP, or pension) if appropriate. A copy of this written documentation shall also be included in the employee's unit personnel file as a reference, to guide supervisors in future corrective/disciplinary action.

E. Leave Without Pay (LWOP)

At the discretion of the Chief of Police, an employee may be granted

leave without pay for any reason not to exceed twenty (20) working days within a calendar year. This type of leave request would require the submission and approval of the Alternate Leave Request / Notification Form (Form 351C) through the chain of command.

F. Family Medical Leave (FMLA) (Form 351A) Notification Purposes Only

The Family Medical Leave (FMLA) Form 351A, should be sent through the chain of command for notification purposes and then forwarded to the Payroll Section.

The Police Payroll Section will notify the requesting employee, their chain of command, bureau DCOP and their administrative assistant via email. Any additional instructions or requirements of the employee will be indicated via email.

The MNPD Form 351 for Military Leave (ML) shall be sent to the Payroll Section for processing and the division captain/commander signs it. Payroll Section will send out and email of notification to the chain of command.

3.60.100 Time Sheets

A. Daily

Daily timesheets and Workbrain must be updated, authorized, and approved by the supervisor on duty during the work detail/shift.

B. Weekly

1. The time accounting application timesheets are displayed in a one-week period of time format.

2. Any changes in personnel assignments need to be reported immediately to the timekeeper for the division/section for shift and timesheet adjustments in the time accounting application.

3.60.110 Sources of Data for Compensation

The sources of data input used to accurately compensate employees for work, paid leave, etc., are:

A. Daily Timesheet;

B. Electronic Overtime Form via Workbrain, or MNPD Form 325 when required;

C. Court Time System; and

D. Memorandum.

3.60.120 Work Periods for Sworn Personnel (Twenty-eight (28) Day Cycles)

No later than the beginning of each calendar year, the section supervisor will cause a notice to be disseminated to all personnel which summarizes the twenty-eight (28)-day cycle for the calendar year. The current twenty-eight (28)-day cycle chart can be accessed at the following link:

https://metronashville.sharepoint.com/sites/MNPDHumanResources/Shared%20Documents/Payroll%20Schedules/2024-2026%2028%20Day%20Cycle%20List.pdf?web=1

3.60.130 Processing of Employees for Leave and Separation from Department

Police Human Resources shall establish and maintain Standard Operating Procedures for processing of employees who are on periods of leave or are permanently separating from the department. Such procedures shall include, but not be limited to, processes for collection of issued or assigned equipment, completion of any required forms, reporting of status changes to other departments or agencies, processes for any payroll or time accounting issues, and any internal status determinations affecting permanent departmental personnel records. Such Standard Operating Procedures shall also include procedures for processing of employees who may be reinstated, reemployed or return to duty and any required training, testing, evaluation, or return of equipment.

3.60.140 Termination of Employment by Employee

When an employee takes the initiative of terminating his/her employment with the Metropolitan Nashville Police Department for any reason, he/she is expected to give their supervisor written notice at least two (2) weeks prior to their expected last day of employment. Failure to give adequate notice shall be noted in the employee's file and may become a factor in the employee being considered for reemployment.

3.70 Court Appearance and Subpoena Procedures

3.70.010 Policy

It shall be the policy of the Metropolitan Nashville Police Department that all personnel adhere to the guidelines and policies established herein.

3.70.020 Issuance of Citations – Court Dates

Metropolitan police officers shall adhere to the following when issuing citations.

A. Traffic Citation

Personnel shall not appear in court unless subpoenaed. There is no place on the traffic citation for a court date and officers shall not write a court date on the citation. The violator has the options of pleading guilty and paying the citation or going to school. The violator also has an additional option of pleading not guilty and requesting a court date. A subpoena will then be generated, and the officer will be required to appear at the date and time listed on the subpoena.

B. Civil Metro Citation (Green)

Personnel shall not appear in court unless subpoenaed. There is no place on the Civil Metro Citation for a court date and officers shall not write a court date on the citation. The violator has the options of pleading guilty and paying the citation or pleading not guilty and requesting a court date. A subpoena will then be generated, and the officer will be required to appear at the date and time listed on the subpoena.

C. Metropolitan Citation (Blue)

Personnel **shall** appear on any Metropolitan Citation (Environmental Court) on the date and time listed on the citation. The citation itself is the subpoena. Refer to Article 3.70.170 for court dates.

D. State Misdemeanor Citations

Personnel shall not appear in court unless subpoenaed. Court dates shall be set as prescribed in accordance with procedures outlined in current policy governing the issuance of State Misdemeanor Citations. Refer to Article 3.70.180 for court dates.

3.70.030 Charging Documents – Listing Witnesses

When issuing citations and obtaining arrest warrants or juvenile petitions, whether the suspect is in custody or at large, personnel shall adhere to the

following:

A. Prosecuting Officers

In situations where there is one defendant and it is concerning the same incident, there shall not be multiple prosecutors, unless articulable reasons exist.

B. Requirements to List MNPD Personnel as Witnesses

1. In all court appearances only the necessary police personnel shall be required to attend. An officer, when a warrant is obtained, shall list **only** the minimal number of witnesses that are necessary for prosecution. Police personnel must possess unique knowledge of the case and be able to provide meaningful testimony to the case.

2. Anytime an officer lists more than two MNPD Witnesses, supervisory approval shall be obtained **prior** to the witnesses being listed on the charging document. If additional witnesses are needed at a later date (for the preliminary hearing or trial) the officer may notify the District Attorney.

3. If additional civilian witnesses are available, their names and contact information shall be listed in the narrative section of the Arrest Report (MNPD Form 106), Incident Report (MNPD Form 100) and/or on a Supplement Report (MNPD Form 104).

4. The reporting officer shall list any additional MNPD Witnesses that are deemed appropriate for successful prosecution in the narrative section of the Arrest Report (MNPD Form 106), Incident Report (MNPD Form 100) and/or on a Supplement Report (MNPD Form 104). Additionally, the reporting officer shall list the type of useful information available from each witness listed.

5. Any employee that is a witness or reasonably may expect to become a witness must complete an Incident Report (MNPD Form 100), or Supplement Report (MNPD Form 104), in order to be listed as a witness on a charging document.

6. When the prosecutor is a private citizen, only one police officer witness is allowed.

7. In the event of a “Driving under the influence arrest”, when the prosecutor is an MNPD Employee, the only police witness listed shall be the BAT (Breath Alcohol Test) Operator.

8. Generally, only personnel that can provide the most relevant testimony to successfully prosecute a case shall be subpoenaed.

9. FTOs (Field Training Officer) and their OITs (Officer in Training) may be listed on all charging documents as either a prosecutor or witnesses for all arrests made and charges filed while working together.

10. Personnel shall seek additional guidance in the departmental policy governing Field Training Officers (FTOs).

3.70.040 Receipt of Subpoenas or Summonses

A. Any subpoena or summons personally served, from a source other than Court Appearance, compelling the appearance of any employee as a witness in any matter arising out of the performance of their duties as a MNPD employee shall be delivered to the Court Appearance Unit.

B. Any such document received by the Court Appearance Unit shall be logged into the appropriate computer system prior to distribution, per existing policy within that section.

C. The Court Appearance Office will begin generally rejecting all General Session subpoenas issued to officers that fall on their regular days off (RDOs). Some exceptions may apply to ensure successful prosecution of the case. In general, MNPD Officers will no longer receive subpoenas on their regular days off (RDOs) for the following General Sessions Courtrooms: 3A, 3C, 4A, 4B, 4C, 4D, 5C, and 5D. All MNPD officers will still be subpoenaed to Federal Court, Traffic Court, Civil Court, Pre-Trial Conferences, Grand Jury, Juvenile Court, Probation & Parole Hearings, Seizure Hearing, and Out of County Subpoenas on their regular days off (RDOs).

NOTE: This is a change in the way Court Appearance accepts subpoenas, not a change to the requirement to honor a subpoena issued to an officer.

3.70.050 Distribution of Subpoenas

All subpoenas distributed by the Court Appearance Unit shall be picked up **daily** by all components of the department. Personnel picking up subpoenas shall sign for the subpoenas acknowledging receipt thereof.

3.70.060 Logging Subpoenas, Late Subpoenas and Cancellation Notices

A. Upon receipt of subpoenas via "intradepartmental mail", all subpoenas, whether to appear in or cancel court, shall be logged individually into a ledger or book for distribution to employees. This policy shall be utilized by every component regardless of size or volume of subpoenas. Subpoena ledger books shall be maintained for a period of one year and shall be available for departmental inspection. All entries shall include, but not be limited to the following information:

1. Date the subpoena(s) are received;

2. Name of the person logging the subpoena(s);

3. The defendant's name;

4. The court date;

5. The employee's name;

6. A place for the employee or whomever delivers or notifies the employee of the subpoena signature; and

7. The date of notification.

B. The Shift Commander shall be responsible and accountable for checking the subpoena ledger daily for subpoenas of subordinates, especially those who will be away from work and will not return until after the court date. In any such case, the Shift Commander shall make every effort to notify the subordinate of the subpoena or notify the Court Appearance Unit of the circumstances surrounding the inability to notify personnel.

C. When subpoenas received by the Court Appearance Unit require immediate notification Court Appearance Unit personnel shall:

1. Make an attempt to notify the subpoenaed personnel and shall document as to whether contact was made;

2. If contact was not made, the Court Appearance Unit shall fax the subpoena to the personnel’s precinct, scan and email the subpoena to the personnel, the Precinct’s Administrative Assistant, and the Detail Lieutenant of the personnel. The original will be forwarded in the usual manner.

D. The supervisor receiving the notification shall be responsible for:

1. Making an attempt to notify the subpoenaed personnel and shall document as to whether contact was made.

2. Logging the subpoena into the subpoena ledger.

3. Documenting all efforts employed to execute the notification of the subpoenaed employee of the subpoena.

4. Detailing via email sent to the commander of the Court Appearance Unit, all efforts made to execute the subpoena should there be no notification.

E. All cancellation notices received by Court Appearance Unit will be sent to the employee's workstation.

3.70.070 Receipt of Subpoenas by Employees

A. At departmental roll calls, employees shall check the subpoena ledger on a **daily** basis for their subpoenas. When picking up a subpoena, employees shall sign and date the ledger as acknowledgment of receipt. This does not negate the responsibility of supervisors to check the subpoena ledger daily to ensure proper service of subpoenas and court appearances as well as cancellations of subpoenas.

NOTE: Employees having received a cancellation subpoena will not be paid for making a court appearance.

B. When supervisors make notifications as described in Article 3.70.060, Sections B and C, they shall sign their name in the subpoena ledger and indicate the date and time the subpoenaed personnel were notified.

C. When employees are notified of subpoenas as described in Article 3.70.060, Sections B and C, they shall regard such notification, whether by radio, telephone, or other means, as a lawful execution of such subpoena.

D. A voice mailbox for the General Sessions Court Jail Docket and the Misdemeanor Docket has been established by the Court Appearance Unit. All personnel subpoenaed to the Felony Jail Docket, or Misdemeanor Jail Docket, must call the number provided by the Court Appearance Unit on the day they are to appear to ensure the defendant is still on the docket. The call can be made after 0630 hours. If the defendant's name is not on the recorded list, the employee shall not come to court. Any employee who appears on a jail docket defendant who is not listed on the recording will not be paid for their court appearance. It is the responsibility of the officer to check the jail docket lines before coming to court.

3.70.080 Attire for Court Appearance and/or Administrative Hearings

A. All MNPD Personnel attending court and/or other administrative hearings shall wear:

1. Class A (standard long sleeve) uniform;

2. Class B (standard short sleeve) uniform; or

3. Non-uniform professional business attire approved herein and consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. (Refer to current policy governing Deportment and Personal

Appearance)

Exceptions:

a. Special component utility uniforms (bicycle, flex, canine or any other similar attire) may be worn to court and/or other administrative hearings if the employee is attending such hearings on a day they are scheduled to work their regular duty assignment, and such assignment requires the wearing of the special component attire; or

b. If an employee's regular duty attire is the Class A or B uniform and the employee's assignment, on the date to appear, requires dressing otherwise. This exception requires written approval from the personnel's Division Commander to be provided to the Commander of the Court Appearance Unit.

c. Examples:

(1) Acceptable: Attire generally deemed acceptable a non-uniform professional business attire may include:

Male employees:

-Suit coat, sports coat or blazer.
-Suit pants, slacks, khaki or chino type of trousers.
-Collared shirt (tucked), tie optional.
-Laced or slip on closed toed dress shoes with matching socks.

Female employees:

-Dress suits, two-piece dresses, or skirts (dresses or skirts with coordinated suit jackets, sports coat or blazer). Dresses or skirts must be of modest length (knee length or just above the knee) or;
-Dress pants, or slacks, with appropriate top (tailored shirts or blouses, or dress knit shirts) with a suit jacket, sports coat or blazer.

NOTE: All MNPD Employees are required to wear either a suit jacket, sports coat or blazer while attending court, when not in uniform.

(2) Unacceptable: The following examples are unacceptable for an appearance in court:

-Denim or jeans regardless of color.

-Jackets (other than suit jackets, sports coats or blazers).
-Vests (unless part of a suit combination).
-Cargo pants, Capri pants, exercise pants, or form fitting pants.
-Shorts of any kind.
-T-shirts of any kind (unless worn under another blouse, shirt, or dress).
-Police raid attire (vests, jackets, etc.).
-Un-tucked shirts (except knit shirts for females when so designed and worn under a jacket or suit top).
-Spaghetti strap or strapless dresses.
-Plunging or deep V-neck shirts or blouses.
-Clothing with raw or frayed edges.
-Flip flops, athletic shoes, tennis shoes, or any open toed shoes.
-Provocative attire or any item with potentially offensive words, terms, logos, pictures, cartoons, or slogans.
-Partial Police uniforms.

NOTE: Any officer who is on-duty wearing non-uniform apparel shall at all times carry an authorized sidearm and authorized ammunition in a manner suitable for their duty assignment.

As stated above, officers shall wear a coat or jacket which adequately conceals any firearm, handcuffs, or related equipment, **so as to avoid undue alarm or concern by anyone, afford maximum security for such equipment, and thereby minimize safety hazards while in the presence of others. When at the office, duty station, inside vehicles, or otherwise not in view of the general public, employees may remove the coat or jacket.** (Shirts shall be tucked in. An un-tucked shirt does not qualify as “coat or jacket”).

If an employee is unsure if their non-uniform apparel is appropriate for wearing to court proceedings, they should seek guidance from their immediate supervisor or Court Appearance Unit Personnel prior to wearing any apparel that is in question. MNPD Employees shall bear in mind that the Class A and B Uniform are always approved.

d. The standards to be observed by employees regarding non-uniform apparel and related matters shall be comparable to those currently observed in the professional business community, but with these added requirements:

(1) Apparel shall not be of a style, design, material, color, or any combination thereof that it is in striking contrast with others;

(2) Apparel shall not be altered from its original form, by extravagant styling to the extent that it is tattered, appears unkempt, or otherwise provokes controversy; and

(3) Apparel must be clean, well-tailored and form-fitting, so as to project a quality appearance at all times.

(4) The commander of the Court Appearance Unit has the discretion to determine if the attending personnel's appearance is in compliance of this order and also has the authority to take appropriate disciplinary action, if necessary.

B. The underlying and controlling principle of the Metropolitan Nashville Police Department policies and procedures regulating the wearing of the Departmental uniform is that the uniform shall be worn or displayed in a proper manner and that the uniform shall be worn only when carrying out the business of the MNPD. That is, when an employee is making an appearance on behalf of the MNPD and representing the purpose, mission and interests of the MNPD. It must be understood that the uniform of the Metropolitan Nashville Police Department is the property of the MNPD and will only be worn or utilized in a manner consistent with these procedures. The uniform is not the property of the individual and shall not be used to carry out or further the purpose or agenda of that employee or any other individual, group or organization.

C. An appearance and/or testimony before any court, official proceeding, or other public or non-public function or forum, shall be considered on behalf of the Metropolitan Nashville Police Department only if the appearance, representation of, or testimony is to state, or convey in any manner, the official position of the Department.

D. All employees shall strictly adhere to the below regulatory provisions. Where there can be any uncertainty or lack of clarity as to whether the wearing of the Department uniform is specifically authorized or appropriate, an employee shall request supervisory authorization to wear the Department uniform prior to making the appearance. Any supervisor authorizing the wearing of the Department uniform will be held accountable for adherence to the purpose of these policies.

1. In no case shall an employee wear the MNPD uniform when testifying for, or on behalf of, a defendant in a criminal proceeding unless specifically authorized by the Chief of Police or a designee of the Chief of Police. The fact that an appearance by an employee was subject to subpoena, summons, or otherwise compelled, shall not constitute any defense or mitigating factor for failure to strictly adhere to these policies. This provision would not prohibit the wearing of the departmental uniform when the officer has been subpoenaed by the defense and is giving testimony concerning his/her official duties/actions as a Metropolitan Nashville Police Officer if the appearance, representation or testimony is to state, or

convey in any manner, an investigative result or the official position of the Department.

2. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, visible signs of excessive wear, or other such imperfections.

3. Employees who are on light or restricted duty shall not be attired in the uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.

4. Employees shall only wear the departmental uniform while on-duty, en route to or from duty, departmentally approved events, or when authorized by established policy.

5. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy.

6. No employee, while in uniform, shall wear on the uniform or display any item (e.g., pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police.

7. When reporting for jury duty, employees of the MNPD are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s).

NOTE: For additional direction, reference current policies governing clothing and equipment and deportment.

E. Although Court Appearance Unit has the primary responsibility, all supervisory personnel shall have the authority to determine if the attending personnel's appearance is in compliance with the provisions stated herein, and also has the authority to initiate any appropriate corrective or disciplinary action necessary arising from any non-compliance.

(A violation of any provision outlined in article 3.70.080 shall be a Category F Offense)

3.70.090 Appearing in Court

A. A subpoena, summons, or notice to appear is an order from the court to the recipient of the subpoena and creates an official obligation for that employee to appear at the place, date, and time specified. Failure to

appear may result in contempt of court which could result in punishment by fine and/or imprisonment as provided by law. Additionally, a subpoena constitutes an official assignment as a member of the MNPD. Any failure to meet this official obligation/ assignment could result in court sanctions, departmental disciplinary action, or both.

1. The Court Appearance Unit and the Victim-Witness personnel of the District Attorney's Office have no authority to excuse any police department employee from court. Only authorized personnel from the court wherein the employee is subpoenaed have the authority to excuse an employee from his/her scheduled court appearance.

2. Mere notification to any entity of the employee's inability to appear for court as subpoenaed does not constitute an excusal from his/her responsibility to appear.

3. When an MNPD employee, that has received a subpoena, calls Court Appearance to advise of their inability to appear, Court Appearance Unit personnel shall attempt to notify the appropriate court on the employee's behalf. This does not release the employee from the order of the court to appear at the time, place and date specified.

4. Any time an employee talks with any source, whether within the MNPD or any source outside the department, concerning their ability to appear in court, that employee shall record the name of the person with whom they spoke as well as the date and time and shall immediately notify the Court Appearance Unit.

5. The absence shall be logged into a computer database for tracking purposes in accordance with the current Court Appearance Unit Standard Operating Procedure (SOP).

6. The Court Appearance Unit shall prepare a Violation of Court Appearance Procedures (MNPD Form 310) and submit this form to the Office of the Chief of Police. The Office of the Chief of Police shall log the receipt of the MNPD Form 310 and forward the MNPD Form 310 to the officer's Division Commander for follow up.

B. Light Duty and/or Administrative Leave

1. Personnel who are working in a light duty status and/or on Administrative Leave with Pay, shall be carried on the worksheet in the manner prescribed by departmental policy and shall honor all subpoenas made known to them as long as they are physically and mentally capable to appear.

2. It shall be the responsibility of the employee to notify their supervisor of their inability to appear in court due to Administrative Leave or medical reasons. The supervisor shall enter a court block into the

departmental time accounting system with reason for absence noted in the commentary section. It shall be the responsibility of the employee's supervisor to notify the Court Appearance Unit of any inability of an employee to appear in court, due to Administrative Leave or medical reasons.

3. In the event an employee is physically or mentally unable to return to work for a time that exceeds three (3) days, it shall be the responsibility of his/her supervisor to enter a court block into the departmental time accounting system with reason for absence noted in the commentary section.

4. When the employee returns to work, the supervisor shall ensure that the departmental time accounting system reflects the employee's return.

C. Decommissions, Suspensions and Appearing In Court

1. Employees who become decommissioned or suspended shall immediately notify the District Attorney's Office of their status prior to any pending scheduled court appearances. The District Attorney's Office shall make the determination if the employee must appear on the scheduled date.

2. It shall be the responsibility of the immediate supervisor of the decommissioned or suspended employee to monitor incoming subpoenas and to notify the District Attorney's Office once a new subpoena is received for such an employee. The District Attorney's Office shall then make the determination if the employee must appear on the scheduled date.

3. Employees who are decommissioned or on suspension shall notify their immediate supervisor of any existing and/or new subpoenas received while they are decommissioned or suspended.

4. Employees who are decommissioned or on suspension shall honor any and all subpoenas executed to them prior to the suspension unless directed to do otherwise by the appropriate authoritative source as outlined in Article 3.70.090, C, 1 and 2.

5. Should a proper authoritative source demand the employee's presence every effort shall be made to execute the subpoena as described in Article 3.70.090 of this order. Employees shall clock-in for court as prescribed in the provisions of this order.

6. If the District Attorney's Office releases the employee from his/her scheduled court appearance the employee shall immediately notify the MNPD Court Appearance Unit upon such notifications of release.

D. The following procedures are to be followed concerning employees inability to appear in Civil Court Appearances - All Instances:

Subpoenas for police personnel to testify in civil suits are issued by the plaintiff or defense attorney; therefore, if an emergency or illness should prevent the appearance, the attorney that issued the subpoena must be contacted by the subpoenaed officer. On civil processes, the attorney's phone number and address will be listed. Police personnel will then notify the Court Appearance Unit of their notification.

E. Special Events, Military Leave, Vacation Leave, Etc.

1. When officers are unavailable to attend court (i.e., In-Service Training, military leave, vacation, etc.), it is imperative that a court block be entered as soon as possible into the departmental time accounting system with reason for absence noted in the commentary section, by the approving supervisor to prevent any disruption of the officer's time due to court scheduling that may arise.

2. Court blocks shall not excuse any employee from his/her obligation to appear on any subpoena previously issued.

3. Personnel must be mindful that court blocks are a request not to be issued a subpoena; it is in no way is an excusal from court.

4. Supervisors shall ensure that a court block, and the reason for absence, is noted in the commentary section of the departmental time accounting system.

5. Personnel cannot request a court block for the purpose of not attending a specific court date, after receiving a subpoena.

6. In the event that a subpoena is received by the personnel after the court block has been submitted for the time period requested, it shall be the personnel's responsibility to contact the issuing source and request permission to be relieved of the responsibility of appearing in regard to the subpoena. The employee shall record the name of the person with whom they spoke as well as the date and time and shall immediately notify the Court Appearance Unit.

7. When making special duty assignments, supervisors shall allow officers to honor all subpoenas issued.

8. Officers shall be cognizant of prior subpoenas when requesting special assignments. Special assignments do not negate the need to honor subpoenas that have been previously received.

9. Should an officer be given a special duty assignment that is in conflict with existing subpoenas, the officer shall immediately notify his direct supervisor of the conflict.

(Violation(s) of provisions outlined in 3.70.090 above shall generally be a category E offense, however category may vary by severity of the violation, e.g. case dismissed as a result of failure of officer to appear, delay in jury trial proceedings as a result of failure of officer to appear, etc.)

3.70.100 Receipt of Civil Service Process – Lawsuits Involving Employees

A. Occasionally individual employees may be served with subpoenas in person. On such occasions, employees shall deliver the subpoena to the Court Appearance Unit at the earliest opportunity in order to document its arrival.

B. When process is received in employment-related lawsuits, personnel shall contact the Metropolitan Department of Law for instructions on obtaining counsel without any unnecessary delay.

C. No employee shall sign a receipt for a service of any process for another employee. The receipt must be signed by the employee named in the process.

3.70.110 Special Provisions Regarding Clocking-In Procedures

A. General Sessions Court

Employees who are subpoenaed to appear in a civil proceeding in the Metro General Sessions Court will clock-in at the Court Appearance

B. Federal Court - Civil and Criminal Cases

The employee will clock in for court and shall specifically notify Court Appearance Unit personnel that the court appearance is for a federal court proceeding. Any witness fee paid to employees from any source for attending a federal court proceeding will be turned over to the Court Appearance Unit upon receipt of the same.

NOTE: Employees are specifically prohibited from contacting attorneys concerning the collection of witness fees, when the subpoena is a direct result of their official duties, for testifying in <u>all</u> civil cases. This shall include, but is not limited to, General Sessions, Circuit Court, Chancery Court or Federal Court.

3.70.120 Requirement to Facilitate Quality Prosecutions

In an effort to streamline the court system, a settlement docket in General Sessions Court is utilized. Due to this docket, employees will not be

subpoenaed for every arrest. The District Attorney's Office will have an opportunity to settle cases before the employee must appear. If the case cannot be settled, it will be set for the trial docket and the employee subpoenaed. In order to ensure quality prosecutions and maintain a harmonious relationship with the District Attorney's Office, employees shall adhere to the following:

A. Consistent with quality investigative and report writing techniques, personnel shall complete a clear, concise, and detailed report that will allow the prosecutor handling the case to make informed and proper decisions regarding the circumstances surrounding the incident. The report should include at a minimum, a narrative that includes all the elements of the offense charged, a list of **all** police and civilian witnesses, any related complaint numbers, names of co-defendants, and a list of any evidence that was seized.

B. Employees who initiate prosecutions through the District Attorney's Office (i.e.: direct presentments, Grand Jury) shall ensure that the information described in the aforementioned in Article 3.70.120, A, is included in the reports filed with the case.

3.70.130 Clock-in Procedures and "Per Diem" Payments

A. Accurate clock-in procedures allow the MNPD to determine if an employee is at court and helps track whether a subpoena was honored. It also assists the Court Appearance Unit in tracking officers at the request of judges or the District Attorney's Office.

1. The following are the procedures for **off-duty** personnel clocking in for court:

   a. Off-duty personnel will be required to clock-in and out for court at the Court Appearance Unit.

   b. Off-duty personnel shall complete the appropriate white timecard (**MNPD Form 218B)**. MNPD personnel shall fill out the timecard completely.

2. The following are the procedures for **on-duty** personnel clocking in for court:

   a. On-duty personnel will be required to clock-in and out for court at the Court Appearance Unit.

   b. On-duty personnel will use an ***alternate color timecard*** (color determined by the Court Appearance Unit) (**MNPD Form 218A).**

   c. On-duty officers shall complete the appropriate timecard in the same manner and with the same information as if off-duty. MNPD personnel shall fill out the timecard completely.

3. Court Appearance Personnel shall file and reference timecards for both off-duty and on-duty personnel.

4. On-duty officers whose court appearance goes beyond the end of their shift shall complete a white, off-duty timecard (MNPD Form 218B) and staple it to their original, alternate colored timecard (MNPD Form 218A).

B. For purposes of clocking in and out, there shall be five categories of criteria: Downtown, Other Sites in the County, Contiguous Counties, Non-Contiguous Counties, and Out of State.

1. Downtown

a. This category consists of courtrooms or hearing rooms in the immediate area of the Davidson County Courthouse such as: Davidson County Courthouse, Ben West Building, Juvenile Court, AA Birch Building, the Grand Jury and/or the District Attorney's Office.

b. Employees attending court or hearings in these facilities **shall clock-in, in person, a maximum of 15 minutes prior to the subpoena time, and no later than fifteen minutes after the subpoena time.** If an employee clocks in fifteen minutes after the subpoena time without a justifiable excuse, the employee can be subject to disciplinary action. Justifiable excuses include, but are not limited to, accidents, emergencies, or responding to an accident or emergency call. If an accident or emergency occurs that detains an employee for court or a hearing, the employee will be responsible for notifying the Court Appearance Unit. An employee may inform Court Appearance Unit personnel of the reasons for being late by writing the reason on the back of the timecard, and supplying any necessary documentation requested by Court Appearance Personnel. **Timecards shall remain in the Court Appearance Unit at all times. Employees shall not carry timecards away from the Court Appearance Unit.**

c. **At no time shall an employee clock out for another employee**. Employees shall clock-out, <u>in person, immediately</u> upon fulfilling their responsibilities in matters for which they are required to appear. No timecard will be processed without a statement of disposition or status of the case (i.e. guilty, dismissed, continued, or released by D.A.)

2. Other Sites in County

a. This category consists of courtrooms or hearing rooms, within Davidson County but not in the immediate area of headquarters, such as: Federal Court House, State Prison Facilities, Tennessee

Highway Patrol Offices, Satellite City Municipal Courts, Etc.

b. Employees attending court or hearings in these facilities may clock-in, by telephone, a maximum of 15 minutes prior to the subpoena time.

c. Employees shall clock-out, by telephone, immediately upon fulfilling their responsibilities in matters of which they are required to appear.

3. Contiguous Counties

a. This category consists of courtrooms or hearing rooms located in a county which borders Davidson County.

b. Employees attending court or hearings in these facilities may clock-in, by telephone, a maximum of 30 minutes prior to the subpoena time.

c. Employees shall clock-out by telephone immediately upon being dismissed from court.

4. Non-Contiguous Counties in Tennessee

a. This category consists of courtrooms or hearing rooms located in Tennessee, but not in a county which borders Davidson County.

b. Employees attending court or hearings in these facilities shall **make prior arrangements with their immediate supervisor and the commander of the Court Appearance Unit regarding the subpoena, clock-in and clock-out times, court appearance, and travel pay.**

C. Court Appearance Payments - Federal, State, and Out of State

1. Employees attending court or hearings in other jurisdictions shall contact the appropriate authorities in the jurisdiction generating the subpoena to inquire about travel, lodging, meals, expenses, and any other witness fees.

2. Employees attending court or hearings in other jurisdictions which will not make payments as described in subsection one above shall contact the MNPD Fiscal Affairs Division for instructions on receiving funds for the trip.

3. Employees who receive funds for a trip from the MNPD Fiscal Affairs Division, and then receive payment as described in subsection one above, shall report to the MNPD Fiscal Affairs Division with all receipts and other documents in order to reconcile the appropriate

accounts.

D. Dual Court Pay

1. At no time shall any employee of the Metropolitan Nashville Police Department be compensated for attending court proceedings during regularly scheduled duty hours or receive court attendance pay in addition to that paid by the Metropolitan Nashville Police Department without approval and/or instructions from the Court Appearance Section Commander.

2. Employees that are on excused status and appear in court during their regular working hours shall notify their supervisor as soon as possible that they are excused from their regular day of work but are attending court. The supervisor shall adjust the worksheet to show the employee on duty during the time that the employee appeared in court. The employee will not be compensated for the court appearance. *(Violation of this provision shall be a Category A Offense)*

3.70.140 Clock-in & Pay Provisions – Obtaining Forfeiture Warrants

A. Officers shall make every effort to obtain forfeiture warrants while in an on-duty status or while attending a scheduled court appearance. If this is not feasible, the court appearance will be handled as extra time and compensation. The appearance will **not** be handled as though the officer were clocking in for court on a timecard, because there is not a subpoena and docket to cross-reference as with regular court clock- ins.

B. Prior to an officer seeking to obtain a forfeiture warrant while in an off-duty status, the officer must obtain approval from his/her immediate supervisor. All over time requests shall be submitted through the employee's chain of command for approval.

C. When a subject is NOT ARRESTED at the time property is taken, with the intent to seize, the subject must be afforded an opportunity to contest the issuance of a Forfeiture Warrant against the seized property. The subject must be given a Notice of Forfeiture Warrant Hearing, with a date, time, and court in which the officer will be seeking said Forfeiture Warrant. The Commissioners have set a day and time certain to conduct these Forfeiture Warrant Hearings, said day and time being **Monday mornings between the hours of 8 a.m. and 10 a.m.** The Officer making the seizure shall present to the court, at this time, the Notice of Forfeiture Warrant Hearing, the Notice of Seizure, the Forfeiture Warrant, and the Affidavit in Support of the Forfeiture Warrant. The Commissioner, after hearing testimony of both parties, will determine if there is probable cause to issue the Forfeiture Warrant.

D. There will be no subpoena issued for this appearance, as the only parties with knowledge of this appearance will be the seizing officer and the

subject contesting the issuance of the Forfeiture Warrant. The only proof of the appearance in Night Court before a Commissioner will be a copy of the Notice of Forfeiture Warrant Hearing with the time and date designated. When a subject has **BEEN ARRESTED**, the Officer has five (5) working days, excluding weekends and holidays, to obtain a Forfeiture Warrant. The Officer making the seizure shall present to the court, at any time during the 5-working-day period, the Notice of Seizure, the Forfeiture Warrant, and the Affidavit in Support of the Forfeiture Warrant. **Commissioners will be available to issue Forfeiture Warrants 24/7**. Once a Forfeiture Warrant has been obtained and the paperwork forwarded to the Tennessee Department of Safety, the subject can file a Petition for Return of Property. Once a valid petition is on file, the Department of Safety staff will set the case on a docket to be heard. The seizing Officer will be **ISSUED A SUBPOENA** to appear (McCord Hall, 1150 Foster Avenue, Nashville, Tennessee) for the **CONFISCATION HEARING** relative to the property in question. Metro hearings are scheduled three (3) days a month, two (2) dockets each day (10 a.m. and 1 p.m.).

E. Seizing officers may obtain their forfeiture warrants while clocked in for court on other matters. In order to do this, seizing officers must:

1. Make a notation on the timecard as directed by Court Appearance Unit Personnel, and

2. Attach a copy of the forfeiture warrant to the timecard.

3.70.150 Juvenile Court Detention Hearings

In an effort to reduce unnecessary appearances at detention hearings by police and witnesses, the District Attorney's Office has instituted a time saving policy. At the time of booking the police officer and witnesses are given a phone number to call prior to coming to the detention hearing. This number is a voice mailbox that recites a list of cases for which police officers and witnesses need to appear and a list of cases that have been settled or continued. Employees of this department shall abide by this policy. Any changes in this policy will be disseminated by memorandum from the commander of the Court Appearance Unit.

3.70.160 Subpoenas Related to Officers' Prior Employment

Employees who receive a subpoena to testify or appear in any matter arising out of prior employment are legally obligated to appear but will **not** be compensated by the Metropolitan Nashville Government.

3.70.170 Metropolitan Citation Court Date Procedures

A. The following are the procedures for setting court dates on Metropolitan Citations (Environmental Court).

1. All court dates for Metropolitan Citations (Environmental Court) shall be set on a specific time and day of the week as designated by the courts.

2. Metropolitan Citations (Environmental Court) shall be written at least three (3) full weeks out, from the date of the incident, on Tuesdays at 1100 hours. If the appearance date should fall on a holiday closed by the authority of the court, issuing officers shall schedule the court date for the following Tuesday at 1100 hours.

3.70.180 State Misdemeanor Citation Court Date Procedures

A. The following are the procedures for setting court dates on State Misdemeanor Citations.

1. MNPD personnel shall utilize the appropriate initial booking date according to their regular work assignment.

2. The initial booking date for state misdemeanor citations shall be scheduled on the specific day of the week assigned to the departmental element wherein the issuing member is regularly assigned (**See link below**). The booking date will be set on the assigned day of the week at least **three (3) full weeks and no more than four (4) weeks, following the date of issue between the hours of 0700 hours and 0900 hours or 0900 hours and 1100 hours. If the booking date should fall on a holiday closed by the authority of the court,** issuing officers shall schedule the booking date on the next available booking date assigned to their division.

B. Personnel shall set court dates in accordance with their assignment as indicated in the table located at the following link:

https://metronashville.sharepoint.com/:b:/r/sites/MNPDStrategicDevelopment/Shared%20Documents/SDD%20Forms/smc-booking-dates%2011.11.2025.pdf?csf=1&web=1&e=T9Bdda

Title 4: Employee Conduct

4.10 Discipline and Corrective Action

A. The effectiveness of a law enforcement agency and its members depends upon community respect and confidence. The first goal of our department is to provide fair, efficient service to all our citizens consistent with our established mission statement, policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. To advance the mission, it is vitally important that all departmental employees conduct themselves in a manner demonstrating unquestionable integrity, reliability, and honesty. Whether interacting with citizens, testifying in any court or legal proceeding, or providing information in any official setting, the success of a law enforcement agency rests upon the reliability of the member representing that agency. Therefore, all members sworn and professional support staff must conduct themselves in a manner consistent with policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. Complete candor and fully truthful responses are required when employees are providing information or responding to inquiry related to any official duty. Employees must further demonstrate the professional integrity expected of them by the public in their behavior. Recognizing that a fundamental and unequivocal duty of all employees is to promote the efficient and effective operation of department and government operation through the pursuit of lawful objectives, any conduct which detracts from this respect and confidence is detrimental to the public interest. It is equally detrimental to the effectiveness of the department, the efficiency of department operations and the morale of all members. Such behavior is, therefore, prohibited under applicable departmental policy. When circumstances suggest that a member has engaged in prohibited conduct, it is the policy of the department to investigate and impose disciplinary action when appropriate.

B. The establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to the demonstration and protection of departmental and employee integrity. The police department shall fairly and impartially investigate all complaints about employee misconduct to determine the validity of allegations. Findings shall be indicated in a timely and consistent manner.

C. Any department employee who observes or becomes aware of any act of misconduct by another member of the government shall immediately report the incident to their immediate supervisor or the most appropriate Metropolitan Nashville Police Department (MNPD) supervisor. Failure to report such activity is considered misconduct and subject to administrative

investigation and sanctions. *(Violation of this provision may be charged up to and including the category of the underlying offense not reported.)*

D. Consistent with this policy, other established procedures, and the Rules of the Metropolitan Government Civil Service Commission, it is recognized that the public interest and the mission of the Police Department is best served by resolving allegations of misconduct in a timely and expedient manner. Therefore, all appropriate supervisory personnel should monitor the progress of any disciplinary issue within their concern and take all necessary action to ensure the matter is concluded without undue delay.

E. It shall be the policy of the MNPD that while all applicable violations of rules and regulations shall be considered, employees should be sanctioned only on those charges that appropriately and adequately address the misconduct.

F. All components of the MNPD shall be responsible for making information available to the public regarding procedures to be followed in filing complaints against the department or its employees.

G. It is recognized that this policy should be reviewed and amended from time to time in order to best accomplish the mission and goals of the MNPD. Upon discussion, recommendation, and due consideration, the Chief of Police shall cause such amendments and modifications to be made.

4.10.010 Definitions:

A. **Disciplinary Hearing Officer:** Supervisory personnel assigned by the Chief of Police to preside over a departmental hearing to ensure all applicable procedures are followed. The disciplinary hearing officer shall also present the final conclusion of fact and recommended sanction to the Chief of Police for approval.

B. **Complaint:** An allegation from any person, expressed orally or in writing, which provides a reasonable belief that circumstance(s) exist which, if proven, would amount to employee misconduct, or an expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

C. **MNPD Form 311: Remedial Counseling Report:** Official departmental form utilized to document remedial counseling of departmental personnel by authorized supervisory personnel. Counseling documented on this form is <u>not</u> considered corrective or disciplinary action in and of itself. However, it may be completed as part of any formal corrective or disciplinary action to document the counseling that occurred as part of such action.

D. **MNPD Form 312: Complaint Report:** Official departmental form used to document all complaints, if the Electronic Complaint Report Module (Complaint Module) is unavailable. The MNPD Form 312 requires that a control number be assigned for internal tracking purposes prior to submission through the appropriate chain of command.

E. **MNPD Form 313A: Corrective Action/Counseling Form:** Official departmental form utilized by authorized supervisory personnel to document formal counseling and/or corrective action taken to correct unsatisfactory employee performance or behavior. Any such action documented on this form is considered official corrective action and will be placed in the employee's personnel file. The MNPD Form 313A requires that a control number be assigned for internal tracking purposes prior to submission through the appropriate chain of command.

F. **MNPD Form 313: Internal Disciplinary Resolution Form:** Official departmental form used to document violations of the policies, rules or procedures of the department, when job performance may have adversely affected the personal and/or property rights of others, involvement in illegal activity is suggested, or otherwise requires further investigation.

G. **MNPD Form 343: Remedial Training Request:** Official departmental form utilized by authorized supervisory personnel to request specific remedial training for personnel under their command. Remedial training documented on this form is <u>not</u> considered corrective or disciplinary action in and of itself. However, it may be completed as part of any formal corrective or disciplinary action to document the training that occurred as part of such action.

H. **Conclusion of Fact/Investigative Finding:** Drawn from the evidentiary facts, and may include any changes, or recommendation for changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand existing training.

I. **Corrective Action:** An action that may be taken against an employee in an effort to correct a situation that, if uncorrected, may require disciplinary action.

J. **Department Advocate:** The Department Advocate is a resource used by the department to prepare a summary on each administrative charge and prepare a brief identifying the specific conduct supporting each charge. Department Advocate procedures are maintained in the Case Preparation Division Standard Operating Procedures.

K. **Disciplinary Action:** An action that may be recommended against an employee when he/she fails to follow the policies, rules or procedures of the department. Disciplinary action should be taken to correct a situation where lesser remedial or corrective action is ineffective, inappropriate, or would appear futile under the circumstances.

L. **Disciplinary/Corrective Action Grid:** A tool used by supervisors and employees to identify the range of sanctions for a sustained investigation of a complaint. The Disciplinary/Corrective Action Grid provides a range of suggested sanctions for proven or admitted allegations. No disciplinary recommendation is final until approved by the Chief of Police. The Disciplinary / Corrective Action Grid shall be used whether the employee elects to have a departmental hearing or agrees to a sanction.

M. **Last Chance Agreement:** A contractual agreement between the department and employee, consistent with provisions herein, where the employee agrees to specified terms and conditions of continued employment. The duration of the agreement shall be for a specified period of time.

N. **Misconduct:** Misconduct is an act or omission by an employee, which if proven, may result in some form of remedial, corrective, or disciplinary action. This would include commission of a criminal act, neglect of duty, failure to act as instructed or required, violation of a policy, rule or procedure of the department, or conduct which may reflect unfavorably upon the employee and/or the department.

O. **Name Clearing Hearing**: An informal departmental meeting or hearing conducted for the purpose of explaining the department's charges against the employee and allowing the employee's response. The hearing officer conducting such discussions shall be the Chief of Police or designee.

P. **Presentation Meeting:** The first meeting, scheduled by the initiating authority and held as soon as practical but no more than five (5) calendar days after completion of an approved form, in order for the initiating authority to present MNPD Form 311, 313A, 313 and/or 343 to an employee.

Q. **Reflection Period:** A period of reflection where the employee has up to ten (10) calendar days to consider the findings and recommended sanction after being presented with MNPD Form 313.

R. **Remedial Action:** An action that may be taken to provide counseling or training for an employee to assist in correcting or modifying behavior. This may be in addition to corrective or disciplinary action.

S. **Retention Period:** The period of time for which a prior sustained violation of policy may be used or considered when determining if a new violation is a second, third, or other consecutive offense. For offenses where a hearing is requested and occurs, the retention period begins when the Chief of Police approves the final sanction. For an uncontested offense where the Chief of Police has approved the final sanction, the retention period shall be calculated from the date the employee signed accepting the approved sanction.

Example: An incident occurs on August 8, 2019. After a full investigation, it is determined that a policy was violated which resulted in a MNPD Form 313 charging a category D offense. The employee accepts the recommendation and sanction by affixing their signature on MNPD Form 313 on August 15, 2019. Ultimately, after review through the chain of command, the Chief of Police approves the MNPD Form 313 on September 16, 2020. For purposes of calculating retention period on this offense, the start date will be August 15, 2019.

T. **Settlement Meeting:** The second and final meeting, occurring after the Presentation Meeting and a Reflection Period, where an employee, having been presented with MNPD Form 313 makes a selection of the negotiated sanction or a disciplinary hearing.

U. **Waiver:** A written document wherein an employee voluntarily relinquishes a right or privilege otherwise provided for in established policy, rules or procedure.

4.10.020 Investigation of Complaints: Supervisor Initiated:

A. Supervisory personnel shall initiate a preliminary inquiry to determine if grounds exist to conduct an administrative investigation when:

1. A complaint is received alleging a simple infraction of established standards of conduct or job performance that does not adversely affect the personal and/or property rights of others. The criteria for investigation of a complaint by a department supervisor may include alleged rudeness on the part of an employee, tardiness, or insubordination.

2. A complaint is received that does not suggest illegal conduct; or

3. A complaint is received that otherwise requires further extended investigation at the supervisory level.

4. Provisions 1 – 3 above do not include situations where a citizen disagrees with an otherwise legal and appropriate application of the law

(e.g., the issuance of a citation, and there is no further accusation of misconduct). Such matters shall be determined by the courts.

B. If the concerned employee's supervisor did not initiate the complaint, the supervisor shall document the receipt of the complaint, their involvement, and any relevant information received. The supervisor should then refer the complaint to the supervisor of the involved employee.

C. The allegation, along with the investigating supervisor's response, shall be documented on the appropriate MNPD form. Copies shall be forwarded to the Office of Professional Accountability (OPA) and the Office of the Chief of Police through the chain of command of the involved employee. The primary responsibility for completion of the initial investigation, including any recommendation for disciplinary action or a request for additional investigation, rests with the immediate supervisor of the involved employee.

D. Any recommendation from the investigating supervisor for additional investigation by the Office of Professional Accountability must be made by official memo with clear justification for the request.

E. Upon notification of the employee's supervisor and/or commander, the Office of Professional Accountability may assume concurrent or sole authority for the investigation at any time.

F. Should an investigation, at any time, reveal evidence of criminal conduct, all available information shall be forwarded to the Chief of Police and to the Office of Professional Accountability as soon as possible.

G. Supervisors of the involved employee shall document complaints and conduct a proper investigation.

H. Complaints involving serious misconduct, alleged illegal behavior, or complex cases outside the scope of the investigative capability of the involved units, may be referred to the Office of Professional Accountability after the completion of an initial investigation. Such referrals shall be approved by the Precinct/Division Commander or Director. Complaints shall not be referred to the Office of Professional Accountability solely because the need for discipline is indicated by the initial investigation.

I. The supervisor of the involved employee shall keep the complainant informed concerning the status of a complaint, to include at a minimum:

    1. Verification that the complaint has been received for processing.

2. Status reports regarding the progress of the investigation every fifteen (15) calendar days.

3. Notification of the results upon conclusion of the investigation.

4. Investigative reports prepared by supervisors will include a "conclusion of fact". The "conclusion of fact" is drawn from the evidentiary facts, and may include any changes, or recommendation for changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand existing training.

J. Supervisor Initiated Investigative Timelines:

1. Active Investigations should be completed within forty-five (45) calendar days from the date the employee has received formal notification that they have become the subject of an internal investigation, or from the date when an employee cannot reach a settlement with his/her supervisor(s) on the allegation, whichever is the later date. Investigations may exceed forty-five (45) calendar days with the approval of the Chief of Police or designee. The complainant and employee shall be notified of the approved extension request. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint. The investigating supervisor shall forward the status of any open investigations to the Commander of The Office of Professional Accountability monthly.

2. The above timelines are not applicable to preliminary inquiries or fact-finding used to determine the need for a formal investigation or to determine the appropriate investigative resource. Additionally, the forty-five (45) calendar day timeline would not apply to cases involving circumstances beyond the control of the investigative unit, e.g., cases pending litigation, requiring covert investigation, or where the employee is not readily available for the investigation to precede.

4.10.030 MNPD Mediation Program for Minor Complaints

A. Supervisors receiving the initial complaint must review it carefully to determine if the complaint is categorizing the conduct or circumstances appropriately.

B. Only minor complaints, as determined by the Director of OPA, should be considered for referral to mediation. Supervisors may refer other complaints, which appear to involve misunderstandings between the

parties, when there is a reasonable basis to believe the parties could benefit from the mediation program.

1. If upon initial review, the supervisor has a reasonable basis to believe there is a violation of departmental policy, the matter may not be eligible for referral to mediation. If the complaint appears to stem from a misunderstanding between parties, the matter may be referred in accordance with procedures outlined below.

2. Supervisors wishing to submit such a complaint to mediation shall articulate his/her reasoning for the referral.

C. Complaints involving attempted or actual use of force or alleging criminal conduct of an officer are **NOT** appropriate for mediation.

D. Participation in the mediation process is strictly voluntary

1. Both the citizen and the employee must agree to participate; and

2. Both the citizen and the employee must agree to participate in good faith, as determined by the mediator.

E. Referral Procedures

1. After a supervisor's initial review of a complaint, a referral to mediation may be made prior to a full investigation provided the complaint meets the criteria for a referral as outlined above.

2. If the complaint meets the established criteria for mediation, a NCRC Mediation Referral form should be completed by the supervisor and submitted by email to OPA for review. OPA will then forward the referral to the NCRC representative.

3. Should several violations of policy be reported on one complaint, or numerous complainants are connected to one incident, the complaint should be processed through the established internal MNPD procedure as outlined in current policy.

4. The referring supervisor must establish that both the officer and the citizen have consented to mediation prior to the referral being made. Once the referral has been accepted, the coordinator will contact involved parties and convene a mediation session.

5. Involved parties will be asked to complete an Agreement to Mediate form at NCRC.

6. NCRC will make every reasonable effort to conduct mediation within 30 days of accepting a case and contacting the parties.

    a. Time spent processing a complaint through the mediation process shall not be included in the 45 day investigative timeline outlined in current policy.

7. Once mediation has been completed, a mediation outcome form will be emailed to the referring supervisor within 14 days of the completion date.

8. Once the referring supervisor receives the mediation outcome form, a Complaint Module entry, shall be completed with a finding of Matter of Record given to the policy provision. A note regarding the mediation shall be documented in the narrative of that entry, such as the following:

    "The complainant and employee agreed to participate in mediation. Mediation occurred on *(insert date)* with both parties mediating in good faith and with a successful outcome.

    This complaint will be closed as a Matter of Record at this time."

9. Documentation of the successful mediation (i.e., documentation of the complaint, mediation referral form, mediation outcome form, etc.) shall be attached to the Complaint Module entry.

10. The Complaint Module entry shall be processed per current departmental policy.

4.10.040 Investigation of Complaints: Office of Professional Accountability

A. The Office of Professional Accountability shall review complaints against employees, whether initiated by the public or by a member of the department.

B. The Director of the Office of Professional Accountability shall be directly accountable to the Chief of Police and the Mayor for the proper administration, general management, and control of all matters related to the operation of that division. The Director of the Office of Professional Accountability has the authority to report directly to the Chief of Police and the Mayor.

C. The Office of Professional Accountability may initiate an investigation of alleged employee misconduct, with or without a formal complaint, with the prior knowledge and approval of the Chief of Police or designee.

1. The role of the Office of Professional Accountability is to investigate administrative (departmental) violations, and if during an investigation there are potential criminal violations, the criminal aspect of the investigation will be referred to the appropriate criminal investigative unit.

2. The Office of Professional Accountability may continue their investigation of the potential administrative violations, as a separate investigation from any criminal investigation. OPA may continue, or have continued, an administrative investigation to assess or establish an administrative duty or omission of duty relevant to the underlying criminal investigation.

3. The criteria for determining the categories of complaints to be referred to the Office of Professional Accountability may include, but are not limited to: allegations of corruption, brutality, misuse of force, major breach of civil rights and criminal misconduct. When an allegation of misuse of force is reported to the immediate supervisor, it shall be the responsibility of that supervisor to conduct a preliminary investigation into such allegations before reporting them to the Office of Professional Accountability.

4. **The Chief of Police shall be informed through the chain of command about major complaints as soon as possible, and no later than the start of the next business day.**

D. The Office of Professional Accountability may make additional inquiry or use investigative measures deemed necessary to verify, authenticate or clarify the findings and recommendations of a supervisor initiated investigative report. The Office of Professional Accountability may include these findings and disposition recommendations with the report submitted to the Chief of Police and the Deputy Chief or Commander/Director of the involved employee.

E. The Office of Professional Accountability shall complete an appropriate MNPD form (311, 313A, 313, or 343) for any investigation initiated by the Office of Professional Accountability where there has been an investigative finding that an employee has violated any policy, procedure, rule or regulation of the Metropolitan Nashville Police Department or the Civil Service rules and regulations. The completed MNPD form(s) shall accompany the official report.

F. The Office of Professional Accountability shall have the following additional responsibilities.

1. Maintain a complaint log,

2. Maintain a central file of complaints in a secured area and in conformity with records retention requirements from state law,

3. Conduct a regular audit of complaints to determine the need for changes in training or policy, and report the findings to the Chief of Police and Deputy Chiefs,

4. Maintain statistical and related information to identify trends involving all complaints of excessive force and abuse of authority, and

5. Track complaints against individual employees to assist in employee risk analysis.

G. The Chief of Police and/or Office of Professional Accountability investigators shall keep the complainant informed concerning the status of a complaint, to include:

1. Verification that the complaint has been received for processing.

2. Status reports regarding the progress of the investigation every thirty (30) calendar days.

3. Notification of the results upon conclusion.

H. Investigative reports prepared by the Office of Professional Accountability into allegations of misconduct will include an "Investigative Finding". The "investigative finding" is drawn from the evidentiary facts, and may include recommendations to changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand training.

I. The Office of Professional Accountability shall compile an annual statistical summary based on records of employee investigations, to be made available to the public and department employees.

4.10.050 Office of Professional Accountability Records and Confidentiality

A. The Office of Professional Accountability shall be informed of all final disciplinary decisions.

B. The case files at the Office of Professional Accountability shall be maintained separately from personnel records.

C. OPA Investigative Timelines:

1. Active Investigations should be completed within forty-five (45) calendar days from the date the employee has received formal notification that they have become the subject of an internal investigation, or from the date when an employee cannot reach a settlement with his/her supervisor(s) on the allegation, whichever is the later date. Investigations may exceed forty-five (45) calendar days with the approval of the Chief of Police or his designee. The complainant and employee shall be notified of the approved extension request. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint. The commander of the Office of Professional Accountability will forward a status report twice monthly of all active cases to the Chief of Police.

2. The above timelines are not applicable to preliminary inquiries or fact-finding used to determine the need for a formal investigation or to determine the appropriate investigative resource. Additionally, the forty-five (45) calendar day timeline would not apply to cases involving circumstances beyond the control of the investigative unit, e.g., cases pending litigation, requiring covert investigation, or where the employee is not readily available for the investigation to proceed.

3. An investigation is closed when it has been reviewed and approved as closed by the appropriate supervisory personnel of the assigned investigator.

4. A closed investigation may be re-opened upon receipt of new information.

4.10.060 Investigative Interviews, Examinations & Searches

A. Formal Investigative Interviews

1. The provisions provided in this section are intended to provide guidance to supervisors in conducting formal investigative interviews and are not applicable to routine questioning or preliminary inquiries. A formal investigation is generally described as one where the target of the investigation has been identified and disciplinary action is expected or pending.

   NOTE: *Provisions applicable to OPA conducted interviews, examinations and searches are in the OPA Standard Operating Procedures and available for inspection during normal business hours.*

2. When an employee receives official notification that they have become the subject of a formal internal investigation, the investigating authority shall issue the employee a brief statement of the allegations and refer the employee to Article 4.10.050, Section (A)(4) concerning their rights and responsibilities relative to the investigation. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint.

3. Significant misconduct or criminal activity.

4. The employee under formal investigation shall also be given the following admonitions preceding an interview by an investigator:

    a. You are advised that this is a formal internal administrative investigation only.

    b. You shall be asked and are required to answer all questions specifically related to the performance of your duties, and your fitness for office.

    c. If you refuse to answer these questions, you can be subject to disciplinary action that may include discharge or removal from office. You may also be subject to disciplinary action for knowingly giving false statements.

    d. These Rights [1]are those provided to the employee in administrative investigations. In no way should it be construed that these rights [2]are provided in a criminal investigation. If at any point during questioning about an administrative investigation there is a determination the conduct may involve a potential criminal violation, all questioning will stop and further investigation, criminal or administrative, will proceed as appropriate.

5. Counsel During an Interview

    a. Employees may have an attorney, employee group representative, supervisor, or a personal representative with them during any formal internal investigative interview. The representative cannot be involved as a participant in the interview, as a witness, or where there is an allegation that the representative is a participant in any manner.

    b. The employee representative's role is that of an observer only.

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[1] Garrity vs. New Jersey, 385, U.S. 493 (1967)
[2] Garrity vs. New Jersey, 385, U.S. 493 (1967)

c. An interview may not be unreasonably delayed by requests for changes in personal representatives, or requests for representatives not currently available under this subsection.

B. Examinations and Searches

1. The department may direct that the employee undergo a breath, blood, urine, psychological, polygraph, computer voice stress analysis (*CVSA*), medical examination or any other exam not prohibited by law or policy, provided the examination is pertinent to an administrative investigation (*Exams such as these which may be part of a criminal investigation are guided by existing criminal investigative laws*). Refusal to sign, or alteration of a waiver to submit to any of the referenced examinations, shall be considered a refusal to submit to the exam. *(Violation of this provision shall be a category A Offense)*

2. Polygraph and/or Computer Voice Stress Analysis (CVSA) reports may be submitted for consideration with the investigative file. Polygraph/CVSA examinations unaccompanied by other objective evidence will not conclusively establish or refute allegations of misconduct. Employees will not be subject to corrective action or discipline solely on the results of a polygraph or CVSA examination.

3. Employees may request a second medical, laboratory, polygraph, other examination, or have test results independently reviewed; however, employees shall incur all costs for secondary testing or review. If a polygraph or CVSA examination is not requested during an investigation, employees may obtain an examination at his/ her expense.

4. No additional or subsequent CVSA or Polygraph testing, nor review, critique or evaluation of any test results, will be performed by departmental personnel except upon request of the initial examiner or the initial examiner's supervisor(s) or other personnel with primary responsibility for conducting the investigation.

5. An on-duty supervisor may direct an employee to submit to a breath or urine test as stated in current department policy on substance abuse. This would not preclude an employee from volunteering to submit to such tests.

6. An employee can be required to physically participate in a lineup for investigative purposes in an administrative investigation.

7. No employee of the Metropolitan Police Department shall have an expectation of privacy in any property, facility, or storage area issued to or used by them. This shall include personally owned property transported and/or stored within any departmentally owned, issued or utilized vehicle, facility or storage area.

8. Photographs, video, and/or audio recordings of an employee may be taken if such photos are pertinent to an administrative investigation.

9. An employee may be required to submit financial disclosure statements, if there is reason to believe that such items are pertinent to an administrative investigation.

C. An employee who withholds information during an internal investigation, or fails to cooperate with internal investigations, is subject to disciplinary action. This discipline may be in addition to any other disciplinary action based on conduct disclosed by the primary investigation. *(Violation of this provision shall be a category A Offense)*

4.10.070 Investigative Finding

A. At the conclusion of an investigation of alleged misconduct, an "Investigative Finding" will be made based on the preponderance of the evidence. These findings will be reported to the involved employee(s) and through the chain of command to the Chief of Police. Once such findings are approved, they shall also be reported to the complainant. The "Investigative Finding" will be derived from the following criteria and shall be reported as follows:

Exonerated – An incident did occur, but the action was consistent with established policy, rules, or procedure.

Sustained – The allegation is true. The action was inconsistent with established policy, procedure, or rules.

Policy/Training Failure – Although the action was consistent with departmental policy or training, the need to review, revise or develop departmental policy, procedure or training was identified.

Not Sustained – There is not sufficient evidence to sustain or refute the allegation.

Unfounded – The allegation was proven false.

Matter of Record – Cases may be administratively closed and maintained as a matter of record that the complaint was made, when the investigation

cannot conclusively disprove complaint allegations or establish that the alleged events occurred. This designation may also be used when investigations are closed or suspended due to the remoteness of subject events, unavailability of necessary witnesses or unavailability of the subject. (e.g., military leave, incapacitating illness). The summary will report all investigative efforts and acknowledge that the investigation may be revisited at a later date, if additional information becomes available.

B. Associated Recommendations

The investigating authority may make such additional recommendations it deems necessary, to include but not limited to:

1. The need for remedial, corrective, or disciplinary action,

2. The need to review or revise departmental policy, procedure, or training,

3. Or any other recommendation the investigating authority deems relevant; and/or

4. Any misconduct that may be identified which was not associated with the original complaint.

C. In the event of disagreement as to the proposed finding(s), supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.

4.10.080 MNPD Form 311: Remedial Counseling Report

A. Counseling may be used to accomplish many goals. One purpose is to allow supervisors an opportunity to explain why they are dissatisfied with an employee's behavior. Secondly, counseling gives an employee the opportunity to present their version of what caused the behavior. Another purpose is to correct a minor infraction, or to put an employee on notice of a possible problem.

B. When a supervisor identifies an employee with a problem in an area, subject matter, or performance the supervisor believes is not serious, the supervisor should document the behavior and counsel the employee. During the counseling session, the problem will be discussed, and the supervisor shall set guidelines for the employee to follow to alleviate the problem.

C. The supervisor shall document the counseling session on MNPD Form 311, Remedial Counseling Report, allowing joint commitment by the

employee and the supervisor as to expectations, and used as needed for documentation at a later time. Such form may be retained at the division level as part of the employee file.

D. If the situation has not been corrected after the remedial counseling session, any further neglect, inability or failure of an employee to appear, act, or perform as instructed or required, may constitute grounds for corrective or disciplinary action.

E. Counseling under this section is not considered corrective or disciplinary action in and of itself. However, it may be combined and included with corrective or disciplinary action to document the counseling that occurred as part of such action. Formal counseling sessions designed to serve as corrective action are covered in Article 4.10.100.

F. Remedial counseling or any verbal counseling initiated by any supervisor shall not preclude a reviewing supervisor or the initiating supervisor from initiating corrective or disciplinary action from the incident in question.

4.10.090 MNPD Form 343: Remedial Training Request

A. Employees of the department who are found by their supervisors to be deficient in some area may be required to attend training sessions designed to remedy the problem. An employee can also request remedial training in areas he/she wishes to become more proficient.

B. The training should be given at the earliest opportunity. The following methods of instruction may be used:

1. Training provided by any authorized departmental personnel;

2. Re-assignment to a Field Training Officer;

3. Enrollment in a course of instruction sponsored by MNPD or another agency; or

4. Any other training deemed necessary or appropriate.

C. When inefficiencies are identified, supervisors shall document that an employee is in need of additional training and forward this report to their Precinct/Division Commander or Director. The Precinct/Division Commander or Director shall direct the employee to participate in the type of training deemed necessary to correct the deficiency.

D. If the employee fails to complete the training, or the situation has not been corrected after the training is complete, any further neglect, inability or

failure of an employee to appear, act, or perform as instructed or required, may constitute grounds for disciplinary action.

E. Remedial training under this section is not considered corrective or disciplinary action in and of itself. However, it may be combined with corrective or disciplinary action to document the training that occurred as part of such action.

F. Remedial training or any verbal training or instruction initiated by any supervisor shall not preclude a reviewing supervisor from initiating corrective or disciplinary action from the incident in question.

G. MNPD Form 343, Remedial Training Request Form shall be used to document any training recommended, approved and provided. Only employees designated as having supervisory authority shall complete a MNPD Form 343. If a Complaint Module entry, or if an MNPD Form 313A or 313 is generated in conjunction with a request for remedial training, a copy of the MNPD Form 343 shall be attached to the Complaint Module entry and the original forwarded to the Training Academy to be entered into the employee's training records.

4.10.100 Electronic Complaint Report Module Entry

A. Supervisory employees shall complete a Complaint Module entry upon receipt of a complaint.

B. The Complaint Module entry, upon completion of a proper investigation, may be the basis for remedial, corrective or disciplinary action and shall be attached to and processed with the appropriate MNPD Form 311, 313A, 313, and/or 343.

C. Whenever the complaint alleges a simple infraction of established standards of conduct or job performance that does not adversely affect the personal and/or property rights of others, suggest illegal involvement, or otherwise require formal investigation, the supervisor shall report an appropriate conclusion of fact, and the resolution on the Complaint Module entry. The supervisor may include any supporting documentation as an attachment. When such complaint is resolved within the Complaint Module entry, the Division Commander shall approve such resolution and forward the Complaint Module entry consistent with the provisions herein.

D. This is not meant to include situations where a citizen disagrees with an otherwise legal and appropriate application of the law. These matters shall be resolved by the appropriate courts.

E. When the complainant does not meet the criteria of section "C" above (simple infraction), the Complaint Module entry shall be the basis for conducting further investigation at the Division level or referred to the appropriate investigative authority. The supervisor shall attach any Form 313A, Corrective Action/Counseling Form or Form 313, Internal Disciplinary Resolution Report, generated as a result of the complaint.

4.10.110 MNPD Form 313A: Corrective Action /Counseling Report

A. Only employees designated as having supervisory authority shall complete a MNPD Form 313A, Corrective Action/Counseling Form.

B. Whenever the supervisor determines or an investigation reveals more than a simple infraction of established standards of conduct or job performance that does not adversely affect the personal and property rights of others, suggest illegal involvement, or otherwise require further investigation, the supervisor shall complete a MNPD Form 313A, Corrective Action/Counseling Form.

C. The MNPD Form 313A, Corrective Action/Counseling Form shall be used to document formal counseling sessions designed to serve as corrective action, oral reprimands, written reprimands, or to recommend reassignment.

4.10.120 MNPD Form 313: Internal Disciplinary Resolution Report

A. Only employees designated as having supervisory authority shall complete a MNPD Form 313, Internal Disciplinary Resolution Form.

B. The supervisor shall complete a MNPD Form 313, Internal Disciplinary Resolution Form, whenever the supervisor determines, or an investigation reveals, a violation of the policies, rules or procedures of Metropolitan Government of Nashville and Davidson County has occurred, when job performance may have adversely affected the personal and property rights of others, involvement in illegal activity is suggested, or otherwise requires further investigation.

C. The MNPD Form 313, Internal Disciplinary Resolution Form shall be used to document and recommend administrative leave, suspension, demotion, or dismissal. Any aggravating or mitigating factors shall also be documented.

4.10.130 Processing of MNPD Forms 311, 313A, 313, and 343

A. An MNPD Form 311, 313A, 313, or Complaint Module entry, once generated and a control number assigned, is considered an official

document of the Metropolitan Police Department and its preservation is governed by established policy on the preservation of official documents.

B. The reporting supervisor shall submit the Complaint Module entry along with all resultant MNPD Forms 313A and 313 through the appropriate chain of command for review and/or approval consistent with provisions herein.

C. After final resolution, the Complaint Module entry along with all resultant MNPD Forms 313A and 313 shall be forwarded to the Office of the Chief of Police for storage and safekeeping. Upon receipt by the Office of the Chief of Police, appropriate copies shall be shared with MNPD Forms 313A and 313 shall be shared with the Office of Professional Accountability. Upon receipt, The Office of Professional Accountability shall store and maintain the forms as required by law. Any destruction of such records will be conducted in accordance with established law regarding maintenance and retention of public records.

D. Processing procedures for MNPD Form 343, Remedial Training Request, are found in existing departmental policy and procedure regarding training standards.

4.10.140 Determining the Appropriate Charge

A. In determining the appropriate charge(s) the supervisor shall ensure, after a thorough and accurate investigation, all facts and circumstances are reviewed in light of established policy, rules, and procedures of the Metropolitan Government of Davidson County.

B. When conduct is determined to fall within multiple policies, rules, or procedures, and/or may be charged under multiple categories, guidance may be sought by reviewing of records of similar occurrences, from the chain of command, or consult with authoritative sources (e.g., OPA or Department Advocates) prior to creating a formal charging instrument.

C. The Precinct/Division Commander or Director will make a final Precinct or Division level recommendation regarding the appropriate charge, along with any aggravating or mitigating factors. The recommendation will be subject to the review of the Deputy Chief or Director of the employee's chain of command. The supervisor shall list all appropriate charges on the charging instrument. It will be the responsibility of the charged employee's supervisor to research the employee's disciplinary history, make a decision as to the nature of the offense, and identify aggravating/mitigating factors that may enhance or reduce sanctions or indicate referral to OPA would be appropriate.

D. The formal charging instrument is a MNPD Form 313A, or MNPD Form 313 with a control number assigned. In the event of disagreement as to the proposed charge(s), supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.

E. All charges related to a single incident shall be included in one filing of charges on a single charging instrument (MNPD Form 313A or MNPD Form 313).

4.10.150 The Disciplinary/Corrective Action Grid

A. Application Of The Disciplinary / Corrective Action Grid:

1. The Disciplinary / Corrective Action Grid provides a range of sanctions for proven or admitted allegations. Upon completion of the investigation, the investigating supervisor, along with his/her chain of command (up to and including Precinct/Division Commander or Director), will determine the appropriate level of severity for the offense.

2. The Precinct/Division Commander or Director will make a final Precinct or Division level recommendation regarding where the alleged conduct falls on the Disciplinary/Corrective Action Grid and the recommended sanction. The recommendation will be subject to the review of the Deputy Chief or Director of the employee's chain of command. In the event of disagreement as to the proposed sanctions, supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.

3. The formal hearing process will continue to be an alternative for an employee to utilize when they feel like they are not responsible for the alleged behavior, and/or disagree with the suggested disciplinary action. However, it is believed that most employees who have engaged in misconduct would like the opportunity to acknowledge their behavior, accept responsibility and a reasonable sanction so they can move forward with their careers. Many occurrences of misbehavior are mistakes in judgment that can be corrected by a reasonable corrective or disciplinary action, so the employee can go forward as a productive and contributing member of the department.

B. Continued Misconduct or New Information:

1. Continued misconduct after an employee has reached the third offense of any category of disciplinary violation raises the sanction to the third offense in the next highest offense category of the highest category of any of the previous three or more offenses.

For example: a fourth violation for an F category offense will be disciplined as a third E category offense. Subsequent violations will follow the same process, in that; a fifth F category offense would be sanctioned as a third D category offense.

2. Any subsequent violation of a policy within the same offense category within the stated retention period is considered a second or third offense.

3. Any settlement agreement or final sanction reached prior to the introduction or discovery of new information may be invalidated depending upon the nature of the new information disclosed and may result in the employee receiving new or additional charges, and/or new or additional sanctions.

C. Aggravating and Mitigating Factors:

1. The grid does not include specific mitigating and aggravating circumstances; however, any mitigating or aggravating circumstances being used by the reporting supervisor should be documented on the MNPD Form 313 and specifically described in an attached document.

2. In determining aggravating and mitigating factors, supervisors shall consider conduct related to the charged offense or related prior conduct.

   a. In determining aggravating factors, such conduct may be the absence of exigent circumstances, the employee's rank, position, or assignment, effect on morale, intention to circumvent policy, disregard or opposition to authority, creation of jeopardy, injury to employee or citizen, increased risk of harm to self or others, inappropriate exercise of authority, withholding of information, gross negligence, ignorance of law or fact, or similar factors.

   b. In determining mitigating factors, such conduct may be the necessity for immediate appropriate action, a sudden or unforeseen occurrence or condition, existence of exigent circumstances, voluntary disclosure and correction, genuine mistake of law or fact, or similar factors.

3. Aggravating factors can raise the penalty one category level in the same offense range (*e.g., a category D 2nd offense would become a category C 2nd offense*).

4. Mitigating factors can lower the penalty one category level in the same offense range (*e.g., a category C 2nd offense would become a category D 2nd offense*).

4.10.160 Presenting Findings to the Accused Employee

A. General Provisions for the Presentation Meeting

1. The supervisor initiating corrective or disciplinary action against an employee shall be responsible for notifying the employee of the act or acts that brought about the action, and the employee's rights under Civil Service Rules, including any right to a departmental hearing. The Precinct/Division Commander (or Professional Support Staff Equivalent) shall be responsible for conducting a meeting with the employee to present the findings of the investigation and a proposed resolution (e.g., MNPD Form 311, 313A, 313, or 343). Such forms should be completed after the investigative findings have been presented to the Precinct/Division Commander (or Professional Support Staff Equivalent), and after any appropriate review by the Office of Professional Accountability, the Police Training Academy (for MNPD Form 343), or similar consulting authority.

2. This initial meeting, hereinafter referred to as the Presentation Meeting, shall be held as soon as practical but no more than five (5) calendar days from the completion of MNPD Forms 311, 313A, 313, or 343. The five (5) calendar day timeline begins with the approval of the form by the affixing of a signature and date by the Precinct/Division Commander (or Professional Support Staff Equivalent). This five (5) day schedule is to provide ample notice to the involved employee in order to identify and secure the attendance of counsel or employee representative and to be fully prepared to discuss the matter.

3. When scheduling the Presentation Meeting with the affected employee, copies of the documentation used to determine the corrective or disciplinary action, along with the Complaint Module entry and other appropriate MNPD Form (311, 313A, 313 and/or 343) will be provided to the employee in order that they may prepare for the Presentation Meeting.

4. During this Presentation Meeting, the recommended charges, if any, and the recommended corrective/disciplinary action will be presented to the employee in the form of an appropriate MNPD form. The meeting will be conducted by the accused employee's chain of command (including the Precinct/Division Commander or Professional Support Staff Equivalent and including the accused employee's supervisor).

5. If, during the presentation or settlement process, the Precinct/Division Commander (or Professional Support Staff Equivalent) determines that extraordinary circumstances exist and that additional time for review and consideration of new information or is otherwise indicated to be in the best interest of the department or employee, the Precinct/Division Commander (or Professional Support Staff Equivalent) may request an extension of up to ten (10) additional calendar days with the approval of the Bureau Commander.

6. The employee may select a representative to accompany him/her to the meeting. However, the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting

7. The employee will be formally presented copies of the documentation used to determine the corrective or disciplinary action, along with the Complaint Module entry and other appropriate MNPD Form (311, 313A, 313 and/or 343), and will be given an opportunity to read the documents and consult with his/her representative.

8. The accused employee's supervisor will review, with the employee, the different procedural alternatives available under existing policy that the employee has available to resolve the matter.

9. Upon request of the employee, the Precinct or Division Commander or Professional Support Staff shall ensure the employee receives a copy of or has access to any MNPD policies governing the departmental violation(s) and the departmental policies on Deportment and Personal Appearance and Discipline and Corrective Action.

10. The proper and orderly administration of the disciplinary process requires that the Presentation Meeting-this initial meeting be conducted in a timely manner.

B. Timelines for MNPD Corrective/Disciplinary Action

	Form Completion	**Presentation Meeting**	**Settlement Meeting *(After Reflection Period)***	**Extraordinary Circumstance Extension**	**Maximum Time From Complete Report to Resolution by Settlement or Hearing Selection**
MNPD Form 311: Remedial Counseling	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
MNPD Form 343: Remedial Training Request	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
MNPD Form 313A: Corrective Action/Counseling Form	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
MNPD Form 313: Internal Disciplinary Resolution Form	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	On or before the tenth (10^{th}) calendar day from the Presentation Meeting.	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Twenty-Five (25) calendar days.

C. Presentation Meeting: MNPD Form 311, Remedial Counseling Report or Form 343, Remedial Training Request

During the Presentation Meeting, the employee is presented with MNPD Form 311 or 343; circumstances will be reviewed and discussed, and the accused employee will sign and date/time the form. The form will be processed according to established procedure. With the approval of the Precinct/Division Commander (or Professional Support Staff Equivalent), this meeting may be conducted by the immediate supervisor of the affected employee.

D. Presentation Meeting: MNPD Form 313A, Corrective Action/Counseling Form

1. During the Presentation Meeting, when the employee is presented with MNPD Form 313A, circumstances will be reviewed and discussed, and the accused employee will sign and date/time the form. The form will be processed according to established procedure. Resolution of the corrective action will <u>not</u> be complete and final until the Chief of Police has approved the MNPD Form 313A.

2. The employee signature is required; however, the employee may note any disagreement and attach a separate statement if he/she chooses.

3. An employee, who refuses to comply with instructions regarding completion of the applicable portions of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in a separate corrective or disciplinary action for failure to comply with instructions from an authoritative source.

E. Presenting the MNPD Form 313, Internal Disciplinary Resolution Form

1. The preference is for as many cases as possible to be resolved at the Presentation Meeting or Settlement Meeting without a formal hearing. It is clearly beneficial to all parties involved to resolve these complaints as quickly as is possible, without sacrificing the goals of the corrective action or disciplinary process or a fair process for the employee.

2. The supervisor initiating corrective or disciplinary action against an employee shall be responsible for notifying the employee of the act or acts that brought about the action, and the employee's rights under Civil Service Rules, including any right to a departmental hearing.

3. Presentation Meeting: The first meeting after completion of the MNPD Form 313. Scheduled by the initiating authority without undue delay and with ample notice to the involved employee to identify and secure the attendance of counsel or employee representative.

   When MNPD Form 313 is presented to the employee during this Presentation Meeting, the employee has three (3) options.

   a. Immediate Resolution: The employee may elect to immediately accept responsibility for the sustained allegations and accept the recommended sanction based upon a proper application of the grid. The employee will check the box on MNPD Form 313 indicating "accept responsibility for actions", and check the box indicating "agree" with the recommended discipline, thereby waiving the right to a formal hearing before the Chief of Police and any appeal and the MNPD Form 313 will be processed through the chain of command.

      (1) Reflection Period: The employee may elect to have a period of reflection where the employee has up to ten (10) calendar days to consider the findings and recommended sanction. When an employee makes this selection, the Precinct/Division Commander (or Professional Support Staff Equivalent) will have

the employee sign an acknowledgement that documents their receipt of the MNPD Form 313 copy and their obligations during this ten (10) calendar day reflection period.

(2) Prior to the conclusion of the Presentation Meeting, a follow-up Settlement Meeting will be scheduled for the tenth (10^{th}) day (or as close thereto as practical without exceeding ten (10) calendar days) for final resolution.

(3) If an employee does not make a selection at or before the tenth (10^{th}) day appointment, the employee will be deemed to have selected a hearing before the Chief of Police and the matters pending shall be referred to a departmental hearing consistent with provisions herein.

(4) At any point during prior to or at the tenth (10^{th}) day appointment, the matter may be resolved by settlement agreement.

(5) During the time up to the scheduled Settlement Meeting, the employee shall consider the settlement proposal and be prepared to discuss the recommended sanction, and the employee should be prepared to make a decision. The employee should also secure the advice or attendance of any employee representative or counsel, however, the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting.

b. At any point during the Presentation Meeting process or Reflection Period, the employee may request a departmental hearing consistent with the provisions herein.

4. Settlement Meeting: During this Settlement Meeting (second meeting) following the Presentation Meeting (first meeting) and Reflection Period, the accused employee and/or their representative can again negotiate the recommended sanction. The Settlement Meeting is scheduled at the Presentation Meeting and occurs on or before the tenth (10^{th}) day from the Presentation Meeting.

   a. During this meeting (Settlement Meeting), the accused employee and/or their representative can negotiate the recommended sanction. Every effort should be made by the employee and the accused employee's supervisor to negotiate a settlement. The intention of the sanction is to not punish the employee for the behavior, but to correct the behavior so that it does not occur in the future. Cooperation from both parties is essential for the effectiveness of the Disciplinary/Corrective Action Grid process.

b. At the conclusion of the Settlement Meeting, the available results are:

(1) The employee accepts responsibility and the negotiated settlement. The employee and Division Commander (or Professional Support Staff Equivalent) signs the MNPD Form 313 indicating resolution.

(2) The employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) and/or does not agree with the sanction determined through the discipline grid. The applicable boxes on the MNPD Form 313 will be marked. The employee will also be required to indicate that he/she desires that the matter be resolved by a disciplinary hearing and an appropriate hearing type selected. The completed MNPD 313 form will be processed through the chain of command. The accused employee's supervisor should indicate on the MNPD Form 313 that an agreement could not be reached and the reason for the impasse.

5. The Settlement Meeting will be the final meeting. The accused employee will not be allowed a third opportunity to consider the sustained allegations. If the accused employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) after Presentation Meeting, the Reflection Period, and Settlement Meeting (or does not agree with the sanction determined through the discipline grid), the applicable boxes on the MNPD Form 313 will be marked to indicate referral to a Disciplinary hearing consistent with the provisions herein for a hearing before the Chief of Police. The completed MNPD 313 form will be processed through the chain of command. The accused employee's supervisor should indicate on the MNPD Form 313 that an agreement could not be reached and the reason for the impasse.

6. An employee, who refuses to comply with instructions regarding completion of the applicable portions of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in a separate corrective or disciplinary action for failure to comply with instructions from an authoritative source. A refusal to sign the MNPD Form 313, or make any of the selections required, will be processed as if the employee indicated "Not Guilty" and disagreed with the recommended action and requested a formal hearing. If such refusal should occur, the presenting supervisor shall document such actions by the employee in an attachment to the MNPD Form 313.

7. If the accused employee requests a hearing before the Precinct/Division Commander, he/she shall indicate that request on the MNPD Form 313 by checking the appropriate box. Such request will be subject to approval of the Chief of Police and will require the employee to sign a written agreement to waive their right to a hearing with the Chief of Police and any appeals under Civil Service Rules and Policies.

8. If the accused employee requests a hearing before the Chief of Police he/she shall indicate that request on the MNPD Form 313 by checking the appropriate box.

9. Unless an employee specifically requests a hearing before the Precinct/Division Commander or Director, or the disciplinary advisory panel, and such request is approved, a hearing before the Chief of Police shall be convened.

10. At any point during the presentation or settlement process, the employee may present exonerating or exculpatory evidence to the Division Commander (or Professional Support Staff Equivalent) for consideration.

11. No recommendation or settlement prescribed on the MNPD Form 313 shall be complete until approved and final by the Chief of Police.

4.10.170 Settlement Agreement Process

A. A settlement agreement may occur at any stage of an administrative investigation.

B. Settlement meetings and negotiations may be conducted on initiated investigations. If an agreement is reached, the responsible authority will complete the 313 and forward it to the employee's Precinct/Division Commander or Director.

C. Once an employee is notified of an allegation of misconduct, that if proven true would be a violation of policies, procedures, or rules of the Metropolitan Government subjecting that employee to disciplinary or corrective action, and the employee wishes to fully and completely acknowledge that behavior, the Settlement Agreement process can be utilized to settle the matter without an investigation.

1. A complaint is received by OPA or the employee's supervisor and a determination is made that:

    a. The complaint is against a member of the MNPD, and

b. The allegations, if true, would constitute a violation of policies, procedures, or rules of the Metropolitan Government.

2. Once the determination has been made that the violation meets the above criteria, under normal circumstances the employee will be notified within ten (10) calendar days of receipt of the complaint, but the notification timeframe may vary depending on the type of investigation. The employee may admit culpability on the referenced complaint, and no further investigation will be necessary. The employee may also obtain a representative to participate in further discussion on the matter.

3. The settlement agreement process combines an agreement between an employee, an employee's representative (if requested), and the employer. No single entity can drive this process - it requires the cooperation of all parties. An employee may waive representation and enter into a disciplinary agreement with the department. Employees will not be permitted to unreasonably delay resolution by use of multiple representatives or multiple successive representatives.

4. In order to ensure consistency and fairness in the settlement process, the Director of OPA, or designee, shall be notified of all settlement negotiations. Where the proposed sanction is not already agreed upon, or one or more of the parties involved feel OPA could offer assistance in reaching an agreement, OPA shall be required to participate in the settlement negotiations.

5. When confidentiality of a complaint is required to assure the integrity of an on-going investigation and prior to complaint resolution, the employee and/or his/her representative may be instructed to maintain the confidentiality of the complaint or the investigation. Failure to follow such instruction from an authoritative source shall be grounds for disciplinary action. Nothing herein shall preclude an employee from seeking appropriate representation or legal counsel.

6. Notification of the employee and/or representative may be delayed until an investigation is complete if the behavior described in the complaint constitutes serious or criminal misconduct, or the ability to investigate the allegations would be severely impaired by the disclosure of the investigation.

7. The OPA Director, designee, or the employee's supervisor will inform the employee and/or representative of the allegations against the employee. A notified representative will be given a reasonable opportunity to contact the accused employee.

8. After discussion with the accused employee, the representative or employee may inquire from the negotiating/charging authority (generally the employee's Precinct/Division Commander, Director, or OPA investigator) what the likely sanction will be if the misconduct is admitted.

9. The responsible/charging authority will consult with the appropriate chain of command and determine what level of sanction would be imposed against the employee if he/she were to admit misconduct using the Disciplinary / Corrective Action Grid.

10. The responsible/charging authority will then notify the employee and/or their representative to discuss and negotiate an appropriate disposition.

11. If the parties agree on the sanction and the charges, the case may be resolved without conducting a formal investigation into the allegations.

12. A Settlement Agreement and/or Complaint Resolution can occur at any point between the receipt of the complaint and before the conclusion of a Disciplinary Hearing Advisory panel.

13. The Settlement Agreement process cannot be used, or function, without the complete and unwavering truthful admission of the employee. Employees must be truthful concerning all circumstances surrounding the complaint. An employee's admission concerning the complaint will not preclude a complete investigation and/or additional discipline, where indicated by previously undisclosed circumstances or circumstances unknown at the time of settlement.

14. A full investigation may also be conducted if the OPA Director, or designee, or the employee's supervisor receives any new information regarding the original matter. Under such circumstances, there is no requirement that the employee be notified within ten (10) calendar days.

15. Upon admission of misconduct, through written waiver and agreement of all parties, there will be no departmental or civil service appeal of the agreed sanction.

D. Resolution Disagreement

If the accused employee has agreed to accept responsibility for their behavior but is "disagreeing" only with the extent of discipline requested, every effort should be taken at each stage of the "reviewing chain of command" to resolve the disagreement without a formal hearing. Resolution may occur up through the chain of command up to and including Deputy Chief. However, if an acceptable resolution cannot be

agreed upon, the case shall be set for a formal hearing. The Disciplinary/Corrective Action Grid will be used at the completion of a hearing to determine the appropriate outcome.

4.10.180 Corrective Action

A. Corrective action may be initiated by supervisors against employees not directly subordinate to them by providing a written report of the incident to the employee's immediate supervisor.

B. When corrective action is taken, the facts and circumstances that necessitated the action shall be prepared in writing by the corrected employee's supervisor using the Counseling/Corrective Action Report (MNPD Form 313A). An oral or written reprimand initiated by a supervisor is subject to approval of his/her chain of command. If the Deputy Chief (or professional support staff equivalent) does not approve the action taken, no record of the incident shall be made and those involved will be notified. If the action is approved, a copy of the written reprimand or notation of an oral reprimand will be placed in the employee's personnel file and maintained in accordance with Civil Service Rules.

C. An employee who has corrective action taken against him/her may state their version of the incident in writing and have it maintained with the original MNPD Form 313A.

D. No record of corrective action involving oral or written reprimands, or an employee's response, shall be removed, destroyed, altered, or otherwise tampered with except by the authority of the Civil Service Commission.

E. Any employee having corrective action taken against him/her should interpret the action as a formal censure of their conduct or performance and as a prelude to disciplinary action if appropriate adjustments in conduct are not made.

F. If the situation has not changed after the corrective action has been taken, any further neglect, inability or failure of an employee to appear, act, or perform as instructed or required may constitute grounds for disciplinary action.

G. All charges related to a single incident shall be included in one filing of charges-i.e., if a reprimand is recommended in addition to a suspension, it should be approved at the same time as the 313 OR if a hearing is requested on the 313, approval of the 313A by executive staff should occur AFTER the hearing - essentially, they should not be separated in time or place.

4.10.190 Disciplinary Action

A. General provisions regarding the types of disciplinary action authorized, the grounds for such action, and other procedures to be followed regarding a hearing, appeal, or other related matters are provided in Civil Service Rules. Although these rules stipulate that disciplinary action is to be recommended by an employee's supervisor, it does not prohibit any supervisor from recommending the type of action to be taken against another employee to the employee's supervisor. This is done by submitting a written recommendation to the employee's supervisor for him/her to investigate and prepare appropriate paperwork.

B. Although subordinate command and supervisory employees may recommend any authorized corrective / disciplinary action (using the Disciplinary / Corrective Action Grid), resolution of the corrective / disciplinary action will not be complete and final until the Chief of Police has approved the MNPD Form 313.

C. Since the Chief of Police cannot oversee all employees, subordinate command and supervisory employees shall be delegated limited authority to initiate summary action, along with a recommendation at any time there is sufficient reason to believe that an employee's continued presence on the job may be detrimental to the integrity of the department or to anyone's safety and welfare. Whenever such employee acts pursuant to limited authority, their actions are subject to review and approval by higher authority. The specifics of the circumstances that necessitated the action shall be set forth in writing by the initiating authority and forwarded through the chain of command without undue delay.

D. An employee having disciplinary action initiated against him/her may request a departmental hearing in order to state their version of the incident, which are both an administrative and a name clearing hearing. A departmental hearing is a "meeting for the purpose of explaining the departments' evidence against the employee and allowing the employee or his/her representative to present his/her side of the story regarding the disciplinary action under consideration."[3]

E. Employees whose disciplinary action has been approved by the Chief of Police and was not an agreed upon sanction before a disciplinary hearing, may appeal in writing to the Civil Service Commission. The appeal must be made within fifteen (15) calendar days. Any settlement reached before a disciplinary hearing shall include a waiver signed by both parties to not appeal the agreed sanction.

[3] Metro Nashville Civil Service Rules, Section 6.6

F. The employee must be notified in writing of the action taken within ten (10) calendar days, and this notice must also advise the employee that within ten (10) calendar days, he/she may request a meeting with the Chief of Police, to provide additional evidence not known or available at the time of the hearing. An employee requesting such meeting must do so in writing and must specify in the request what additional evidence may be brought forth.

G. A copy of any disciplinary action taken shall be placed in the employee's personnel file maintained by the police department. It shall be processed and maintained in accordance with Civil Service Rules.

H. No reports or records of disciplinary actions shall be removed, destroyed, altered, or otherwise tampered with, except by authority of the Rules of the Civil Service Commission.

4.10.200 Official Reprimand

In the interest of progressive discipline and corrective action procedures, the Chief of Police may issue an official reprimand. Such reprimand may be oral or written in nature and will remain as an active part of the employee's departmental personnel file for a period not to exceed one (1) year. While written and oral reprimands are not forms of disciplinary action, an employee may state his/her version of the incident in writing and have it attached to, and filed with, the reprimand.

4.10.210 Administrative Leave or Alternate Duty Assignment

A. General Provisions

1. When grounds exist for disciplinary action and/or there is sufficient reason to believe the accused employee's continued presence on the job may be detrimental to the department or the safety of anyone, the initiating authority shall relieve the employee of their duties and cause them to be placed on administrative leave with pay, pending further disposition by higher authority. The equipment of an employee relieved of duty shall be turned in to their supervisor.

2. The initiating authority must document the facts and circumstances supporting the decision to place the employee on administrative leave. Such documentation shall be included with any corrective/disciplinary action taken.

3. In situations wherein it is necessary to relieve a sworn employee of his/her duties, the initiating authority shall take appropriate actions

consistent with applicable departmental policy and procedure governing Relief From Duty/Decommission.

B. Special Provisions

When administrative leave for disciplinary purposes has been initiated by someone other than the accused employee's supervisor, the employee initiating the action shall determine the identity of the accused employee's supervisor and notify him/her as soon as possible. The accused employee's supervisor shall respond appropriately and assume their responsibilities. Failure by the notified supervisor to act promptly shall be grounds for disciplinary action.

4.10.220 Suspensions

A. When a supervisory employee of the department files a complaint against an employee, the supervisory employee may recommend to its chain of command that the accused employee be suspended, using the Disciplinary / Corrective Action Grid to determine the range and the specific sanction. Resolution of the disciplinary action will not be complete and final until the Chief of Police has approved the MNPD Form 313.

B. The Chief of Police is authorized, subject to review by the Civil Service Commission, to impose an accumulation of thirty (30) days suspension during a twelve-month period.

C. Upon mutual agreement by the Chief of Police and a disciplined employee, suspensions may be deducted from the employee's accrued vacation leave.

4.10.230 Demotions

A. Demotion is defined as a regular or temporary change of classification and/or compensation of an employee as a result of disciplinary action from a position in one class to a position in another class having less responsibility and a lower level of compensation or a reduction in salary to a lower step in the same classification.

B. When a supervisory employee files a complaint against an employee, the supervisory employee may recommend that the accused employee be demoted as a means of effectively resolving the complaint. The recommendation may be considered by the reviewing authority, which may support or amend the recommendation. Actual demotion of an employee shall be determined by the Chief of Police and is subject to review by the Civil Service Commission.

C. Any demotion must clearly state that the employee is being removed from one classification and being placed in another classification and must be supported by the preponderance of evidence in a disciplinary hearing, or in the event of a settlement agreement, agreed to by the employee.

4.10.240 Dismissals

A. When a supervisory employee files a complaint against an employee, the supervisory employee may recommend that the accused employee be dismissed as a means of effectively resolving the complaint. The recommendation may be considered by the reviewing authority, which may support or amend the recommendation. Actual dismissal of an employee shall be determined by the Chief of Police or his designee, pursuant to applicable procedures and is subject to review by the Civil Service Commission.

B. Any dismissal must clearly state that the employee is being separated from the department payroll and must be supported by the preponderance of evidence in a disciplinary hearing.

C. Employees that are not in a probationary status shall be provided the following information in their letter of dismissal:

1. Reason for dismissal;

2. Effective date of the dismissal; and

3. Status of fringe and retirement benefits after dismissal.

4.10.250 Chief of Police Hearing

The Chief of Police Hearing is considered an Appointing Authority Hearing under Civil Service Rules and conducted consistent with established policy and procedure. The hearing officer will be the Chief of Police or designee.

4.10.260 Disciplinary Hearing Officer

In Disciplinary Hearings the case hearing officer will be appointed by the Chief of Police. The hearing officer will be appointed when the completed and executed MNPD Form 313 is returned to the Office of the Chief of Police

4.10.270 Disciplinary Hearing Advisory Panel

A. Upon request of an employee who may be disciplined, the Chief of Police or designee shall impanel other employees of the department and, if

necessary, members of the Legal Department, to act with him/her in conducting a departmental hearing.

B. It shall be the responsibility of each panel member to review all evidence provided before the hearing and be properly prepared to participate in the departmental hearing.

C. The Disciplinary Advisory Panel shall consist of at least six (6) members in addition to the hearing officer, who will be the Chief of Police or designee. Any Department Advocate or representative of the Legal Department requested to attend shall not be included in this configuration. The membership of the Advisory Panel shall be representative of all elements, ranks, and classified positions of the department.

D. When the accused employee is a sworn member, the membership of the Advisory Panel shall consist of all sworn employees, with each holding a rank equal or superior to that of the accused employee.

E. When the accused employee is a civilian, the membership of the Advisory Panel shall consist of civilian employees, each having a classification and Standard Range pay scale equal or superior to that of the accused employee.

F. The case hearing officer shall announce as part of the proceedings, the name, title and purpose for each person present during the hearing. The hearing officer shall also announce the status of each person present and their role at the hearing.

G. The Advisory Panel shall thoroughly review each charge in accordance with these and other applicable provisions and shall present their recommendations to the Hearing Officer. The panel's recommendations shall be presented in two parts:

    1. Whether the charge was sustained, and
    2. If sustained, the panel's recommended sanction.

H. The hearing officer shall consider any recommendations made by the advisory panel and make a determination as to whether each charge has been sustained or not sustained and make a determination as to the appropriate sanction.

4.10.280 Disciplinary Hearing Procedures

A. The case hearing officer shall ensure that each employee appearing before a disciplinary hearing receives just and equitable treatment. The hearing officer shall also conduct each hearing as an official proceeding with

observance of all applicable provisions. It shall be the responsibility of the hearing officer to ensure that all applicable violations are placed into consideration at the hearing so as to ensure that employees are sanctioned on those charges that appropriately and adequately address the misconduct.

B. An employee receiving written notification of a disciplinary hearing shall be provided a minimum of ten (10) calendar days to prepare for the hearing, and/or review the investigation file and physical evidence (if requested) supporting the departmental charges against him/her.

   1. The employee may waive the ten (10) day minimum rule.

   2. The Chief of Police or designee may grant a continuance of the disciplinary hearing for up to an additional ten (10) calendar days.

C. Absent justifiable cause, a disciplinary hearing shall be conducted within 45 calendar days from the date the employee receives written notification of the hearing.

D. Generally, a disciplinary hearing shall proceed as follows:

   1. The hearing officer, or the Department Advocate, shall present the circumstances of the complaint and/or charges to all in attendance;

   2. The accused employee shall then enter a plea of guilty or not guilty for each charge;

   3. The level of proof for all disciplinary hearings shall be the preponderance of evidence;

   4. At this “name clearing hearing”, the accused employee may then introduce evidence for consideration as to the guilt or non-guilt, and provide testimony regarding the incident;

   5. The accused employee, complainant, and any witnesses may be questioned by the hearing officer. Questioning may be allowed by the accused employee and/or his/her attorney, or as determined by the hearing officer;

   6. The disciplinary hearing officer shall announce as part of the proceedings, the name, title and purpose for each person present during the hearing.

   7. A person with the most information regarding the departmental charges on the employee should also attend the hearing;

8. Upon completion of the presentation of all relevant information, the hearing officer may excuse the accused employee, the complainant, and any witnesses and deliberate;

9. When more than one employee is charged in the complaint, the circumstances of each employee's involvement will be considered separately;

10. The disciplinary hearing officer shall thoroughly review each charge in accordance with these and other applicable provisions. The recommendations shall be presented in two parts:

    a. Whether the charge was sustained, and

    b. If sustained, the appropriate action.

11. The accused employee, representative, and other personnel in attendance shall then be readmitted to the hearing. The hearing officer shall inform the accused of the findings on each charge.

12. The hearing officer shall ensure that each hearing is properly documented (audio and/or video) and maintained to best satisfy requirements of Civil Service Rules. A record of the hearing and any disciplinary action imposed shall be maintained in accordance with the Civil Service Rules and provisions set forth by the Personnel Department of the Metropolitan Government.

13. If new or additional misconduct is discovered or admitted during the hearing which may indicate that additional charges are likely or when the hearing officer determines that the conduct is inappropriately charged based upon the evidence presented, the hearing officer should stop the proceeding and inform the accused employee and their representative. The hearing may be continued until such new or additional information is fully investigated or charged offenses evaluated in light of the new information. The accused employee may also request a reasonable continuance to prepare for the new or additional charges. When such circumstances occur, the hearing should not proceed unless an appropriate waiver by the accused employee and their representative is obtained.

14. Employees charged with departmental violations are prohibited from possessing any weapon during a hearing conducted pursuant to this policy. Charged employees who are attending such hearings shall secure all weapons and/or gun belts in a secure manner. The attending immediate supervisor of the charged employee will be responsible for

verifying that the employee does not possess any weapon(s), and/or has secured the weapon(s) before entering the hearing.

15. An employee directed to attend a formal interview or other investigative event may, with proper notice, be prohibited from possessing any weapon and shall secure any weapon(s) before entering the facility where such interview or investigative event may be conducted.

4.10.290 Authority of the Chief of Police

Because no policy can anticipate all possible circumstances, instances may arise where the Chief of Police may find it necessary and appropriate to impose a sanction not recommended by the Disciplinary/Corrective Action Grid.

A. Last Chance Agreements

1. Under extraordinary circumstances, if the disciplinary infraction is a significant offense, eligible for punishment under categories A or B of the Disciplinary/ Corrective Action Grid, the Deputy Chief/Case Hearing Officer may consider a Last Chance Agreement in lieu of termination. The Deputy Chief/Case Hearing Officer shall only exercise such option when it reasonably appears that the employee is salvageable and said agreement is in the best interest of the department. Any Last Chance Agreement must be approved by the Chief of Police.

2. The terms of a Last Chance Agreement shall include a suspension of up to thirty (30) working days, and a probationary period to be determined by the Chief of Police. The Last Chance agreement may also include a temporary or permanent demotion. The employee shall further agree that if he/she commits any other sustained disciplinary infraction during the time of the probationary period, the terms of the agreement will automatically be implemented; up to and including termination. The employee shall further waive all appeal rights concerning the determination and the offense identified in the Last Chance Agreement.

B. Authority to Impose Sanctions Outside Recommendations of the Disciplinary/Corrective Action Grid

Departure from the recommendations of the grid may include imposing disciplinary action necessary and/or appropriate without regard to the retention period or the category or categories of the prior offense(s) involved. Such departure shall be limited to any situation wherein any employee is charged with a significant offense. The employees work history shall also be taken into consideration. Written notice for the

recommendation of the departure from the Disciplinary/Corrective Action Grid shall be made to the employee and will include clear and articulable facts and circumstances for the departure. The authority to impose a sanction not prescribed within the Disciplinary/Corrective Action Grid shall be within the sole discretion of the Chief of Police. The decision to impose a sanction not recommended by the Disciplinary/Corrective Action Grid shall not be subject to appeal or objection.

4.10.300 Appeals

General provisions regarding an appeal of a disciplinary action imposed against any employee of the Metropolitan Government are provided in the Rules of the Civil Service Commission.

4.10.310 Disciplinary/Corrective Action Grid Chart

Offense Category	Retention Period of Offense	1st Offense	2nd Offense	3rd Offense
AA		Dismissal		
Category A	60 Months	20 Day Suspension to Dismissal and /or Demotion	30 Working Day Suspension to Dismissal and/or Demotion	Demotion or Dismissal
Category B	60 Months	8-13 Day Suspension	14-19 Day Suspension and/or Demotion	20 Day Suspension and/or Demotion or Dismissal
Category C	48 Months	2-6 Day Suspension	5-10 Day Suspension	9-15 Day Suspension
Category D	36 Months	1-4 Day Suspension	3-7 Day Suspension	5-10 Day Suspension
Category E	24 Months	Written Reprimand to 2 Day Suspension	1 to 3 Day Suspension	2-5 Day Suspension
Category F	12 Months	Formal Counseling or Oral Reprimand	Written Reprimand to 2 Day Suspension	1-3 Day Suspension

4.20 Deportment and Personal Appearance

In order to ensure the professionalism of the police department, it shall be the policy of the Metropolitan Police Department to establish and maintain the highest standards of conduct and appearance. All employees of the department will conduct themselves in a way that reflects credit upon themselves and the department, both on and off duty.

4.20.010 Definitions:

A. For the purposes of this directive, the following definitions apply unless the context requires otherwise:

1. **Authoritative Source:** Any employee who is responsible for the control, conduct, or performance of any other employee.

2. **AWOL (Absent Without Leave):** Failing to report to, be absent from work without the prior approval of the appropriate supervisory personnel and/or the requesting employee has no accrued leave (vacation, personal, holiday, or sick time) remaining. Examples of AWOL include, but are not limited to:

   a. An employee has no remaining accrued leave (i.e. vacation, personal, holiday, or sick time) and still takes time off, regardless if such time is approved by appropriate supervisory personnel.

   b. An employee fails to report for duty and/or fails to report to their supervisor in the prescribed time limit prior to the beginning of their assigned shift.

   NOTE: For additional guidelines and instructions concerning employee leave reference current policy on Time Accounting and Compensation.

3. **Deportment:** the way a person conducts oneself or the behavior of a person.

4. **Family or Household Member:** A spouse, former spouse, person related by blood, marriage or adoption, or person who currently resides or in the past has resided with that person as if a family, or a person who has a child or children in common with that person regardless of whether they have been married or resided together at any time. This also includes persons defined herein but legally estranged by divorce or separation.

5. **Intentionally:** refers to a person who acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.

6. **Knowingly:** refers to a person who acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

7. **Negligently:** the failure to exercise that degree of care that, in the circumstances, law or policy requires for the protection of persons, property or during the exercise of official duties.

B. Any word, term or phrase not defined herein shall be given its ordinary meaning and interpretation.

4.20.020 Control Provisions:

In order to maintain the high standards of the department, it shall be the responsibility of all supervisory personnel to:

A. Recognize the importance of clearly established policies and procedures governing employee conduct, personal behavior, official obligations, courtesy, and appearance;

B. Recognize the importance and benefits of proper discipline and professional bearing;

C. Recognize and give proper credit for good deportment and quality work;

D. Recognize employee performance that may be considered over and above what is normally expected by completing a Departmental Award Recommendation Report (MNPD Form 247) and submitting it to the Chairman of the Awards Committee. For performance that does not meet the guidelines for a department award, letters of commendation may be completed and placed in an employees' personnel file; and

E. Recognize the importance of uniform corrective actions and support such actions initiated by other supervisors when the action is appropriate. A supervisor will also intervene on any corrective action initiated by another that is found to be inappropriate.

4.20.030 Complaints/Violations:

A. General Provisions

A violation of the provisions of this policy shall be processed in accordance with established policy and procedure governing discipline and corrective action.

B. Complaint Process

Police officers shall promptly advise any inquiring citizen of the Department's complaint procedure and shall follow the established departmental policy for processing complaints.

C. Offense Category

A violation of any provisions of this policy shall be processed in accordance with the category assigned herein and the appropriate category referenced in established policy and procedure governing discipline and corrective action.

4.20.040 Personal Behavior:

A. **Adherence to Policy & Rules of the Metropolitan Government**

Employees shall adhere to all policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. *(Category: varies by corresponding violation, but generally classified as Category D).*

B. **Adherence to Law**

1. Employees are prohibited from engaging in conduct, on or off-duty, which constitutes an offense under the laws or ordinances of the United States or any subdivision thereof.

2. A departmental investigation and/or the application of corrective action or discipline is not barred by the absence of formal charges and/or conviction. Evidence of the conduct, proven by a preponderance of the evidence, is the requirement to sustain a departmental sanction under this section.

   (Category varies by severity of the corresponding violation. Generally, Felonies are no less than Category A; Class A Misdemeanor are no less than Category B; Class B & C Misdemeanor are no less than Category C; and Traffic Offenses are no less than Category E.)

3. An employee shall, without undue delay, report to the Chief of Police, via the chain of command, any arrest, service of process, summons, detention, or related action taken against the employee in regard to a criminal matter. Such report shall include information relating to the alleged offense, date, time, location, and a copy of any relevant documents.

4. An employee shall without undue delay report to the Chief of Police, via the chain of command, any service of process, summons, or related action taken in regard to a civil matter which may effect or impair the employee's ability to carry out their assigned duties (e.g., restraint or protective orders, etc.). Such report shall include information relating to the alleged incident, date, time, location, and a copy of any relevant documents.

5. An employee shall, without undue delay, report to the Chief of Police, via the chain of command, any citation, parking or otherwise, received while operating any Metropolitan Government vehicle or equipment.

6. An employee required to attend any judicial proceeding relating to matters as described in B, 2 and 3 above shall not be attired in or otherwise display any departmental uniform, insignia, or credentials.

C. **Conduct Affecting Required Licensure or Certification**

1. Employees shall maintain current and/or valid status on any required licensure or certification that may be a requirement or element of an essential job function or for the completion of assigned duties (e.g., POST certification, driver license, pilot license, etc.).

2. An employee who is convicted, pleads guilty, or enters a plea of nolo contendre to any felony offense or any violation of any federal, state, or local law or ordinance relating to the use of force, violence, theft, dishonesty, gambling, or alcohol offense involving a motor vehicle, controlled substances, or domestic assault or stalking is in violation of this policy and shall be sanctioned as a category AA offense.

3. Violations of law or ordinance shall be addressed by the MNPD notwithstanding any disposition of criminal or civil court and/or whether criminal or civil charges were initiated. Such charges will be considered an aggravating factor for disciplinary purposes.

4. Employees shall immediately notify their chain of command upon the failure, loss, or change of status of any required certification or licensure.

(Unless otherwise stated, category varies by action and

circumstances surrounding conduct that affected licensure or certification)

D. **Conduct Unbecoming an Employee of the Department**

1. The conduct of department employees, on- or off-duty, may reflect directly or indirectly upon the Department, therefore, a police department employee's ability to perform his or her duties is dependent upon the respect and confidence communities have for the representatives of the law enforcement agency in general.

2. A police officer is the most conspicuous representative of government, and to the majority of the people, the officer is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when the officer's actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life.

3. Employees shall at all times conduct themselves in a manner which does not bring discredit to themselves, the Department, or the City. Conduct that is inconsistent with the provisions within this policy shall be considered a violation. *(Offense Category varies by severity of violation)*

E. **Impaired Operation of Motor Vehicles**

An employee, on or off-duty, who drives or is in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that is generally frequented by the public at large, or upon the property of the Metropolitan Government or the State of Tennessee or any other state, while under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, or any other substance that impairs their ability to safely operate the vehicle is in violation of this policy. *(Category AA)*

F. **Domestic Violence**

1. An employ who, intentionally, knowingly or recklessly causes bodily injury, causes fear of imminent bodily injury; or causes physical contact which a reasonable person would regard the contact as extremely offensive or provocative against a domestic abuse victim (as defined in this manual), is in violation of this policy. *(Category AA)*

2. An employee who, while the subject of a protective order, engages in conduct which, by a preponderance of the evidence, violates the terms of that order is in violation of this policy. *(Category AA)*

G. **Courtesy**

Employees shall be courteous, civil, and respectful to all persons and shall make every effort to meet the needs of citizens requesting assistance. *(Category F)*

H. **Honesty & Truthfulness**

Employees shall be honest and truthful. Truthfulness shall apply when an employee knowingly or intentionally makes a materially false statement. A statement is material when, irrespective of its admissibility under the rules of evidence, it could have affected the course or outcome of an investigation, an official proceeding, or any inquiry regarding employment or job-related duties or responsibilities. *(Category AA)*

I. **Responsibility**

Employees shall at all times conduct themselves in a responsible manner. *(Category D)*

J. **Profanity**

Employees, in the performance of their duties and in the presence of members of the public, shall avoid the use of indecent or profane language or gestures and will maintain objective attitudes regardless of any provocation. *(Category F)*

K. **Obstruction of Rights**

Employees shall not intentionally deprive any person of any right to which they are entitled by law or the rules and regulations of the Metropolitan Government. *(Category B)*

L. **Discrimination**

All employees shall perform their duties in a manner that is fair, impartial, and without prejudice toward any person or group. *(Category B)*

M. **Intimidation or Coercion**

Employees shall not attempt to cause or cause another by means of coercion, verbal threats, physical means, or color of office to:

1. Testify falsely;

2. Withhold any truthful testimony, truthful information, document or thing;

3. Fail to cooperate in any internal or criminal investigation;

4. Elude legal process or official request summoning the witness to testify or supply evidence;

5. Be absent from an official proceeding to which the witness has been legally summoned; or

6. Otherwise inhibit or discourage any person from engaging in lawful activities

(Category varies by severity of the corresponding violation and generally should be no less than Category C)

N. **Abusive Treatment**

Employees shall not treat any person or animal cruelly by the use of excessive force or failing to act in a humane manner when circumstances justify such action. *(Category B)*

O. **Self-Control**

Employees shall not argue unnecessarily with any person or otherwise show a lack of self-control. *(Generally, a Category D but may vary by severity of violation)*

P. **Defamation**

1. Employees will not publicly criticize or ridicule the city, the department or its personnel when such statements are reasonably likely to interfere with the maintenance of discipline or impair the effective operation of MNPD; or when such statements are deliberately or recklessly false.

2. An employee shall not use derogatory, disrespectful, or defamatory language in the workplace, when acting as an agent of the department, attired in the uniform of the department or displaying any credential or insignia of the department.

Q. **Subversive Activities**

1. Employees shall not commit, attempt to commit, or assist others in the commission of any act intended to overthrow the United States Government, any state government, or subdivision thereof. *(Category AA)*

2. Employees shall not be involved with any group whose purpose is prohibited by this section except when authorized in the performance of official duties. *(Category AA)*

R. **Disruptive Job Actions**

Employees shall not participate in strikes, work slow-downs, boycotts, sick-ins, picketing or other similar job actions for the purpose of disrupting the workplace or preventing others from coming to work. *(Category A)*

S. **Solicitation**

Employees shall not solicit anything of value for any service rendered in their official capacity or as a condition for not performing their duties. *(Category A)*

T. **Bribery**

An employee shall not offer or accept anything of value to/from another person intended to influence or persuade a personal or professional gain for the employee or otherwise influence his/her performance of duty. *(Category AA)*

U. **Recommending Services**

Employees shall not recommend any particular service provider or advise a particular service provider that such service is needed except in emergency situations when such action is necessary to protect life or property. *(Category F)*

V. **Acting in Civil Matters**

Employees shall not take any action in any matter not subject to criminal prosecution except to prevent the violation of a law. *(Category A-F)*

W. **Acting Impartially**

1. Employees shall not use their authority as an employee of the Nashville Metropolitan Police Department to take any action in a matter in which they are an interested or involved party. This shall include, but not be

limited to, intervening in or making arrests, issuing arrest or traffic citations, etc., in controversies arising between their family members or household members, arrests stemming from their own quarrels, or between themselves and their family members or household members, friends, and/or neighbors. Employees shall be allowed to act to prevent injury to another, imminent or ongoing property damage, or when a felony has been committed. *(Category A-C)*

2. In the event such circumstances arise the involved employee shall notify the appropriate supervisory authority. This provision shall not preclude the lawful detention of any offender until the arrival and/or intervention of the appropriate supervisory authority. The supervisory authority shall ensure an appropriate investigation and/or reports are completed, and under no circumstances shall any supervisor assign those duties or tasks to the involved employee. *(Category A-C)*

X. **Commercial Endorsements**

Employees shall not endorse or allow their endorsement to be publicly attributed to any commercial venture where they or the venture benefit due to the employee's position with the department unless authorized by the Chief of Police. *(Category F)*

Y. **Association with Criminals**

An employee shall not knowingly associate with persons convicted of felonious criminal offenses or those who have shown a pattern of criminal behavior except in the performance of duty. *(Category C)*

Z. **Undesirable Establishments**

Employees shall not patronize or frequent establishments whose reputation and/or activities would lead a reasonable person to suspect such association would discredit the employee and/or the Metropolitan Nashville Police Department. This provision would not prohibit an employee from entering such establishment in the performance of his/her duty. *(Category E)*

AA. **Seeking Release of Prisoners**

Employees shall not post bond or seek the release of an arrested person except when approved by their supervisor. *(Category E)*

BB. **Intervening in Investigations, Citations, or Arrests**

1. Employees shall not intervene in, or request intervention in, an official investigation in which he/she is not an assigned or authorized

investigator or, with appropriate supervisory approval, is acting within the scope of their official duties. *(Category varies by severity of violation)*

2. Employees shall not intervene in, or request intervention in, the processing or adjudication of any citation or arrest in which he/she is not the prosecutor of the citation or arrest or, with appropriate supervisory approval, is acting within the scope of their official duties. *(Category D)*

CC. **Compromise between Parties**

Employees shall not suggest a compromise in lieu of arrest, citation or other appropriate official action between parties where one person has suffered in some manner because of an alleged criminal offense and when such a compromise is not an appropriate, authorized course of action taken within the scope of the employee's official duty or in the best interest of the department. *(Category F)*

Commentary: Police personnel suggest compromises in civil and public order maintenance situations every day. Those types of compromises are valuable tools in a law enforcement officer's effort to maintain order and keep the peace in our communities and between individuals. However, those situations wherein a citizen has alleged a criminal offense or has suffered some type of injury or damage due to the actions of another, and some type of legal intervention is required by the officer on the scene, a suggested compromise between parties may be inappropriate and contrary to the mission of the MNPD. In all cases where an employee is unsure of the proper course of action, supervisory guidance should be sought. Below are two examples;

Examples:

1. Two subjects are arguing over the actual location of property lines separating their property. The officer called to the scene of the argument may suggest that each party avoid contact with the other, and arrange to have the property surveyed to determine the actual property line. **This would be an appropriate suggestion to maintain the peace and reduce hostilities between the parties.**

2. An officer arrives on the scene of a traffic accident where one vehicle has collided with another vehicle causing obvious property damage. The officer suggests that the driver at fault in the accident pay the other driver $300.00 to avoid a citation or the completion of a traffic crash report. **This type of suggested compromise would be inappropriate.**

DD. **Use of Tobacco Products *(Category F)***

1. The use of tobacco products, including electronic nicotine delivery systems (e.g., e-cigarettes, vaping devices, etc.), are prohibited:

    a. In all Metropolitan Nashville Police Department buildings or facilities to include all adjoining premises;

    b. Within 50 feet of any entrance or exit, entrance or air intake of any Metropolitan Nashville Police building or facility;

    c. On any grounds or facilities used or operated by the Metropolitan Nashville Police Department

    d. In any vehicle owned, leased, or utilized in connection with employment with the MNPD;

    e. While conducting any business or taking any action on behalf of the Metropolitan Government;

    f. While in a uniform, or otherwise identifiable as an employee, of the Metropolitan Nashville Police Department and in the public view;

    g. On the premises of any Metropolitan Government owned or operated facility while on duty; and

    h. On the premises of any facility or building where the Metropolitan Nashville Police Department maintains an office or workspace.

2. Under no circumstances shall an employee's use of tobacco or nicotine products disrupt or interfere with the employee's assigned duties. Each request for relief from duty to use tobacco products or nicotine delivery systems must be approved by the employee's supervisor.

EE. **Political or Other Activities**

1. An employee shall not engage in any political activity when acting as an agent of the department, attired in the uniform of the department or displaying any credential or insignia of the department.

2. When on duty or when acting as an agent of the department, attired in the uniform of the department or displaying any credential or insignia of the department, employees:

    a. shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration;

b. shall not make endorsements of political candidates, political party, organization, association, or society;

c. shall not prepare or participate in soliciting, collecting or receiving directly, or indirectly, any money for any political fund from any source; and

d. shall not use or threaten to use or attempt to use his or her official power or authority in any manner directly or indirectly in aid of or against any political party, organization, association or society, or control, effect, influence, reward or punish, the political appearance, affiliation, action, expression or opinion of any citizen.

3. None of these rules shall prevent employees from engaging in the free expression of political speech in their capacities as private citizens, or the rights of fraternal or employee organizations to endorse political candidates or express views on political issues or other matters of public concern.

4. Additionally, nothing in these rules shall prohibit the Chief of Police from granting permission to wear the uniform or departmental insignia at any function wherein he/she deems it to be appropriate and/or in the best interest of the department.

FF. **Public Sales and Auctions**

Employees of the department shall not buy or bid or direct the purchase of or bidding on any item being sold at a public sale (auction) held by, or on behalf of, any entity of the Metropolitan Government of Nashville and Davidson County. *(Category B)*

4.20.050 Official Obligations:

A. **Enforcement of Laws and Compliance with Rules**

Sworn employees of the department shall be familiar with and enforce all laws, ordinances, and statutes in force within the jurisdiction of the department. They shall also endeavor to prevent their violation and act in accordance with the regulatory provisions that govern the proper performance of duty.

B. **Instructions from Authoritative Source**

1. Employees of the department shall promptly and fully obey all lawful instructions issued by any authoritative source.

2. Employees shall not respond to any unlawful order and shall report it to the appropriate command level of the department.

3. In the event that any lawful order is reasonably believed to be in conflict with department regulations, the matter shall be made known to the issuing authority. The issuing authority will be held strictly accountable if it is determined at a later time to be in conflict with department policy. *(Category D)*

C. **Courage**

Sworn employees of the department shall act with courage and confidence and not fail to perform a duty because of the personal danger involved. Employees shall exercise due care for the safety of themselves and others and for the security of property. *(Category D)*

D. **Respect for Superior and Fellow Government Employees**

Employees of the department shall show proper respect for other employees and shall address supervisors by their rank or position while acting in an official capacity or in the presence of others. *(Category F)*

E. **Availability and Fitness for Duty**

Employees shall be available for and in a position to properly respond to duty except when unavailability is authorized. On duty employees may not leave the jurisdiction of the Metropolitan Government without supervisory permission. *(Category F)*

F. **Deficient or Inefficient Performance of Duties**

Employees shall be efficient, productive and competent in the performance of their duties. Deficient or inefficient performance is generally corrected through the daily interaction of an employee and his/her supervisor. Such actions may include guidance, training, and/or formal or informal counseling. However, those occasions that represent a documented pattern of deficient or inefficient performance, or a significant occurrence, that has not been previously addressed or documented, may be grounds for corrective/disciplinary action.

Examples include, but are not limited to, the following:

1. Demonstrated inefficiency, negligence, or incompetence in the performance of duties;

2. Unsatisfactory quality of work;

3. Insufficient quantity of work;

4. Failure to supervise and/or carry out the duties and/or the responsibilities of a supervisor;

5. Untimely performance of work;

6. Faulty decision making or poor judgment;

7. Inaccuracy of work;

8. Failure to complete work within time frames established in work plan or work standards;

9. Careless, negligent or improper use of department property or equipment;

10. Negligence in the care of persons;

11. Physical or mental incapacity to perform duties;

12. Absence without approved leave;

13. Repeated improper use of leave privileges;

14. Habitual pattern of failure to report for duty at the assigned time and place;

15. Neglect of duty or failure to perform official duty; or

16. Failure to follow a defined employee performance improvement plan.

17. Job abandonment (repeated continuous pattern of AWOL combined with a documented pattern of refusal to respond to supervisor contacts).

(Category varies by severity of violation)

G. **Place of Duty**

Employees shall report to their prescribed place of duty in accordance with the requirements of their assigned component. *(Category C)*

H. **Absent Without Leave (AWOL)**

No employee shall fail to report or be absent from work without the prior approval of the appropriate supervisory personnel. Employees of the

department shall notify their supervisor as soon as possible when it is realized that they will not be available for their assigned shift. This provision shall not preclude an employee from utilizing appropriate sick leave; however, proper notification to appropriate supervisory personnel must be made thirty (30) minutes prior to the start of the employee's shift when utilizing sick leave. *(Category F-D)*

I. **Attendance**

Employees of the department shall start their shift promptly at the designated time and prescribed location. Employees shall not end their shift before the designated time without prior supervisor approval. Employees shall notify their supervisor as soon as possible before their shift starts of any failure to punctually begin their tour of duty. *(Category D)*

J. **Devoting Entire Time to Duty**

During their period of duty, employees shall devote their entire time and effort to their duties. Employees shall not conduct personal business, sleep on duty, or cease to perform their duties before the end of the work period, except with prior approval from their immediate supervisor. *(Category varies by severity of the violation.)*

1. Use of personal electronic devices (e.g., use of cellular phones, music devices, etc.) shall not interfere with the employee's assigned duties and shall not be a distraction or disruption in the workplace. Supervisors shall have broad discretion as to where and when such devices may be used in the workplace. *(Category F)*

2. Employees shall limit the length and frequency of personal phone calls, made or received, so as not to interfere with the employee's assigned duties, the performance of other employees or cause any distraction or disruption in the workplace. *(Category F)*

K. **Use of Alcohol, Drugs or other Intoxicants**

1. Employees shall not, on or off duty, act or identify themselves as an employee of the department/ law enforcement or be attired in the uniform of the department or display any credential or insignia of the department/ law enforcement, with any apparent evidence of intoxicant use on or about their person, or while consuming any intoxicant, or under the influence of an intoxicant to any measurable degree.

2. Employees, sworn or professional support staff, shall not possess, consume, acquire or purchase alcoholic beverages while on duty or while wearing the uniform or insignia of the department, except as may be

required by policy.

3. Employees shall not use narcotics, hallucinogens, or other controlled substances, except when lawfully prescribed. When medications are prescribed, the employee shall inquire of the prescribing physician whether the medication may impair the employee in the performance of official duties. The employee shall immediately notify their supervisor if a prescribed medication is likely to impair their performance as a department employee.

4. No employee shall use any other type of drug, substance, or medication, which may impair the employee in the performance of official duties. The employee shall immediately notify their supervisor if drug, substance, or medication is likely to impair their performance as a department employee.

5. No employee shall consume intoxicants, of any type, while off-duty to the extent that evidence of such consumption is measurable to any degree when reporting for duty, when acting as an employee of the department, or attired in the uniform of the department or when displaying any credential or insignia of the department.

6. Employees shall not carry and/or have in their immediate possession any firearm while consuming or under the influence, to any measurable degree, any alcoholic beverage or intoxicant. *(Illegal or Illegally Obtained Drugs: Category AA & All Other intoxicants: B)*

7. Off duty employees shall not, at any time, present himself or herself to public view while under the influence of any intoxicant to any discernable degree. Off duty intoxication in public view will generally be classified as a Category E violation, subject to any mitigating or aggravating circumstances. However, the category of offense for off duty intoxication in public view resulting in public concern or alarm, resulting in a criminal or civil charge and/or requiring supervisory intervention, will vary by severity of offense.

L. Equipment to be Carried

While on duty, employees shall have all equipment necessary to perform assigned tasks. *(Category F)*

M. Persons Riding in Police Vehicles

Employees shall not allow any unauthorized person to ride in a police vehicle. Authorized persons shall include:

1. An employee of the Metropolitan Government;

2. A person under arrest;

3. A person on police-related business, such as prosecutors, witnesses, stranded motorists, employees of the city, professional support staff involved in any activity that furthers the objectives of this department, or persons with supervisory approval;

4. A person who has completed a ride waiver and been approved by no less than the section or precinct commander;

5. Other persons authorized by the Chief of Police or authorized designee. (Category F)

N. **Self-Identification**

Any employee of the department who identifies himself/herself or takes any action as an employee of the MNPD or as law enforcement personnel shall be subject to all policies and procedures governing on- duty MNPD personnel. *(Category E)*

1. Sworn employees not in uniform shall display both their badge and official photo identification card before acting in an official capacity except when circumstances prevent such identification.

2. Sworn employees, whether in uniform or not in uniform, shall willingly display their official credentials to any person who may ask and allow that person reasonable time to inspect them.

3. Employees, when conducting business for the MNPD or in any official capacity, shall identify themselves as employees of the MNPD when communicating to other individuals via telephone or in any other electronic form of communication wherein the employee is not visible and identifiable visually to the person to whom they are speaking.

4. An employee of the MNPD shall at no time be required to identify themselves as an employee of the MNPD or as a law enforcement officer if such identification shall, or is likely to, jeopardize an official on-going investigation.

O. **Reporting Personal Status**

Employees shall immediately report any change in address, telephone number and marital or dependency status. A residence shall constitute the primary residence in which the employee resides. This shall include the numerical street address and shall in no case be referred to as a post office

box only. This shall be done by completing MNPD Form 192, Change of Status/Information Report, within 10 calendar days of the change. *(Category F)*

P. **Mandatory Telephone**

All employees shall maintain a functional telephone at which they can be contacted by the department. *(Category F)*

Q. **Security of Department Operations**

Employees shall conduct operations of the department in a confidential manner. Employees shall not reveal any confidential information, official instruction, or plan or procedure of a sensitive or confidential nature (i.e. emergency contingency plans) to any unauthorized person. Employees shall not be restricted from providing information to the news media except as provided in existing policy and procedure governing media relations. *(Category C)*

R. **Security of Property and Evidence**

Employees shall not reveal or release to any unauthorized person property that may be used as evidence in the prosecution of a criminal charge until it has been formally introduced into evidence or until final disposition of the case except when otherwise directed by an authoritative source. *(Category varies by severity of the violation)*

S. **Failure to Cooperate/Withholding Information**

In accordance with established rights under law, employees shall not withhold any information pertinent to the investigation of any matter, whether internally or externally, investigated by any official entity. Additionally, any employee who withholds information or fails to cooperate with any internal investigation may be disciplined in addition to any other disciplinary action based upon conduct disclosed by the primary investigation *(Category A)*

T. **Failure to Report Misconduct**

Any department employee who observes or becomes aware of any act of misconduct by another employee of the government shall immediately report the incident to their immediate supervisor or the most appropriate Metropolitan Nashville Police Department (MNPD) supervisor *(Violation of this provision may be charged up to and including the category of the underlying offense not reported.)*

U. **Duty to Intervene**

1. It is both a legal and moral obligation of MNPD employees, under the Law Enforcement Code of Ethics, Oath of Office and MNPD policy to intervene and report any act that violates law or policy. Every member of the MNPD has the individual responsibility to intervene and stop any other member from committing an unlawful or improper act, including but not limited to, acts of brutality, abuses of process, abuses of authority, and any other criminal acts or major violations of department rules and procedures. Successful intervention enhances police legitimacy by preventing misconduct and reducing opportunities for mistakes.

2 . For the purposes of this directive, “intervene” shall be defined as: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

3 . All members must recognize and act upon the Duty to Intervene in order to prevent or stop any member from conducting any act that violates law or policy (including, but not limited to excessive or unlawful force, unlawful behavior, abuses of authority or major violations of department policy or procedure).

4. Such interventions shall be reported to an appropriate supervisor without delay. Successful intervention does **not** negate a duty to report.

5. Consistent with established policy and training, if medical attention is required by any individual, ensure that medical attention has been provided and/or summoned.

6. Employees should examine the circumstances surrounding the incident to determine the appropriate form of Intervention. Intervention may be verbal or physical, depending on the circumstances.

    a. Preventative: Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct or engage in inappropriate behavior.

    b. Active: Take an active approach to intervene; in order to stop any behavior or misconduct that violates policy or law, when such conduct is being committed by another member.

7. Supervisor Role

    Consistent with applicable policy, when an intervention occurs, the supervisor shall initiate an appropriate inquiry or investigation.

8. Failure to intervene or report may subject a member to disciplinary action. *(Category varies by severity of violation)*

V. **Preservation of Official Documents & Files**

Employees shall not allow the destruction, defacing, theft, altering, forging, or tampering with of reports, citations, and correspondence, written notices, computerized files, or any other official documents. *(Category varies by severity of the violation)*

W. **False or Inaccurate Reports**

Employees shall not make, allow, or cause to be made an oral or written report of an official nature which they know or reasonably should have known is false or inaccurate; when, irrespective of its admissibility under the rules of evidence, it could have affected the course or outcome of an investigation. *(Category AA)*

X. **Care of Property**

1. Government Property

   Employees shall be responsible for the proper care and maintenance of all equipment used by or issued to them and shall exercise all due precautions to prevent theft, loss, or damage. Employees shall be required to maintain their equipment in serviceable condition and report promptly any theft, loss, or damage. In the event that the theft, loss, or damage is due to a willful or negligent act or omission by the employee, appropriate restitution may be required. Damage resulting from vehicle crashes will be assessed separately. *(Category varies by severity of offense)*

2. Other Property

   Employees shall exercise all due precautions to prevent theft, loss, or damage to property recovered by or entrusted to them in the course of official business. In the event that the theft, loss, or damage is due to a willful or negligent act or omission by the employee, appropriate restitution shall be made. *(Category varies by severity of offense)*

3. Vehicle Crashes

   Employees shall exercise due care while operating a government vehicle so as to prevent damage to property. For the purposes of this section, the term “vehicle” includes all self-propelled equipment used for the transportation of property and personnel, including but not limited to motor vehicles, UTVs, boats, motorcycles, and scooters. It does not include equipment operated remotely (e.g., drones, robots, etc.). In the event the damage is due to a willful or negligent act or omission by the employee,

appropriate discipline shall be assessed. *(Category varies by severity of offense)*

NOTE: As a violation of policy whose sanction varies depending upon the severity of offense, the relevant facts and circumstances of the incident should be considered when setting the sanction. Those factors may include, but are not limited to:

a. The employee's due care, or lack thereof, while operating the vehicle.

b. Whether any rules of the road were violated.

c. The extent of the property damage, whether to Metro Government property or to a 3rd party.

d. Whether the crash resulted in injuries and the severity of those injuries.

Y. **Use of Department Property**

Employees shall not use departmental property for any purpose other than official business without supervisory approval. Employees shall use department property only for the purpose for which it was intended and shall not alter said property without command level approval. *(Category E)*

Z. **Surrendering Department Property**

1. Employees shall be required to surrender all departmental property issued or assigned to them before beginning an extended absence from duty other than with pay.

2. An employee who fails to surrender MNPD property issued to or used by the employee, as instructed by supervisory personnel, may be subject to corrective/disciplinary action and may be required to make restitution for such property. *(Category varies by severity of offense and value of property involved)*

AA. **Weapons**

Employees shall not possess weapons, as defined by applicable laws, while on duty or while on Metropolitan Government property, except as authorized by established departmental policy. *(Category B)*

BB. **Departmental Uniform** *(Category D)*

1. The underlying and controlling principle of the Metropolitan Nashville

Police Department policies and procedures regulating the wearing of the Departmental uniform is that the uniform shall be worn or displayed in a proper manner and that the uniform shall be worn only when carrying out the business of the MNPD. That is, when an employee is making an appearance on behalf of the MNPD and representing the purpose, mission and interests of the MNPD. It must be understood that the uniform of the Metropolitan Nashville Police Department is the property of the MNPD and will only be worn or utilized in a manner consistent with these procedures. The uniform is not the property of the individual and shall not be used to carry out or further the purpose or agenda of that employee or any other individual, group or organization.

2. An appearance and/or testimony before any court, official proceeding or other public or non-public function or forum, shall be considered on behalf of the Metropolitan Police Department only if the appearance, representation of or testimony is to state, or convey in any manner, the official position of the Department.

3. All employees shall strictly adhere to the below regulatory provisions. Where there can be any uncertainty or lack of clarity as to whether the wearing of the Department uniform is specifically authorized or appropriate, an employee shall request supervisory authorization to wear the Department uniform prior to making the appearance. Any supervisor authorizing the wearing of the Department uniform will be held accountable for adherence to the purpose of these policies.

    a. In no case shall an employee wear the MNPD uniform when testifying for, or on behalf of, a defendant in a criminal proceeding unless specifically authorized by the Chief of Police or a designee of the Chief of Police. The fact that an appearance by an employee was subject to subpoena, summons, or otherwise compelled, shall not constitute any defense or mitigating factor for failure to strictly adhere to these policies. This provision would not prohibit the wearing of the departmental uniform when the officer has been subpoenaed by the defense and is giving testimony concerning his/her official duties/actions as a Metropolitan Police Officer if the appearance, representation or testimony is to state, or convey in any manner, an investigative result or the official position of the Department.

    b. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, visible signs of excessive wear, or other such imperfections.

    c. Employees who are on light or restricted duty shall not be attired in the

uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.

d. Employees shall only wear the departmental uniform while on- duty, en route to or from duty, departmentally approved events, or when authorized by established policy.

e. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy.

f. No employee, while in uniform, shall wear on the uniform or display any item (e.g., pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police.

g. When reporting for jury duty, employees of the MNPD are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s).

h. Non-sworn employees shall not wear the badge or any reasonably similar facsimile thereof (departmentally issued lapel pins are excluded). Non-sworn employees shall not wear the departmental patch or other insignia of a sworn employee, either as a patch or embroidered on the garment except in immediate proximity to insignia or logo that immediately identifies the person as non-sworn (e.g. chaplain patch). The Chief of Police may authorize a design for non-sworn on-duty attire, which incorporates elements of the departmental patch and is altered to the extent necessary that a reasonable person would note the distinction.

NOTE: For additional direction, reference current policies governing clothing and equipment and court appearance.

CC. **Civil Service Rules and Policy**

Employees shall adhere to all applicable Civil Service Rules and Policies as stated in the Civil Services Rules of the Metropolitan Government of Nashville and Davidson County. *(Category varies by severity of offense.)*

DD. **Rewards**

No employee shall accept any reward unless approved by the Chief of Police or his/her designee. This shall not prohibit employees from receiving departmentally authorized awards and recognitions. *(Category F)*

4.20.060 Courtesy: *(Category F)*

A. **Military Courtesy**

Proper military courtesy should be adhered to with respect to National Colors, National Anthem, and display of the flag. When in attendance at any formal or ceremonial event, employees shall be mindful and respectful as well as seek to abide by common courtesy afforded such event.

B. **Prayer**

Whenever a prayer is held, employees should remove any hat, place it over their left breast, and bow their head. If no hat is worn, employees shall simply bow their head.

C. **Respect for Deceased Employees**

1. While attending a funeral for deceased employees of the department, employees should remove any hat upon entering the church or funeral home, unless the employee is serving on Honor Guard duty.
2. Employees wearing the departmental uniform should wear a black band across the center portion of their breast badge.
3. After a funeral service, employees in uniform should line up outside the entrance and hand salute as the casket passes.
4. After a funeral service as the casket passes, employees not in uniform should remove any hat and place it over their left breast. If no hat is worn, their right hand shall be placed over their left breast.

4.20.070 MNPD Employee Political Campaign Activities

To ensure an arena of fairness for all candidates for political office, and consistent with Section 6.2 of the Metropolitan Government's Civil Service Rules, the following shall be the police department's policy governing requests by candidates for political office to address on-duty police department employees and/or use police resources for campaign advertising/appearances:

A. It shall be the policy of the MNPD that, in order to assist employees in making important election decisions, candidates for political office may be granted permission to speak at each of the department's component/detail roll calls on one (1) occasion during the six months prior to an election (note: a runoff

election shall be deemed a new election). Precinct/component commanders will review any such requests from candidates and will determine the date of appearance. Candidates may be admitted into the roll call area no more than 15 minutes before the roll call is to begin to meet individual employees. Candidates will be permitted no more than five (5) minutes to address assembled employees at the beginning of each roll call. Shift lieutenants/detail supervisors are to monitor the time to ensure that all candidates are treated equally. At the conclusion of the five-minute address, the candidate will be escorted out of the roll call area to a public lobby. At no time will photographers working on behalf of campaigns or other campaign workers be permitted to accompany candidates into the roll call areas.

B. Ride along requests by political candidates are authorized with the date/time at the discretion of precinct commanders. Any such ride along requested by a candidate is expressly permitted for the candidate only and is not to include campaign staff members or campaign-related photographers. All other standing procedures for ride along request are to be followed (e.g., waivers, etc.).

C. MNPD employees are not to appear (e.g., audio, video or written material) in any staged or prearranged political advertisement or events wearing any MNPD uniform/insignia or using any MNPD vehicle, equipment or MNPD title. Employees are reminded of the policies regarding the authorized wearing of the MNPD uniform and should consult this policy if there are any questions.

   NOTE: From time to time, there will be chance encounters in public places between political candidates and on-duty MNPD members. While photography in public places cannot and should not be prevented, it is hoped campaigns will use discretion in this regard. But employees are reminded of the prohibition on their personal political activity while on duty, or representing the MNPD in any manner, and/or attired in the MNPD uniform or equipment as found in the Civil Service Rules.

D. Any campaign-related photography in secure areas of police department facilities is prohibited. Photography in public areas (i.e., public parking lots, lobby areas, and outside buildings) is permitted.

   MNPD employees are reminded of Civil Service Rule 6.2, which states:

   “Political activities, including running for political office, are not to be conducted at the workplace or during working hours. Time off for such purposes will be in accordance with applicable leave policies in these Civil Service Rules. Civil Service employees should refer to state law concerning any further rights to engage in political activities.”

4.20.080 MNPD Employee Organizations

A. Communication Guidelines

1. The following guidelines are intended to provide clear direction in regard to employee organizations and access to on duty MNPD personnel. The overarching principle that must be remembered is that while MNPD employees are at work, their first duty and responsibility is to the public and to the efficiency of the department.

2. From time to time an employee organization may be in possession of information that would be of benefit or interest to all employees. Under certain conditions, it may be appropriate for a representative of the employee organization to provide a brief communication of that information to on duty employees assembled at roll calls. It is specifically not appropriate, however, for on-duty employees to be subjected to employee organization campaigns, employee organization recruitment, or any other action that may serve purely the interest of, or benefit, the employee organization.

3. The department has typically allowed the employee organization designated by the Director of the Metropolitan Government Department of Human Resources as the representative of the employees to address, with specific direction and limitations as to the scope and subject matter, on duty employees. To that end, the procedures below are reserved for, and to be used only by, the employee organization designated by the Director of the Metropolitan Government Department of Human Resources as the exclusive representative of the employees.

   a. Roll Call Announcements

      (1) Prior to making any announcement, permission shall be requested from the shift commander.

      (2) The substance of the announcement shall be stated to the shift commander, and any additional questions the shift commander may have shall be answered.

      (3) The subject matter of the announcement shall be limited to matters that may be of general concern to all employees. Examples may include, but are not limited to, pay or benefit issues, opportunities for promotion, transfer or job assignment, etc.

(4) Shift commanders shall have broad discretion as to whether the subject matter to be announced is of general concern to MNPD employees.

(5) Shift commanders shall have broad discretion in making a determination as to whether there is sufficient time available during the roll call for an announcement to be made. Permission to address employees in a roll call setting on matters that may be of general concern to all employees will not be unreasonably denied.

(6) Announcements will be made at the beginning of the roll call.

(7) Shift commanders shall be responsible for monitoring the content of the information being presented and limiting the time to be utilized. In general, three to five minutes should be considered a sufficient amount of time.

(8) The subject matter of any roll call announcement shall not include any campaign rhetoric or any attempt to persuade employees to join or support an employee organization.

(9) The shift commander shall have broad discretion to ensure the efficiency of the department and will have authority to discontinue any such presentation when the interest of the department or the public is in question.

(10) A representative of an employee organization, who is not an MNPD employee, requesting to make an announcement at a roll call or to be present when an announcement is be made, shall request permission at least one (1) business day in advance.

b. Use of Metro/MNPD Email System

(1) If an employee has supplied an employee organization his or her MNPD email address as a contact point, the employee organization may communicate with employee via the MNPD email account.

(2) No employee organization will transmit any information via the Metro/MNPD email system to an employee who has not specifically supplied that employee organization his or her MNPD email address as a contact point.

(3) Specifically, no employee organization will transmit, via the Metro/MNPD email system, any unsolicited information by utilizing any method to generate “mass mailings”, utilizing group

addresses, or by otherwise capturing the email address of any MNPD employee.

(4) In addition to the above, all applicable MNPD policies concerning transmissions of emails, the use of Metro or MNPD communication or computer equipment and all provisions of Executive Order No. 13, “Comprehensive Internet and Electronic Mail Use Policy”, shall be adhered to.

c. Use of Community Bulletin Boards

Except as otherwise permitted by official Memorandum of Agreement (MOU), employee organizations, or representatives of employee organizations, shall not utilize any of the MNPD bulletin boards to publish any information related to, or on behalf of, an employee organization.

B. Election Campaign Activities

The following provisions are to provide clear and concise guidance concerning the activities of employee organizations during duty hours or in Metropolitan Nashville Police Department (MNPD) controlled facilities. It is the obligation of the Metropolitan Nashville Police Department to provide all MNPD employees with a work environment wherein their focus and energies can be devoted to our public safety mission. Therefore, it is important that the workplace remain free of any distraction or disruption resulting from the conducting of unauthorized campaign activities or communications. It is clear that neither the employees, nor the public, are best served when on-duty time is consumed by individual employee organization activities.

These provisions shall pertain to any and all election campaign activities, whatsoever, conducted on, for, or on behalf of, any employee organization. This shall include, but is not limited to, any campaign related to any “certification” or “decertification” process wherein one or more organizations are designated by the Metropolitan Department of Human Resources as the “exclusive” representative for a group of employees or to any election conducted by any employee organization to determine its officers, officials or board members.

1. No election campaign activities will be conducted in any MNPD facility. This shall include, but is not limited to, any person distributing campaign materials or attempting to recruit or persuade, verbally or otherwise, employees to vote for, join, or participate in any activity related to an employee organization election.

2. No election campaign materials may be posted or otherwise maintained

in or on any MNPD facility. Supervisory personnel shall be responsible for enforcing each of the provisions in this directive and for removing all campaign material that may be posted or otherwise displayed in or on MNPD facilities.

3. No unsolicited election campaign materials or information will be transmitted via the Metropolitan Government/MNPD email system information by utilizing any method to generate “mass mailings”, utilizing group addresses or by otherwise capturing the email address of any MNPD employee.

4. No election campaign activities will be conducted by employees while on duty. This shall include, but is not limited to, the soliciting of support for any individual or organization or the distributing of any campaign materials. This provision shall in no way preclude any one or more employees having informal discussions on an election campaign issue or expressing an opinion on an election campaign issue.

5. Supervisory personnel shall remain cognizant that the facilities of the Metropolitan Nashville Police Department are to be utilized for the purpose of fulfilling its mission of providing public safety for the citizens of this community. While members of the public are, and should be, welcomed to these facilities for the purpose of seeking assistance or obtaining public safety information, persons in or about these facilities for the purpose of conducting election campaign activities shall not be allowed to use their “citizen” status or “member of the public” status to remain in these facilities.

6. The term “facility” refers to any MNPD building, or portion of a building utilized by the MNPD to include all MNPD secured perimeters of the structure.

4.20.090 Personal Appearance: *(Category F)*

When at work, all employees will present a positive and professional appearance consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. Dress and appearance shall not be a distraction to others in the workplace, and shall be within acceptable standards of health, safety, and public contact. The Chief of Police, or designee, exclusively reserves the right to determine acceptable standards of appearance for Police Department employees.

Departmental regulations governing authorized clothing and equipment are listed in specific established policies and procedures.

A. **Cleanliness / Hygiene**

1. When reporting for duty or acting in an official capacity, employees shall present himself/herself in a professional manner. Employees and their attire shall be free of any dirt, impurities, or extraneous matter so as not to be offensive to others.

2. Employees shall not wear perfume or cologne to an extent that is offensive or distracting and must be mindful of others who may have health concerns, such as allergies and/or low tolerances, when exposed to perfume or cologne in excessive amounts.

3. Employees shall maintain personal hygiene so as not to affect the health and safety of others or cause any disruption or distraction in the workplace.

4. Supervisors shall have broad discretion as to what is excessive or what is a disruption and/or distraction in the workplace.

B. **Grooming**

1. When reporting for duty or acting in official capacity, employees shall present themselves in a well-groomed manner. Attire shall be properly cleaned, pressed and in good repair.

2. Employees shall keep their foot attire properly cleaned, polished and in good repair. Sworn employees shall maintain their leather equipment in like condition.

3. Sworn employees shall keep their issued metal items such as badge, cap emblem, nameplate, belt buckle, and etc. properly cleaned, polished, and in good repair.

C. **Posture**

Except as necessary in the performance of their official duties, employees shall assume a straight, upright posture whether standing, walking, or sitting.

D. **Physical Condition**

Employees shall strive to maintain the best possible physical condition by giving proper attention to the development and care of their bodies. They shall adhere to proper diet and exercise programs necessary to ensure that their weight is maintained in proportion with their height. As it relates to any disciplinary action that may be indicated by this requirement, only employees having impaired physical conditions, which are verified in writing by a physician, will be exempt from these provisions.

E. **Hair**

Employees' hair may be of a style that reflects current trends and projects an image that is not exaggerated or in contrast with generally accepted professional business standards. It must be neatly trimmed, clean, and present a well-groomed appearance. Employees shall also comply with the following additional requirements:

1. Hair styles shall not interfere with the proper wearing of department headgear.

2. Uniformed male employees' hair must be worn in such a manner so that it does not touch the eyebrows, ears, or collar or extend below the collar of any garment being worn. Sideburns must be straight and not extend below the bottom lobe of the ears. Flared styles such as "lamb chop" or "mutton chop" are not permissible.

3. Uniformed female employees shall wear their hair in a style that prevents any hair from extending below the bottom edge of the collar of any garment being worn.

4. Ornamental hair accessories are prohibited for sworn employees but may be worn by non-sworn employees.

5. Hair coloring must appear natural. Bizarre or extreme hairstyles are prohibited.

6. Employees may wear false or cosmetic hairpieces as long as they do not conflict with the aforementioned provisions.

7. Employees shall not wear a prescribed departmental uniform while wearing a non-regulation hair style.

F. **Facial Hair**

Employees may wear classic style beards, goatees, mustaches, or other arrangements that presents a professional and groomed appearance that is not exaggerated or in contrast with generally accepted professional business standards.

Facial hair shall be neatly combed, trimmed or shaved and, for sworn employees, generally no longer than ½ inch so as not to interfere with assigned duties or issued equipment.

Sworn employees with facial hair shall follow departmentally provided training

regarding deployment and use of personal protective equipment.

The following styles of facial hair are not permitted:

1. Patchy beards of uneven growth or regular/persistent stubble.

2. Designer beards, mutton chop beards, “chin strap” beards, beards that extend down the front of the neck or other extreme designs, shapes, styles, or of unnatural color.

3. Other styles as may be determined by supervisory personnel and subject to review by the Chief of Police or authorized designee.

G. **Fingernails**

1. When reporting for duty or acting in an official capacity, employees shall keep fingernails clean and neatly trimmed so as not to interfere with performance of duty, distract from the professional image, or present a safety hazard.

2. Sworn members are permitted to wear nail polish that is professional, a single solid color on all nails and in good taste. Artificial nails or artificial nail products, e.g., tips, jewelry, overlays, wraps, decals, or applications, etc., may not be worn by sworn employees.

H. **Jewelry**

Employees shall be permitted to wear watches, rings, bracelets, earrings, and necklaces with the following restrictions:

1. Only one ring per hand shall be authorized. A wedding ring/engagement ring combination shall count as one ring.

2. Necklaces or bracelets are prohibited for uniformed employees except for Medic-Alert necklaces and bracelets.

3. Facial jewelry is prohibited for all employees with the exception of authorized earrings.

4. Earrings/Body-Piercings

   a. Earrings are expressly prohibited for sworn employees while in uniform, with the following exceptions:

      (1) Sworn female employees may wear single stud earrings, gold, silver in color, or a single stone having a diameter of not more

than ¼ inch, and

(2) They must be worn in matching sets in the right and left earlobe, with a maximum of one per ear.

b. Earrings are authorized for non-uniformed female employees as long as they are no more than 1 ½ inches in length, circumference, or size and do not pose a safety hazard. They must be worn in matching sets in the right and left earlobe with a maximum of one per ear.

c. Exposed body-piercings or body-piercings that may be visible, other than authorized earrings, are expressly prohibited for all employees.

I. Body Art and Physical Alterations

In such that a professional appearance is vital in the public's perception of the MNPD's values and community commitment to service, all employees shall adhere to generally accepted business standards of law enforcement agencies for appearance; particularly with respect to tattoos, body art and intentional physical alterations*.

**Intentional physical alterations include, but is not limited to, any outwardly visible branding, scarring, resection, tooth filing, micro-dermal or transdermal implantation, eye tattoos, or unnatural tooth coloring. It does not include medically necessary procedures or generally accepted surgical procedures or augmentation.*

1. Sworn and professional support staff uniformed MNPD employees are prohibited from displaying any tattoos, body art, or markings of an offensive, provocative nature or that are obscene and/or advocate sexual, racial, ethnic, religious discrimination or that undermine MNPD values or are contrary to generally accepted business standards of law enforcement agencies.

   Examples of offensive tattoos, body art, or markings include but are not limited to:

   a. Depictions of intolerance or discrimination against any race, religion, gender, or national origin,

   b. Sexually explicit or vulgar art, words, phrases, or profane language,

   c. Symbols likely to incite a strong reaction in the work environment (for example, swastikas or similar symbols), or

d. Initials, acronyms, or numbers that represent criminal or historically oppressive organizations (for example, any street gang names, numbers, and/or symbols).

2. Employees who have direct contact with the public are prohibited from acquiring any new tattoos, body art, markings that would be visible above the collar bone, except cosmetic tattoos (tattoo makeup on the eyes, lips, or eyebrows with a natural appearance).

3. Any tattoos, body art, markings that would be visible while in the authorized MNPD Class "A" uniform must comply with generally accepted business standards of law enforcement agencies.

4. For professional support staff employees, any tattoos, body art, markings that would be visible, while attired in business attire must comply with generally accepted business standards of law enforcement agencies. Likewise, professional support staff employees are prohibited from displaying excessive tattoos or body art that would detract from an appropriate professional appearance for law enforcement agencies.

5. Visible intentional physical alterations of the body that are not consistent with generally acceptable business standards for law enforcement agencies of appearance are prohibited.

6. The chief of police or designee is the final authority as to the appropriateness of any tattoo, body art or marking.

7. These provisions would not preclude employees from undergoing required medical procedures to ensure the health of the employee.

J. **Exceptions**

A Division Commander may exempt personnel assigned to special enforcement activities, which require an inconspicuous appearance, from the provisions of Article 4.20.070, A, B, E, F and H above.

4.30 Secondary Employment

4.30.010 Generally

A. The duties, responsibilities and obligations associated with an employee's employment with the Nashville Metropolitan Police Department (MNPD) are, without dispute or contention, the primary employment of the employee. Therefore, secondary employment by MNPD employees is not an inherent right, but a privilege that can be granted at the discretion of the department. MNPD employees may be given permission to engage in secondary employment provided that such secondary employment does not interfere with the performance of their duties and obligations as police department employees, nor reflect poorly on the professional standards of the department.

B. Any employee, sworn or professional support staff, engaging in secondary employment shall at all times be in compliance with the provisions of this policy, all other policies and procedures of the department, and any other applicable rule, executive order, regulation, or law. Failure to adhere to these standards shall be cause for corrective/disciplinary action.

4.30.020 Definitions: The following definitions apply in the context of this order and the governing procedures.

A. **Brokering:** Acting in any manner to arrange secondary employment for any Metropolitan Government employee who works in the same department, agency, board or commission of the Metropolitan Government regardless of whether compensation and/or other benefits are received for such service.

B. **Controlling Interest:** The individual, or entity, with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.

C. **Direct Interest:** A business in which the employee is the sole proprietor, a partner, or a person having the controlling interest.

D. **Extra-Duty:** A duty status that includes any secondary employment that is based on the actual or potential use of law enforcement powers.

E. **Indirect Interest:** Any business in which the employee of the Metropolitan Government has a financial interest other than a direct interest, including a business where the spouse of the employee has a direct interest and the employee and spouse co-mingle assets.

F. **Off-Duty:** Any secondary employment that is not based on the actual or potential use of law enforcement powers.

G. **On-Duty:** Any regular, temporary, or special assignment by the Metropolitan Nashville Police Department. The term on-duty shall also include any extra time status where the extra time duty is performed in relation to the employee's department assigned duties or the Secondary Employment Unit.

H. **Person:** Any individual, firm, association, company, partnership, corporation, nonprofit organization, institution or similar activity.

I. **Police Department Vehicle:** Any MNPD owned mode of transportation whether marked or unmarked.

J. **Proprietary Security Organization:** Any person/organization or department thereof which employs a security guard/officer solely for such person in an employer-employee relationship.

K. **Revocation:** The process of voiding the original secondary employment request approved on MNPD Form 150, Secondary Employment Request.

L. **Secondary Employment:** Any employment by a department employee other than, and in addition to, the employee's primary employment by the department, whether the additional employment is through another person, company, or the MNPD Secondary Employment Unit (SEU). The term "**employment**" shall include any of the following:

1. The act of being employed or providing services or being compensated in any manner, directly or indirectly by any other person, business or other entity of any nature whether for profit, nonprofit or charitable purposes; or

2. The act of employing any other person(s), business or entity of any nature whether for profit, nonprofit or charitable purposes for the purpose of receiving compensation of any nature, directly or indirectly; or

3. The ownership, management, or directing of a business or other entity whether for profit, nonprofit, or charitable purposes; or

4. The obtaining or holding a license for the purpose of operating a business enterprise, event or other similar venture.

5. Voluntary work that is based on the actual or potential use of law enforcement powers whether or not compensation and/or other benefits are received for such service.

M. **Suspension:** For the purpose of this policy; the process of deferring permission to engage in previously granted secondary employment for a specific period of time.

N. **Uniform:** There are 4 classes of authorized uniforms:

1. **Class A Uniform:** The class A uniform shall be the standard police uniform, long sleeves, tie and hat.

2. **Class B Uniform:** The class B uniform shall be the standard police uniform with the short sleeved uniform shirt.

3. **Utility Uniform:** Shall be an authorized utility uniform where special material(s) or other specifications are required due to the employee's assignment and/or duties. Utility uniforms are routinely worn by units such as Canine, Bike Patrol, Motors, Mounted, etc.

4. **Executive Staff Uniform:** Uniform authorized for Officers assigned to the Chief of Police Executive Staff, Commanders and Captains.

Professional Support Staff working in the MNPD Public Safety Ambassador Program shall adhere to uniform guidelines outlined in the MNPD Public Safety Ambassador Program SOP.

4.30.030 Secondary Employment Restrictions

A. Department employees shall only work extra-duty employment through:

1. The Secondary Employment Unit;

2. A proprietary security organization licensed through the Tennessee Department of Commerce and Insurance; or

3. Any government agency exempted by the Private Protective Services Act (TCA 62-35-101).

B. Consistent with established policy on Deportment and Personal Appearance, while engaged in any type of extra-duty employment for any employer, the deportment and conduct of such employees shall be as if they were on-duty and will be held accountable for adhering to all

state laws, local ordinances and all rules, policies, and procedures of the Metropolitan Government.

C. Personnel shall be prohibited from brokering secondary employment except in the performance of a departmentally approved assignment.

D. Employees are prohibited from having a direct interest or an indirect interest in a business that engages in brokering secondary employment for any department employee.

E. Employees shall not contract directly with any department or agency of the Metropolitan Government to act as a contract security company for that department or agency, nor shall an officer act as an independent contractor for a contract security company to provide security services to any department or agency of the Metropolitan Government.

F. When engaged in any extra-duty employment, sworn employees will respond to any circumstance occurring in their presence or immediate area that poses a threat of bodily harm, or damage to or loss of property, even if the incident may not be regarded as a matter of concern by the outside employer.

G. **Secondary employment is limited to twenty (20) hours per week.** Overtime resulting from court time and working past the end of shift will not count towards the twenty (20) hour limit. It shall be the employee's responsibility to not exceed the twenty (20) hour limit.

   Exceptions:

   1. Overtime resulting from court time,

   2. Working past the end of shift,

   3. Special events assignments scheduled through the Custom Services Division,

   4. DUI Grant, and

   5. CRI

   6. Other Departmentally Authorized Assignments/Overtime

H. Secondary employment coinciding with regular days off, excused days, vacation days, and compensatory time will not be included in the twenty (20) hour limit.

I. Employees shall not engage in any secondary employment that results in mental or physical fatigue to the extent that the efficient performance of regular assigned duties **or** the duties of the secondary employment are impaired, regardless of the number of hours worked.

J. Supervisors shall carefully monitor any employee working extended hours to ensure he/she is able to safely and effectively perform his/her required duties.

K. At no time shall an employee who is on-duty engage in any secondary employment. Employees working in an on-duty status through an assignment by the Secondary Employment Unit shall not engage in any other secondary employment wherein the assigned work hours for each assignment overlap to any degree. *(Violation of this provision shall up to and including a Category AA Offense)*

NOTE: This provision would preclude an employee from receiving the two (2) hour minimum pay for court appearances where the employee was scheduled for an SEU assignment paid through the department, as both assignments are considered on-duty and represent continuous work time.

L. Employees shall not be permitted to engage in secondary employment that would create a conflict of interest with the duties, obligations, or professional objectives of the department, or that would bring criticism to the department. Examples of employment presenting a conflict of interest include, but are not limited to:

1. Process server, re-possessor, bill collector, or any other employment in which police authority might tend to be used to collect money or property for private purposes;

2. Personnel investigations for the private sector;

3. Any private employment which might require an employee to have access to police information, files, records, or services as a condition of employment unless this information is obtained and any applicable fees are paid in the same manner as such fees are paid by the public;

4. Employment involving the wearing of a police uniform in the performance of tasks not of a law enforcement nature, except for provisions governing appearances in media productions as outlined in this order;

5. Employment which involves the assistance with case preparation in any criminal defense case or any civil action or proceeding, unless **specifically** authorized by the Chief of Police or designee;

6. Employment by a labor group or business that is involved in a work stoppage or strike;

7. Employment at any establishment where the employee is, or should be, aware that the establishment is engaged in, or permits, criminal activity, or has a history of criminal activity at the location;

8. Such employment reflects poorly on the department or the professional image of the department; or

9. Employment in establishments, which provide adult entertainment of the same or similar nature as that defined by the Metropolitan Code.

(Violation of any of the provisions outlined in L, 1-9 above shall be up to and including a Category AA Offense.)

M. In any situation where an employee is uncertain if the requested secondary employment would violate any provision stated in L, 1-9 above, the employee shall consult with their immediate supervisory personnel for guidance. Additional guidance may also be sought by contacting the Secondary Employment Office.

N. Performing <u>extra-duty related</u> employment with unauthorized persons is prohibited. Any request to patrol or perform law enforcement related duties with non-sworn personnel must be indicated on the Request for Secondary Employment Form 150 and must be approved in advance by the employee's chain of command.

O. An employee who utilizes sick/FMLA/PFL leave due to illness or injury shall not engage in any secondary employment on the day(s) such leave is taken for illness or injury.

NOTE: It may be considered an abuse of sick leave for an employee to call in sick due to illness or injury in the eight-hour period before and/or after any secondary employment. *(Violation of this provision shall be a Category B Offense)*

This provision would not preclude an employee from working secondary employment assignments on days where sick time was utilized for routine check-ups or follow up exams, where the employee was not otherwise physically unable to perform their regular assigned

duties, or where FMLSK or FMLA was utilized for a family member of the officer working secondary employment.

P. Departmental employees restricted from secondary employment:

1. Restricted Duty Employees:

   Decommissioned, Suspended, and Light/Restricted Duty employees shall not engage in extra-duty employment. This restriction includes regular days off. However, at the discretion of the Chief of Police or designee, employees may engage in off-duty (not extra-duty) employment provided they submit a doctor's statement that indicates the employment will not delay or jeopardize any recovery.

2. Assignment Based Restrictions:

   a. Sworn employees assigned to the Secondary Employment Unit shall not be permitted to engage in extra-duty employment scheduled or administered through their office; unless approved by the Chief of Police or his/her designee.

   b. Employees assigned to the Custom Services Division shall not engage in secondary employment through a proprietary security organization license, where the Custom Services Division provides approval for a security plan and/or traffic plan as required with a special event permit and/or parade permit.

   c. Provisional or new-hire probationary employees are prohibited from engaging in extra-duty employment.

   d. Sworn employees who supervise, or are assigned the duties of grant administrators, or schedule personnel for grant-related employment, shall not be permitted to engage in extra-duty employment related to the grant without approval from their Division Captain/Commander.

   e. In accordance with Metropolitan Government of Nashville and Davidson County Executive Order No, 014 (Hon. Karl F. Dean, March 17, 2008) the Chief of Police and all Deputy Chiefs of Police shall not engage in any secondary employment. This prohibition shall not prohibit the Chief of Police and/or Deputy Chiefs from engaging in educational instruction, to the extent that the educational instruction does not interfere with their responsibilities to the Metropolitan Department of Police. This prohibition also shall not prohibit the Chief of Police and/or

Deputy Chiefs from owning investment property, to the extent that the investment property does not interfere with their responsibilities to the Metropolitan Department of Police.

Q. Sworn employees shall **not** take vacation leave, personal leave time, compensatory time off, etc. to work an extra-duty assignment where the employer is another department or agency of the Metropolitan Government. This restriction applies to taking time off during the same block of time as the employee's normal shift.

1. It does not prohibit working before or after the employee's normal shift hours.

2. This does not prohibit the use of a shift exception, done with supervisory approval.

3. Sworn employees are allowed to take vacation leave, personal leave, or compensatory leave to work secondary employment when the employer is **not** a department or agency of the Metropolitan Government provided the time off is approved by the appropriate supervisor as outlined in Article IV, Section H of this directive.

R. Employees shall not perform any extra-duty employment outside Davidson County unless specifically authorized in writing by the Chief of Police or designee. Written permission by the Chief of Police or designee shall be submitted with the requesting employee's Request for Secondary Employment Form 150.

S. Employees shall not falsify or intentionally provide any inaccurate, incomplete, or misleading information concerning the name of the business, geographical location of the work site, or the nature of the business on a MNPD Form 150, Secondary Employment Request. *(Violation of this provision shall be a Category AA Offense)*

Example: Filing a secondary employment request to work security at a parking lot for the purpose of securing vehicles at that location, and the officer is required by the secondary employer to respond to situations at an adjacent property or building. However, the adjacent property or building is a location where a secondary employment request would not be authorized.

T. Sworn Employees shall not be permitted to engage in secondary employment where the sale of alcoholic beverages for consumption on the premises exceeds 20 percent of the total sales of the business during the time period for which the employment is requested.

Example: A sworn employee may work a secondary employment assignment at a restaurant that serves alcohol and meets the 20 percent exclusion rule above. However, if the restaurant stops serving food after a certain hour, but continues to sell alcoholic beverages, or allow consumption of alcohol on the premises, the requested secondary employment would not be authorized for that time period.

1. A sworn employee is not permitted to engage in employment at any location on the property or controlled by the establishment where the 20 percent exclusion applies.

2. Establishments where the requested secondary employment will be performed where alcoholic beverages are consumed on the premises shall submit a copy of the annual tax records or a signed statement from the actual business engaged in the sale of the alcoholic beverages (geographical location of the work site) before any approval of such request shall be granted.

    a. This documentation must state that the sale of alcoholic beverages for consumption on the premises does not exceed 20 percent of the employer's total sales during the time for which employment is requested; and

    b. Must be on company letterhead of the business actually engaging in the sale of the alcohol; and

    c. Photocopies of the alcohol letter will not be accepted.

    d. Exceptions to Alcohol Service Restrictions and Letter Requirements:

        The Chief of Police, in the interest of public safety, may authorize exceptions to the alcohol related employment restriction or alcohol letter requirements by permitting the Secondary Employment Unit to;

        (1) Waive the requirement for original alcohol letters and allow photocopied letters when the management of the Secondary Employment Unit approve and file the original letter on the K Drive (or similar computer storage maintained by the MNPD), or

        (2) Such events as recommended by the Custom Services Division commander and approved by the Chief of Police.

(3) The Secondary Employment Unit will ensure appropriate dissemination and record management of any waivers issued under this part.

U. Employees requesting to engage in secondary employment for an appearance in a motion picture, music video, television commercial, etc., shall submit the request through their chain of command to the Chief of Police.

1. If the employee is to be featured or depicted in the production, the employee shall attach a script or synopsis that details in what manner the employee will be depicted in the production to the Request for Secondary Employment Form 150; and

2. The Chief of Police or designee shall have final authority over such requests including review of the final edited version of the production to determine if the images can be used; and

3. The signing of a release authorizing the Chief of Police's final authority will be a requirement of the secondary employer and is a condition of employment for the employee.

V. Employees shall not be permitted to split their shift to work a secondary employment assignment.

W. Personnel who are duly elected officers of an organization that is recognized by and party to a memorandum of understanding with the Metropolitan Government as an officially sanctioned employee bargaining unit or union, and who may receive compensation from the organization related to their service as an elected officer of the organization for services provided outside of normal work hours, shall not be considered to be engaged in secondary employment under this policy. Service as an elected officer of an organization, or its state or local subdivision groups, by a full-time employee of the department who receives compensation from the organization for their service, shall be noticed in writing to the Chief of Police at the commencement and termination of service in such capacity and such notice shall be deemed compliance with this policy.

4.30.040 Exempt Employees and Employees Receiving out of Class Pay

A. Employees classified as working in an exempt status shall not be eligible to receive overtime (time and one-half pay) compensation when working for another department or agency of the Metropolitan Government.

B. An employee receiving out of class pay who works for another department or agency of the Metropolitan Government will not be paid at the higher class. Non-exempt employees receiving out-of-class pay that places them in an exempt status shall not be eligible to receive overtime compensation when working for another department or agency of the Metropolitan Government.

4.30.050 Supervisory Responsibilities of Secondary Employment

A. Sworn supervisors are responsible for their actions or in-actions concerning supervisory accountability toward any subordinate where **either** is working an extra-duty or on-duty assignment. Sworn supervisors working in a non-supervisory, extra-duty capacity will be held responsible for their actions or in-actions toward any subordinate.

B. Supervisors working SEU assignments will be responsible for conducting an initial investigation into all officer-involved incidents (i.e.: traffic accident-related incidents, response to resistance incidents, pursuits, disciplinary incidents, etc.). The affected employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) shall be notified of the incident and a detailed statement documenting the initial investigation shall be provided to the regular duty supervisor. An SEU supervisor should also be notified of any incident via email. The employee's regular duty supervisor is required to investigate and document online any complaint, response to resistance incident, injury/exposure, etc. If there appears to be any violation of department policy/procedure, a supervisor investigation and the Electronic Complaint Report Module (Complaint Module) will be completed by the employee's regular duty supervisor. In the event an officer is injured and requires treatment at a medical facility, an SEU supervisor shall be notified by phone. If there is no injury or minor injury not requiring treatment away from the scene, an SEU supervisor should be notified of any incident via email.

C. If an officer-involved incident occurs during the course of any secondary employment and no on-scene supervisor is present, then the involved officer shall notify an on-duty supervisor at the precinct in which the incident occurred and the responsibility to conduct an initial investigation shall rest with that supervisor.

    1. If there appears to be any violation of department policy/procedure, the on-duty supervisor will complete a detailed statement documenting what was completed during the initial investigation and forward the statement to the involved employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) so that the supervisor investigation and

Complaint Module entry can be completed by the employee's regular duty supervisor.

2. If the employee is working any secondary employment, including volunteer work, then any corrective or disciplinary action required shall be the responsibility of the employee's regular duty supervisor.

3. In the event an employee is involved in a response to resistance incident, an on-duty supervisor from the precinct where the assignment is located shall respond to the scene, conduct an initial investigation and complete a detailed statement documenting what was completed during the initial investigation. The statement shall be forwarded to the involved employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) so the incident can be investigated and documented online.

4. In the event an employee is injured (or any type of exposure) during an SEU assignment, an on-duty supervisor from the precinct where the assignment is located shall respond to the scene. This supervisor shall conduct an initial investigation and notify an SEU supervisor. All corresponding paperwork shall be forwarded to the involved employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) so the incident can be investigated and documented.

D. If warranted, and if corrective/disciplinary action may result, the supervisor shall notify the employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) via email so the incident can be investigated and documented according to departmental procedures.

E. If the extra-duty employer reports unsatisfactory performance to an on-duty supervisor not directly involved with the SEU assignment, the on-duty supervisor shall conduct an initial investigation. If it appears the employee has committed a violation of policy/procedure, the on-duty supervisor shall complete a detailed statement documenting what was completed during the initial investigation and forward the statement to the involved employee's regular duty supervisor and chain of command (up to the Division Captain/Commander) so that the supervisor investigation and Complaint Module entry can be completed by the employee's regular duty supervisor. The on-duty supervisor shall also notify an SEU supervisor via email.

1. Any other provision of this order notwithstanding, any supervisor that observes or becomes aware of an employee violating departmental policy shall be required to take appropriate action to ensure the

violation is corrected immediately. This may include immediate intervention requiring officers working SEU assignments to be removed and/or relieved from their SEU assignment.

F. If it is necessary for an on-duty supervisor to relieve an officer(s) working a SEU assignment, the supervisor shall contact a SEU supervisor by phone. If a SEU supervisor is not on-duty, current call out guidelines should be followed.

4.30.060 Secondary Employment Conditions

A. Department employees shall assist the public and maintain a professional demeanor at all times while engaged in secondary employment.

B. Employees engaged in **off-duty** (non-police related employment) shall request on-duty units to perform duties arising from the exercise of police power, such as the transportation of evidence and arrestees, the preparation of police reports, and the transportation of found property to the proper department storage facility.

C. When working for a secondary employer, employees, sworn or professional support staff, performing duties as an ordinary citizen, such as swearing out warrants or court appearances as a witness, shall not seek or receive compensation from the Metropolitan Nashville Police Department for the performance of such duties.

D. Sworn employees engaged in secondary employment while in an **extra-duty** (police related) employment status will perform all normal duties arising from the exercise of their police power including, but not limited to, the preparation of all reports associated with such employment.

   At the discretion of an on-duty supervisor assigned to that area, assistance from patrol units may be requested.

E. Sworn employees who are authorized to use a police vehicle in conjunction with that employment will be responsible for transporting prisoners, the immediate transportation of evidence, found property, etc., to the proper facility consistent with established policy and procedure.

   At the discretion of an on-duty supervisor assigned to that area, assistance from patrol units may be requested.

F. Whenever utilizing a police vehicle equipped with ARL for an extra-duty assignment, department personnel shall log on to the MDC at the beginning of such assignment.

1. Personnel utilizing marked or unmarked, ARL equipped units for extra-duty assignments, including those assigned through SEU, shall be subject to dispatch on any emergency call in which they are the closest available unit to respond. (Reference current departmental policy on radio communications). Only secondary employment jobs hired and paid through SEU are authorized to use police vehicles.

2. An exception to this would be if that by doing so the officer would create an undue danger to the public or other officers (e.g. blocking lanes of traffic on the interstate). In this instance, the dispatched unit shall notify the on-duty supervisor as to the reason why he/she cannot respond to the dispatched call.

G. Sworn employees shall be required to monitor the radio frequency of the precinct in which the employment is located and are responsible for answering dispatched calls for service at the location of the employment.

H. Sworn employees engaging in extra-duty employment of any type for any employer shall be required to advise the Department of Emergency Communications DEC of the following information via radio:

1. Location of the employment

2. Name of the business at this location (if applicable)

3. The employee's off-duty radio call number with the added identifier "9"

   Example: If car 1203 is working an extra-duty assignment he/she would utilize the call sign **"1203-9"** while working the assignment.

4. The radio talk group in which the employee will be monitoring during the course of the employment.

5. Estimated start/end time of the employment.

6. Upon completion of the SEU assignment, the employee shall notify the ECC that he/she is off duty.

NOTE: This provision would not apply when an employee is working an assignment such as grant or departmentally related enhanced enforcement projects, assignments scheduled through the Special Events Section, or other large-scale events for which a Command has been established where such radio call signs and rosters are assigned and maintained by appropriate supervisory personnel.

Examples include, but are not limited to:

1. Governor's Highway Safety Grant

2. Mass Traffic Assignments

3. CMA Country Music Festival; and/or

4. Public Safety Ambassador Program assignments

5. Parades, runs, or other events assigned by the Special Events Section.

I. Sworn employees shall comply with all uniform and appearance regulations as outlined in current departmental policy governing deportment and personal appearance.

   1. Sworn employees shall wear their Class A or B uniform while performing extra-duty employment.

   2. The wearing of anything other than Class A or B uniform is prohibited for sworn employees, unless they are required in the performance of the employment (example: bike uniform permitted only when assignment requires riding a departmental bicycle). Supervisors shall ensure that an appropriate need exists before authorizing the wearing of any uniform other than the Class A or B.

   3. Employees seeking authorization to work an extra-duty job that requires "plain clothes," or non-uniformed attire, must specifically articulate the reasons for such request, subject to the final approval of the Deputy Chief, Director, or Chief of Police, and such approval shall be specifically noted on the MNPD Form 150.

J. Employees shall immediately notify an appropriate on-duty supervisor of significant events, major crimes, serious injuries, traffic crashes, and use of force incidents that may occur during or as a result of any extra-duty employment. The on-duty supervisor shall be responsible for notifying the SEU supervisor if the above pertains to an SEU

assignment no later than the close of SEU office hours on the next business day.

K. Any employee desiring to engage in employment, the providing of service, or the operation, management or participation in any enterprise not particularly described in this order shall either submit a MNPD Form 150, Secondary Employment Request, or request in writing, through their appropriate chain of command. If there is any question as to whether the employment falls within this order, this determination shall be made by the Chief of Police or his designee.

4.30.070 Control Provisions

A. An employee wishing to engage in any secondary employment must first request and obtain permission in writing on MNPD Form 150, Secondary Employment Request, through his/her chain of command. Required documents to accompany the MPD 150 Form are:

1. A duty letter from the employer on the company letterhead, in the format of the SEU template with specific language. SEU approved templates can be found by clicking on the following link:

   K:\Secondary Employment Public Folder\Duty Letters.

2. For extra duty (police related) employment, a copy of the Certificate of insurance listing the coverage of general liability and workers compensation coverages.

B. Professional Support Staff and Sworn employees are not required to submit MNPD Form 150, Secondary Employment Request, when volunteering their time without compensation of any kind to any charitable or non-profit organizations.

1. **Provided those services are not police or law enforcement related functions,** and

2. Such services provided to the charitable or non-profit organization do not create a conflict of interest with the duties, obligations, or professional objectives of the department, or would bring criticism to the department or any of its employees.

3. ALL other employment requests shall require the submission of a MNPD Form 150 and approval through the employee's appropriate chain of command.

4. Examples would include, but are not limited to, volunteering to teach Sunday School, Boy/Girl Scout Leader, or community service work such as food drives, litter removal, Habitat for Humanity etc.

C. In those instances where a prior written request is not possible:

1. The employee shall request and obtain verbal permission for secondary employment from his/her immediate supervisor (**EXCEPTION**: verbal permission **MAY NOT** be granted for employment where alcohol is sold or served, or at a location that provides other services such as parking, etc., to such premises).

2. MNPD Form 150, Secondary Employment Request, must be approved through the chain of command at the rank of Commander and/or Captain (not acting) through at least the Division (Precinct level in Patrol) level before this type of employment may be worked, or In any situation wherein the employment is for the purpose of facilitating, in any manner, a premises where alcohol is served or sold, approval must be by the Chief of Police and/or the designee.

D. Before a supervisor grants verbal permission for extra-duty employment, he/she shall take the necessary steps to confirm that the extra-duty employment meets department policy and is through a licensed proprietary security organization, or an agency exempted by the Private Protective Security Act (TCA 62-35-101), if applicable.

E. In no event shall verbal permission alone authorize more than one shift of that secondary employment. Within twenty-four hours following the completion of the verbally approved secondary employment, the employee is required to submit a completed Form 150, Secondary Employment Request, through the chain of command.

F. If an employee works for a proprietary security organization at different geographic locations, **separate MNPD Form 150 Secondary Employment Requests, must be submitted for each location in which employment is requested.**

1. Separate forms shall not be required when, by the very nature of the job, frequent changes of location are required or are impossible to know in advance (i.e., directing traffic for crews that move from one location to another throughout the day).

2. Any request to work at multiple sites using **one** (1) MNPD Form 150, Secondary Employment Request, **must be specifically stated on the form** and is subject to review and determination of applicability by the Secondary Employment Unit. Such request

must clearly articulate why the submission of multiple forms is not possible and/or applicable with respect to the requested employment.

G. Employees working approved off-duty secondary employment do not need to submit multiple 150 forms for each location work is being performed, so long as the employee has an approved 150 on file for the company they are employed by.

Examples:

1. An employee works for a landscaping company that cuts grass at multiple locations.

2. An employee is an instructor and teaches at different locations while employed by the same company.

3. An employee is a sports coach or referee and works at multiple locations for games or training.

H. Requesting employees shall forward MNPD Form 150, Secondary Employment Request, with the required attachments, through their **appropriate** chain of command.

1. Supervisors in the employee's chain of command shall review the request, determine if the employment meets rules, policies and procedures of the Metropolitan Government, acknowledge approval or disapproval, and forward to the next level in the chain of command if necessary.

2. Employees denied permission to engage in extra-duty employment may pursue a grievance, as outlined in current departmental policy.

I. An employee's permission to engage in secondary employment may be revoked or suspended by a supervisor if the employment in any way impairs or interferes with the performance of the employee's regular duties, is found to be in violation of departmental policy, or is deemed as problematic or reflects poorly on the professional standards of the MNPD, regardless of the number of hours worked.

J. Any departmental supervisor witnessing a violation of departmental policy by an employee engaged in secondary employment shall take any necessary immediate action to correct the violation. This may include revoking permission to engage in the secondary employment pending a disciplinary hearing or temporarily suspending permission to work any secondary employment.

K. Secondary Employment Unit staff shall conduct spot checks of employees engaged in secondary employment to ensure compliance with departmental policies.

L. All Secondary Employment Request Forms must be resubmitted and approved annually by February 1st with the exception of Secondary Employment Request Forms for SEU assignments which **DO NOT** expire. Approved Secondary Employment 150 Forms can be found by clicking on the following link:

K:\Secondary Employment Public Folder\Scanned 150s

M. To ensure that the files of the Secondary Employment Unit stay current and accurate, it shall be the responsibility of the employee to notify the Secondary Employment Unit in writing when any requested secondary employment has been terminated for any reason.

N. When a company or agency has contracted for services through the Secondary Employment Unit, police department employees are not permitted to independently schedule additional hours, shifts, or change previously defined starting and/or ending times with the company/client or any representatives of the company/client.

1. In the event that an assignment will last longer than the previously scheduled hours, the employee shall contact the SEU office and/or after hours SEU staff.

    a. SEU supervisory personnel or the on-call SEU personnel (after SEU business hours) may approve additional work hours beyond the twenty (20) hour limit under extraordinary circumstances or during emergency situations to ensure public safety.

    b. In such situations, it will be the responsibility of the SEU supervisor to provide relief as soon as feasible.

    c. Officers shall notify the appropriate on-duty supervisor wherein the employment occurs before leaving any SEU assignment where the abandoning of such post would represent a danger to public safety.

    d. In the rare event an SEU supervisor is not available, the on-duty supervisor wherein the employment occurs may authorize relief utilizing on-duty personnel as soon as feasible to ensure public safety.

Example: An officer is working a SEU assignment directing traffic on the interstate for repaving. The assignment was due to be completed at 0700 hrs. The officer working would have completed 20 hours extra duty for that week at that time. Due to equipment problems the assignment will last an additional 3 hours. If the post should be abandoned, there would be a substantial risk to the safety of the workers and the motoring public. The officer working the assignment shall notify the SEU supervisor. The SEU supervisor may authorize the additional work hours for the officer.

Additionally, in the rare event a SEU supervisor is not available and the officer working the assignment must be relieved, an on-duty supervisor may utilize on-duty personnel to relieve the officer where public safety would be jeopardized should the assigned position be unmanned. In such cases, the SEU Unit will be notified as soon as possible to ensure proper procedures are completed to obtain proper restitution to the MNPD from the SEU employer.

2. Officers who, while working a SEU assignment, have been involved in a matter or incident which requires a download of body worn camera data whether immediately or at the conclusion of the assignment, as required by MNPD policy must use the following code for the appropriate overtime request: **515RSEU – Required – Secondary Employment Unit – BWC ICC Maintenance**.

3. A client of the SEU will not be billed for the time required by an officer to perform duties unrelated to their SEU assignment, which MNPD policy requires the officer to perform.

4.30.080 Recording/Review of Secondary Employment Assignments

A. All secondary employment hours worked that have been scheduled through the MNPD SEU office shall be recorded in the appropriate time accounting database by the authorized personnel assigned to the MNPD SEU office.

B. Secondary employment including any overtime due to court, working past end of shift or work on MNPD Grant or Special Event assignments, shall be recorded into the appropriate time accounting database by the employee's authorized supervisor receiving the completed MNPD Form 325, Extra Time Voucher, by authorized Court Appearance or Payroll Section personnel.

C. The time accounting application shall automatically notify an employee's immediate supervisor if his/her secondary employment hours should they exceed the twenty (20) hour limit restriction.

D. Upon notification the employee's immediate supervisor shall immediately review the employee's secondary and overtime hours worked to ensure compliance with this directive and to ensure the employee's performance of their assigned duties as an MNPD employee is not being compromised or adversely effected.

E. Supervisory personnel shall take any corrective/disciplinary action necessary to correct any violations noted.

4.30.90 Duties & Responsibilities of the Secondary Employment Unit

A. Sworn employees working extra-duty employment through the Secondary Employment Unit are working in an on-duty status. These assignments shall be made in the most nondiscriminatory and equitable manner possible to ensure that as many officers as possible, who volunteer for such work, are allowed to benefit from a fair distribution of the duty assignments.

B. When the Secondary Employment Unit has contracted to provide staffing for an assignment and is unable to fill all vacancies through the posting and announcement process, staffing assignments shall be made as per the current procedures utilized by the Special Events Section for staffing vacancies at special events.

C. The Secondary Employment Unit shall be responsible for maintaining all Secondary Employment Requests (MNPD Form 150).

D. The SEU will ensure that no department or agency of the Metropolitan Government or a private, non-government entity, contracting with the police department for extra duty will be allowed to request specific officers be scheduled for assignment. The Chief of Police or designee is authorized to make such assignment if he/she determines that there is a valid, non-discriminatory basis for that assignment and the request is articulated in writing.

E. The SEU shall maintain a "Read Only" database on a shared folder accessible to all MNPD supervisors that contains, at a minimum, the following information:

1. The approved, anticipated extra-duty hours of each assignment; and

2. Whether or not the approved secondary employment is engaged in the sale of alcoholic beverages for consumption on the premises.

4.30.100 Use of Departmental Vehicles for Secondary Employment

A. The Secondary Employment Unit must authorize any use of a departmental vehicle in the course of any extra-duty employment scheduled by the Secondary Employment Unit.

B. Unless authorized by this policy and approved via MNPD Form 150, Secondary Employment Request, employees shall not drive a department vehicle to and from, nor operate a department vehicle during the course of, any secondary employment. In accordance with current MNPD Police Vehicle Policy (13.30), employees with assigned MNPD take-home vehicles may drive their assigned vehicles to and from extra-duty secondary employment jobs. However, MNPD vehicles may not be used during the secondary employment unless specifically authorized by the Secondary Employment Unit. This rule does not prevent the officer from using the vehicle's MDC to take a report during the Secondary Employment.

Example: If an officer has an assigned marked patrol vehicle and they are working an approved secondary employment job scheduled by the SEU or through an employer who has a proprietary security license, the officer may drive their MNPD vehicle to the job and park it in a location that will provide visibility of police presence. However, they cannot use the car to conduct parking lot patrols at the location during the secondary employment. If during the officer's secondary employment shift an Incident Report needs to be completed, the officer shall be allowed to use the vehicle mounted MDC to complete the report.

1. Those employees that are "on-call" at various times may only drive a department vehicle to and from secondary employment during those times that they are actually in an "on-call" status. "On-Call" personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they M.N.P.D FORM 101 are assigned. Lists of authorized on call personnel are maintained at the Department of Emergency Communications.

2. Those employees that are assigned a department vehicle may request permission to drive a department vehicle to and from the secondary employment when such use of the department vehicle enhances the visibility of a law enforcement presence at a community based function or event, large gathering of persons, or

the likelihood of expedited access to MNPD vehicle stored equipment may be foreseeable (examples include, but are not limited to, community events, places of worship, non-profit group gatherings, sporting events, etc. An employee seeking permission for such use should document the request and reasons supporting the request in an attachment to MNPD Form 150. Approval for use must be specifically authorized by the Chief of Police or Deputy Chief of Police.

C. ALL sworn personnel utilizing assigned department vehicles during extra-duty employment must ensure that the employee using the vehicle has appropriately logged into the MDC and documented their assignment.

D. Police motorcycles and bicycles shall not be authorized for use in blocking lanes of traffic, etc.

E. Other departmental equipment may be utilized when specifically authorized by the Chief of Police or his designee.

F. Employees shall be responsible for the proper care and maintenance of all equipment issued or assigned to them and shall exercise all due precautions to prevent theft, loss, or damage.

G. Employees shall promptly report any theft, loss, or damage to any department property or equipment that occurs during the course of any secondary employment.

H. Employees shall be held financially liable for the loss or damage of any department property or equipment that occurs through the negligent act(s), omission(s), or willful misconduct of the employee during the course of any secondary employment.

4.30.110 Supervisory Review of Secondary Employment Requests and Ongoing Supervisory Responsibility

A. When reviewing requests to engage in secondary employment all supervisory personnel must remain mindful that MNPD employees may be given permission to engage in secondary employment only when such secondary employment does not interfere with the performance of their duties and obligations as police department employees; and is neither problematic nor reflects poorly on the professional standards of the Department. It is the responsibility of every supervisor in the chain of command to closely scrutinize each request to ensure that the professional standards of the department are not compromised. This is especially true for any request to engage

in secondary employment for any event or any establishment where alcohol is served, where the employee is requesting an exception to the wearing of the Class A or Class B uniform, or where verbal permission is being requested prior to receiving approval through the chain of command via the Form 150 process.

B. Supervisors in the approval process will be held strictly accountable for ensuring that all aspects of this policy are complied with and that each Form 150 submitted is factually and technically correct. This includes, but is not limited to, a detailed description as to the type of secondary employment being requested and the sufficiency, accuracy and completeness of the submitted request. In the event a submitted Form 150 is determined to be insufficient or incorrect, all supervisors in the chain of command will be required to submit a written explanation as to why an improper or insufficient Form 150 was submitted.

C. Supervisors are expected to be aware of all hours worked by any subordinate engaging in secondary employment. Accordingly, supervisors are expected to monitor not only the number of hours worked each week but also whether the hours worked on a daily basis could reasonably be expected to have a negative impact on the duties and obligations of the employee. Supervisors are ultimately responsible for the conduct of subordinates, whether working regular hours or whether working in a secondary employment capacity, and should make frequent inquiry as to any event or occurrence during secondary employment activities that may warrant inquiry or corrective action.

D. The first consideration, when presented with a request to engage in secondary employment (MNPD Form 150) for consideration, should be determined whether or not such employment will not be problematic nor reflect on the professional standards of the MNPD in a negative manner. Supervisors should be ever mindful that MNPD employees engaging in secondary employment, and especially extra duty employment, regardless of the employer, are representing the professional image of the Department.

E. In arriving at a decision, a helpful touchstone would be whether the request for employment would be approved by the MNPD Secondary Employment Unit if the business or concern approached the MNPD and requested to contract with the Metropolitan to provide security on their premises. If it is your determination that the contract would not be approved by MNPD SEU, you should not approve the request. If in doubt as to whether it would be approved, you are encouraged to contact MNPD SEU personnel for advice as to whether such a contract would be approved.

F. Supervisors have a continuing duty to consider the secondary employment of any employee within their supervision. In particular, supervisors shall review the SEU database for any employee transferred into their unit. Supervisors should conduct a review of any previously approved MNPD Form 150, in light of the employee's new assignment or duties, and document their review consistent with this policy.

G. Documentation of Supervisory Review of MNPD Form 150

The immediate supervisor of an employee requesting to engage in secondary employment will conduct a supervisor review and determine whether the work is appropriate. A supervisor's signature on the form 150 affirms the review has been conducted and they approve the assignment.

H. Alcohol Related Secondary Employment

1. Special attention will be given to any request to engage in secondary employment where alcohol may be sold or served or in any establishment with a "bar" or a dedicated area within the establishment where alcohol is consumed. Such requests will not be approved unless all supervisors in the chain of command provide assurance that such secondary employment in that establishment will not be problematic nor will reflect poorly on the professional standards of the MNPD.

2. Likewise, assuming all other conditions are satisfied, special attention must be given to any request to engage in secondary employment in any restaurant that closes its kitchen, or discontinues full course menu food service, more than 30 minutes prior to the scheduled closing time. Approval for secondary employment should end a reasonable time (generally, 30 minutes) after the kitchen closes, or full course menu food service is discontinued.

3. In making a judgment as to whether the engaging in secondary employment in any restaurant serving alcohol may be problematic or may reflect on the professional standards of the MNPD in a negative manner, supervisors should give special consideration to the type of service the restaurant provides. For example, does the restaurant provide full course menu dining designed to attract a family dining type clientele or does the restaurant offer only a limited menu and appear to serve primarily as a venue for adult social gathering?

4. The "twenty percent rule" should be used only as a guideline when deciding to approve/disapprove any secondary employment requests where alcohol may be sold, served for consumption. The mere assertion by management that the sale of alcohol for consumption on the premises does not exceed twenty percent of total revenue does not, alone, require that approval be granted. Supervisors may require that additional documentation or accounting be supplied to help in arriving at this determination. Additionally, even where the overall sale of alcohol does not exceed twenty percent of the total revenue in total, supervisors should make a determination as to whether the sale of alcohol exceeds twenty per cent during any time frame the business is open. For example, during the hours after the kitchen closes and full course menu food service is discontinued. It shall be the responsibility of the immediate supervisor of the employee requesting to engage in secondary employment in any establishment where alcohol is served to document in the attached supplemental report the business practices of the establishment and the hours being approved.

5. The immediate supervisor of any employee presently approved to engage in secondary employment in any establishment where alcohol is served will immediately review that approval, submit the supplemental report described above and, if appropriate, reaffirm that approval. A review of previous alcohol related approvals can be conducted by accessing the MNPD SEU data base.

6. Supervisors approving a request to engage in secondary employment in an establishment serving alcohol will inform the requesting employee that the approval is not effective until and unless that employee has received confirmation that the submitted Form 150 has been approved by all supervisors in the chain of command and the MNPD Office of Secondary Employment.

I. Verbal Authorization

Requests for verbal authorization, for any secondary employment, must be approved by the Precinct or Division Commander. No request for verbal authorization will be approved unless it is in the best interest of the Metropolitan Nashville Police Department that the requesting employee engages in the secondary employment prior to a complete investigation of the request by the immediate supervisor and the processing of the approval through the chain of command. Any request for verbal approval must be made through the chain of command by the employee's supervisor.

NOTE: *Verbal permission **MAY NOT** be granted for secondary employment where alcohol is sold or served, or at a location that provides other services such as parking, etc., to such premises).* Verbal permission may not be granted for secondary employment involving 'plain clothes' assignments.

J. Uniforms

1. Any request to engage in extra-duty employment in a uniform other than a Class A or Class B uniform should be examined closely. Typical non-Class A or B uniform exceptions would for bicycle officers being hired to patrol on their bicycles or K9 handlers employed for the purpose of detecting explosives. A detailed description on the Form 150 is required.

2. Any sworn employee's requests to engage in extra-duty employment in civilian attire must be accompanied by a supplement from the immediate supervisor of the requesting employee explaining how the best interests of the MNPD are served by authorizing the wearing of non-uniform apparel.

4.40 Biased Based Policing

It is the policy of the department to police in a proactive manner, to actively enforce criminal laws, while insisting that individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, a violation of the law.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts to support the conclusion that a person contacted regarding identification, activity or location has been, is, or is about to commit a crime. Personnel should have the same level of supporting evidence that the subject is currently presenting a threat to the safety of themselves or others.

Annually, the Metropolitan Nashville Police Department will provide training addressing the prevention of biased-based police practices. Training may include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support. Training will occur at annual in-service training, roll call training, field training by department Field Training Officers (FTOs), or training by line supervisors.

4.40.010 Definitions

A. **Biased Based Policing:** is the selection of individuals for enforcement intervention based ***solely*** on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age. This however does not preclude consideration of race or ethnicity when it is part of a suspect's description or is otherwise validly related to an officer's investigation of criminal activity.

B. **Reasonable Suspicion:** Suspicion that is more than a mere hunch. It is a conclusion based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible sources.

4.40.020 Procedures

A. Individuals shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a criminal offense, or that the subject is currently presenting a threat to the safety of themselves or others.

B. No individual, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person, vehicle, or dwelling shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In the case of traffic stops where such a search is conducted, this information shall be recorded on MNPD Form 252, Vehicle Stops Data Form, including the legal basis for the search, and the results thereof.

NOTE: It is strongly recommended that consent searches only be conducted with written consent, using the proper departmental form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to
sign," inserting initials and the signature of any witness in the signature block.

C. In the absence of a specific, credible report containing a physical description, a person's race, ethnic origin, gender, socioeconomic status, sexual orientation, or age, or any combination of these, shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

D. The deliberate recording of any misleading information related to the actual or perceived race, ethnic origin, gender, socioeconomic status, sexual orientation, or age of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action.

E. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. MNPD Form 252, Vehicle Stops Data Form, must be completed by the officer for traffic stops. The form shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license, other documents provided by the vehicle operator, voluntary statements from the person stopped, or observations made by the officer.

F. Traffic enforcement will be accompanied by consistent, ongoing supervisory control to ensure that officers do not go beyond the boundary of reasonableness in conducting such activities. Supervisors will monitor traffic activities of assigned employees to ensure biased enforcement of traffic violators does not occur. Supervisors shall review reports filed on stops by officers and respond at random to back up officers on vehicle stops and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or components.

4.40.030 Training Measures

A. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communications skills. As part of annual in-service training, MNPD personnel shall complete a review of this directive, to be documented via IST training records.

B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action based on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age.

4.40.040 Property Seizure and Forfeiture

All seizures of property shall be subject to the same standards set forth in the above order in that the decision to seize property shall not be based solely on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age. Additionally, all seizures and forfeitures will comply with current policy on property and evidence collection and storage of the Metropolitan Nashville Police Department.

4.40.050 Complaint Procedures

A. Any person may file a complaint with the department if they feel they have been stopped or searched based solely on as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. All complaints shall be handled per current departmental policy.

B. On an annual basis, the Office of Professional Accountability will compile a documented administrative review of activities with

potential for bias including, but not limited to, traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. Additionally, the review will include the findings of bias based policing complaints as to whether they were sustained, not sustained, or exonerated. Agency practices shall be evaluated to determine if additional training and/or policy revision is needed. This report will be made public through the Office of the Chief of Police.

4.40.060 Vehicle Stops Form

A. The Vehicle Stops Data Form was originally developed by the State of Tennessee Comptroller's Office. Sworn officers of the Nashville Metropolitan Police Department are required to complete MNPD Form 252, Vehicle Stops Data Form for **ALL** vehicle stops initiated.

B. MNPD Form 252, Vehicle Stops Data Form shall be completed for all officer-initiated vehicle stops (moving traffic violations, equipment violations, and investigative stops based on reasonable suspicion or probable cause of criminal conduct).

C. The following information will be provided by the officer who initiated the stop:

1. Department Originating Agency Identifier Number (pre-printed TN019000)
2. Officer Identification Number (Six Digit Employee Number)
3. Location of Stop-Beat, District, precinct, Tract, Zone (pre-printed DAVIDSON CO)
4. Gender of vehicle operator stopped
5. Time (Military)
6. Date (mmddyy)
7. Race of the vehicle operator
8. Ethnicity of vehicle operator
9. Age of driver
10. Reason for initiating stop
11. Results of stop

12. Who was action taken against?

13. Did a search occur?

14. Type of search, if applicable

15. Legal basis for search, if applicable any “Terry Stop” / “Pat Down” search should be considered and marked as Probable Cause

16. Physical evidence seized, if applicable

17. Type of evidence seized, if applicable

18. Driver’s license number and state

19. Vehicle tag number and state

20. Actual location / nearest cross street

21. Related complaint number, if applicable

22. Reporting Area (RPA), (Completed by Data Entry Section)

23. Related Ticket Number, if applicable

24. Officer Assignment (enter a single character for assignment [**P**atrol, **T**raffic, **A**dministrative, **I**nvestigative, or **O**ther (K-9, School Services, etc.)])

D. The Crime Analysis Unit will provide the Chief of Police with an annual report of Vehicle Stop Data information.

4.50 Harassment and Discrimination

4.50.010 Purpose

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. Federal law provides for the protection of classes of persons based on race, color, gender, religion, age, disability, and national origin. This policy also provides for the protection of classes of persons based on their sexual orientation.

4.50.020 Policy

It is the policy of the Metropolitan Nashville Police Department that all employees have the right to work in an environment, and citizens have a right to interactions with MNPD employees, that is free of all forms of harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct. In accordance with all relevant state and federal laws, Civil Service Rules/Policies, and Mayor's Executive Orders, the Metropolitan Nashville Police Department **will not** tolerate, condone, or allow harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, by employees or of employees. The Metropolitan Nashville Police Department considers harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct, as a form of serious employee wrongdoing. Therefore, this department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. A violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

This is a zero-tolerance policy.

4.50.030 Definitions

For purposes of this policy, the following definitions apply:

A. **Discrimination:** Any action that unlawfully or unjustly results in unequal treatment of persons based on race, color, gender, religion, age, disability, sexual orientation, or national origin.

B. **Harassment:** the definition in TCA 39-17-308 is hereby adopted and includes conduct defined in Abusive Conduct under MNPD Manual 4.70.020(A).

C. **Retaliation:** Taking, or threatening to take, an unfavorable personnel action or withholding, or threatening to withhold, a favorable personnel action against an individual for attempting to communicate a complaint of discrimination or harassment to a supervisor, the Director of MNPD Human Resources Division, the Office of Professional Accountability, the Chief of Police, the Metropolitan Government Equal Employment Opportunity Coordinator, or any other person, entity, or agency.

D. **Sexual Misconduct:** Any behavior by an employee against a member of the community or fellow employee by MNPD personnel that:

1. takes advantage of the employee's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact or conduct with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person;
2. involves any communication or behavior by an employee that would likely be construed as lewd, lascivious, or inappropriate;
3. includes conduct of a sexual nature that is unbecoming of an employee and violates general principles of acceptable conduct common to law enforcement or other professional workplace environments;
4. involves any sexual contact committed by MNPD personnel while on-duty, or while acting under the color of law;
5. includes any sexual contact committed while off-duty but involving MNPD or government equipment, or within MNPD/government property or vehicles, involving the use of a service weapon, or information obtained through law enforcement activity or databases, or secured through threat of taking or denying official action; and
6. includes a broad scope of sexual behaviors of criminal conduct as may be prohibited by state or federal law.

Consent is not an affirmative defense when engaging in sexual misconduct while acting under color of law. Sexual conduct is defined in TCA 39-13-501.

E. **Sexual Harassment:** Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or favorable or unfavorable treatment; or

2. Submission to or rejection of such conduct by an employee is used as the basis for employment-related decisions affecting the employee; or

3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

4. Sexual harassment may be in the form of comments, acts, or gestures. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, can all constitute sexual harassment. Conducting, encouraging, or condoning any of the above activities toward or about a person of the same gender can also constitute sexual harassment.

4.50.040 General Provisions

A. Prohibited Activity

1. Employees shall not engage in harassment, discrimination, or retaliation as defined herein.

   a. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.

   b. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, gender, religion, age, disability, sexual orientation, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this department.

2. Sexual Harassment & Misconduct

   a. No employee shall engage in sexual misconduct, as defined herein.

   b. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination.

3. Failure of any employee to carry out their responsibilities in good faith as defined in this policy can lead to discipline.

4. Knowledge of External Complaints/Behavior

   a. Employees who have knowledge of or a reasonable and articulable belief that employees who work at another Metropolitan

Government department, board, or commission have committed behaviors that would constitute a violation of a Metropolitan Government rule, policy, or procedure regarding harassment and/or discrimination, shall immediately provide this information to their direct supervisor. The supervisor will coordinate with the chain of command to determine what entity has jurisdiction over that complaint and/or investigation.

b. Employees who have a reasonable and articulable belief that employees who work at another law enforcement agency have committed behaviors that would constitute a violation of law related to sexual misconduct, shall immediately provide this information to their direct supervisor. The supervisor will coordinate with the chain of command to make an appropriate report to the agency that has jurisdiction over that investigation.

5. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

6. Confidentiality

Consistent with established policies and procedures on confidentiality of departmental operations and investigative processes, all employees involved in the process of reporting or documenting a complaint or investigation under this policy shall maintain the confidentiality of the investigative process and any records or reports compiled as a result thereof, except as may be required by policy or law.

B. Employee/Supervisor Responsibilities

1. Each employee shall be responsible for preventing and/or reporting acts of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. This responsibility includes the following:

a. Monitoring the unit work environment on a daily basis for early warning signs or concerning behaviors that could indicate harassment and/or discrimination (including, but not limited to, sexual harassment, sexual misconduct, or other potential wrongdoing) may be occurring (refer to current training on early warning signs);

b. All employees will receive training and maintain an awareness on the types of behavior prohibited and the department procedures for

reporting and resolving complaints of harassment and/or discrimination;

c. Stopping any observed acts that may be considered harassment or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;

d. Reporting any observed acts that may reasonably be considered harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct; and

e. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible, and if non-voluntary, should be temporary, pending the outcome of the investigation.

2. Once a supervisor has been advised, formally or informally, of an incident or incidents involving possible harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, that supervisor shall initiate an investigation as established herein. Any supervisor shall assist any employee of this department who comes to that supervisor with a complaint of harassment and/or discrimination in documenting and filing a complaint with the Office of Professional Accountability or other investigatory authority as designated by this department. Supervisors shall incorporate trauma-informed care practices during the reporting and investigation phases in accordance with current training guidelines.

3. Each employee of this department is responsible for assisting in the prevention of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, through the following acts:

   a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct;

   b. Reporting acts of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, to a supervisor; and

c. Any employee who has knowledge of or observes harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, has a duty to intervene and/or report in a manner consistent with MNPD policy on duty to intervene.

4. Employees shall participate in all required training and maintain proficiency in order to identify when another employee is engaging in or is the victim of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. Additionally, such training shall include the skills necessary to intervene, report, document, and/or investigate such allegations and/or incidents.

5. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

4.50.050 Complaint Procedures

Any employee encountering harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, is encouraged to inform the person that his/her actions are unwelcome and offensive. The employee will document all incidents of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, in order to provide the fullest basis for investigation.

Any employee who believes that he/she is a victim of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and/or discrimination, and so the appropriate investigative and disciplinary measures may be initiated.

If it is a continuing problem, the complainant should state when the conduct began and the progression of events to the time of the complaint. A complaint may be filed by a current employee, an applicant, or any other person. A complaint may be filed individually or as a group. All complainants shall have the right to have one representative of their choosing with them at all stages of the complaint procedure.

Whether the offending party is in the complainant's chain of command or not, the employee may file a departmental complaint with their supervisor, another supervisor, the Director of the MNPD Human Resources Division, the Office

of Professional Accountability, the Chief of Police, or the Metropolitan Government Equal Employment Opportunity Coordinator.

Administrative and criminal investigations of law enforcement sexual harassment or sexual misconduct should be conducted and/or coordinated by an investigator with specialized training and experience investigating such offenses whenever possible. Such investigations shall follow recommended practices for trauma-informed investigations focusing on sexual harassment/misconduct. Nothing herein precludes a supervisor who does not have specialized training from conducting an initial inquiry to determine the next appropriate action that should be taken.

A complaint of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, may be filed according to the procedures herein.

All files of harassment and/or discrimination complaints shall be maintained in a secure location. The Chief of Police shall be provided with an annual summary of all harassment and discrimination complaints by the Director of MNPD Human Resources.

Nothing herein is intended to limit or restrict any employee rights to make an Equal Employment Opportunity complaint regarding discrimination to an appropriate investigative authority.

A. Filing a Complaint with a Supervisor

1. When any supervisor is notified of a complaint involving harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, that supervisor shall meet with the employee and document the complaint in writing to include, but not limited to:

    a. The incident(s) complained of;

    b. The person(s) performing or participating in the harassment and/or discrimination;

    c. Any witnesses to the incident(s); and

    d. The date(s) on which it occurred.

2. Based upon the facts and circumstances of the alleged conduct, the department employee taking the complaint shall make appropriate notifications to the chain of command, Director of MNPD Human Resources, and/or Commander of the Office of Professional Accountability.

3. If the supervisor who is documenting the complaint is not in the chain of command of the complaining party, upon receipt of the notification, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.

4. The supervisor designated to conduct the investigation shall document all aspects of the investigation and, as appropriate, keep the affected employee informed. The investigating supervisor shall have forty-five (45) calendar days from the date of receipt to complete the investigation. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.

5. Any complaint resolution shall be acknowledged by the investigating supervisor and the complaining party, in writing, to then be forwarded and reviewed by the complaining party's chain of command to ensure fairness and impartiality.

6. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police.

B. Filing a Complaint with the Director of the MNPD Human Resources Division (Employee Relations Section).

1. When the Director of the MNPD Human Resources Division is notified of a harassment and/or discrimination complaint, a meeting with the employee shall occur to document the complaint in writing to include, but not limited to:

   a. The incident(s) complained of;

   b. The person(s) performing or participating in the harassment and/or discrimination;

   c. Any witnesses to the incident(s); and

   d. The date(s) on which it occurred.

2. Based upon the facts and circumstances of the alleged conduct, the Director of MNPD Human Resources shall make appropriate

notifications to the chain of command, Director of the Metropolitan Government Human Resources Department, and/or Commander of the Office of Professional Accountability.

3. Upon receipt of the official notification, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation. The investigating party shall have forty-five (45) calendar days from the date of receipt to complete the investigation. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.

4. If the Director of the MNPD Human Resources Division (or an authorized designee) has been designated to conduct the investigation, he/she shall document all aspects of the investigation and, as appropriate, keep the affected employee informed.

5. Any complaint resolution shall be acknowledged by the Director of the MNPD Human Resources Division and the complaining party, in writing, to then be reviewed by the complaining party's chain of command to ensure fairness and impartiality.

6. Failure to take action regarding complaints of harassment and/or discrimination shall be grounds for corrective or disciplinary action.

7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police, within ten (10) calendar days of final disposition of the Director of the MNPD Human Resources Division.

C. Filing a Complaint with the Office of Professional Accountability (OPA)

1. OPA shall be responsible for investigating any complaint alleging harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, reported to that division. The nature of the allegations will determine whether it is investigated by OPA or referred to the Employee Relations Section of the MNPD Human Resources Division. A complaint may be made to either or both.

2. Upon receipt of the complaint, OPA shall promptly submit notice to the Chief of Police documenting the complaint, with a copy forwarded to the complaining party's Bureau Commander. OPA shall also immediately notify the District Attorney's Office if the complaint contains evidence of criminal activity.

3. The OPA investigator shall include a determination as to whether other employees or citizens are being harassed and/or discriminated against by the person(s), and whether other department employees participated in or encouraged the harassment and/or discrimination.

4. The investigation of the complaint shall be completed within forty-five (45) calendar days of receipt. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.

5. OPA shall forward the full report and findings to the Chief of Police upon completion of the investigation.

6. Office of Professional Accountability procedures for keeping the complainant notified shall apply.

7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police.

D. Filing a Complaint with the Chief of Police

1. When a complaint is filed with, or appealed to, the Chief of Police, the Chief or the Chief's designee shall investigate the complaint and take corrective or disciplinary action should the allegation(s) be sustained.

2. The investigation of the complaint shall be completed within forty-five (45) calendar days of receipt, with an additional forty-five (45) calendar days allowed should the complexity or other complicating factors of the investigation warrant the extension.

3. The Chief of Police shall notify the complaining party, in writing, of the results of the investigation and any pending corrective or disciplinary action, at the conclusion of the investigation.

4. If the Chief of Police determines that the allegations warrant a third-party investigation, he/she shall refer the complaint to Metro Human Resources to assist in the investigation.

5. If the complaining party is dissatisfied with the results of the investigation, they may elect to file a complaint with Metro Human Resources.

E. Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator

1. The complaining party may file a written complaint with the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources Department.

2. If the alleged offending party is the Chief of Police, this section is where the complaint process begins.

3. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for conducting an investigation of the complaint.

4. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for notifying the complaining party and the Chief of Police, in writing, of the results of the investigation, and any further action to be taken, at the conclusion of the investigation.

5. If the alleged offending party is the Chief of Police and the allegation(s) are sustained, the Metropolitan Government Equal Employment Opportunity Coordinator will forward the results to the Mayor for review and action.

6. If the complaint has progressed to this stage because of dissatisfaction with the initial decision of the Chief of Police, and the Metropolitan Government Equal Employment Opportunity Coordinator has remanded the complaint to the Chief of Police for further review, the Chief of Police shall review the case and notify the complaining party, in writing, of the results and/or action(s) taken as a result of the additional review at the conclusion of the latest review.

7. Complainants or employees accused of harassment and/or discrimination may file a grievance in accordance with current departmental policy and Civil Service Commission Rules when the employee disagrees with the results of the investigation or disposition of a harassment and/or discrimination claim.

4.50.060 Retaliation

A. Retaliation against any employee for filing a harassment and/or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this department, Metro Civil Service Rules & Policies, and by state and federal law.

B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

C. Monitoring to ensure that retaliation does not occur is the responsibility of all supervisors, the Office of Professional Accountability, and the Chief of Police. It is the responsibility of the complainant to report any retaliation or attempt of retaliation to his/her supervisor or any other supervisor, the Director of the MNPD Human Resources Division, Office of Professional Accountability, Chief of Police, or to the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources Department.

4.50.070 Metro Government Policies and Other References

A. This MNPD policy is intended to supplement and expand upon existing Metropolitan Government policies, executive orders, procedures, and rules. Where any conflict may exist, the Metropolitan Government policies, executive orders, procedures, and rules shall prevail over a departmental policy.

B. The MNPD and Metropolitan Government provides basic, in-service, and ongoing training on harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct. All employees shall participate and adhere to all required training.

4.50.080 Employee and Complainant Assistance

The first supervisor involved in receiving a complaint under this policy shall ensure that the complainant and/or other affected employees are made aware of available employee assistance programs offered by Behavioral Health Services, Family Intervention Program, Police Human Resources, Metro Human Resources, the Office of Family Safety, and any relevant external or outside support services.

4.60 Relief From Duty/Decommission and Alternate Duty Assignment

The purpose of this policy is to state procedures to be followed when an employee is to be relieved from duty, have their law enforcement powers restricted, and/or given an Alternate Duty assignment.

4.60.010 Definitions

A. **Decommission:** An administrative action wherein the departmentally issued police commission, and the authority granted by it, is temporarily removed or restricted.

B. **Alternate Duty Assignment:** An administrative action taken in response to any situation wherein it is determined to be in the best interest of the department, the employee involved, or both to restrict the employee to an approved location, during regular duty hours. The employee shall be available by telephone, able to respond to their Division/Precinct, Bureau Inspector's office, Bureau Chief's office, or Chief of Police's office within one hour notice between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. (or the general business hours of the component assigned). For the purposes of payroll classification, MNPD personnel shall utilize the currently established designation "AA" for any alternate duty assignment.

C. **Relief from Duty:** A temporary administrative action wherein the employee retains their departmental issued police commission and authority granted by it but is relieved from their normal duty assignment or has their regular duties or hours altered to accommodate an investigative or other departmental requirement as may be necessary. An employee temporarily relieved from normal duty may, as approved by the chain of command, retain any or all their departmental equipment and/or police commission.

4.60.020 Authority & Reasons for Decommission and/or Alternate Duty Assignment

A. Authority

1. A police commission is issued by the Chief of Police under the authority granted by the Charter and Code of Laws of the Metropolitan Government and the law of the State of Tennessee.

2. When there is sufficient reason to believe the continued exercise of police authority, or physical presence of the employee, may be detrimental to the department, to the safety of anyone, or is in the best interest of the department, the employee, or both, the Chief of

Police, or authorized designee, may decommission an employee in order to limit or restrict the duties and exercise of police authority by a sworn employee, and/or reassign an employee until the circumstances that gave rise to the decommissioning and/or alternate duty assignment have been resolved.

3. Any supervisor may temporarily decommission an employee for the reasons stated herein. Such action will be subject to the review of the Chief of Police.

B. Decommission

Decommissioning, or removal of police authority, is not a disciplinary action. It is an administrative restriction on the ability of an employee to exercise police authority.

1. Decommissioning when in the best interest of the department and/or employee.

   a. There are a variety of other situations that necessitate the decommissioning of an employee. These would include, but are not limited to:

      (1) Situations where an employee's ability to meet the statutory requirements of a law enforcement officer are temporarily affected (Tenn. Code Ann. §38-8-101, et al)

      (2) Situations in which an employee is experiencing emotional or mental difficulties; and/or

      (3) Situations in which an employee may have some physically limiting condition or otherwise medically restricted from performing the duties of their assignment.

      (4) Under certain circumstances, the employee may be assigned to a light duty assignment in lieu of decommission. These shall be reviewed on a case-by-case basis and must be approved by the employee's Division Commander. Additional information can be found in chapter 2.70 Light Duty.

   b. Due to the many and various circumstances these situations may present, each must be evaluated on a case-by-case basis to determine the course of action that best serves the interests of the department and/or the employee.

2. Decommissioning to Prevent Further Allegations of Misconduct

The department has a responsibility to its employees and to the public

it serves to fully investigate allegations of misconduct and to reduce the likelihood that allegations of additional improper conduct occurred while an investigation is ongoing. Therefore, employees may be decommissioned in situations in which an employee is under internal or criminal investigation or to reduce the possibility of additional allegations of misconduct during an ongoing investigation.

3. Due to the many and various circumstances these decommission situations may present, each must be evaluated on a case-by-case basis to determine the course of action that best serves the interests of the department and/or the employee. The duration of any decommission is at the discretion of the Chief of Police and shall generally extend until the circumstances that gave rise to the decommission have been resolved.

4. Relief from Duty

   a. There are a variety of other situations where, in the best interest of the employee and/or department, an employee should be relieved from their normal duty assignment or relieved from a field duty. These shall include, but are not limited to:

      1) Situations where the employee's use of force results in a death or serious bodily injury;

      2) Situations where the employee was involved in an incident which resulted in a fatality or serious bodily injury; and/or

      3) Situations where an employee may have witnessed or been involved in a critical or traumatic incident.

   b. The duration of this relief from duty and/or administrative or temporary assignment should be based upon an evaluation of the needs to facilitate the investigative process, the need to obtain post incident debriefing or counseling, and the overall specific issues unique to the facts and circumstances of each incident. Due to the many and various circumstances these situations may present, each must be evaluated on a case-by- case basis to determine the course of action that best serves the interests of the community, the department and/or the employee. A relief from duty alone does not require decommission.

C. Alternate Duty Assignment

When there is sufficient reason to believe an employee's continued physical presence, may be detrimental to the department, to the employee, the safety of anyone, or is in the best interest of the department, the Chief of Police may reassign a departmental employee until the circumstances that gave rise to the reassignment

have been resolved.

4.60.030 Procedural Issues

A. Procedures for Decommissioning an Employee

Supervisors who decommission an employee shall adhere to the following guidelines:

1. Except in emergency circumstances, the decommissioning supervisor shall discuss such action with the employee's Precinct/Division Commander, Bureau Inspector, and Bureau Commander before taking action. In the event an employee is decommissioned while under investigation, or is decommissioned by a supervisor for an emergency, the decommissioning supervisor shall immediately notify the employee's Precinct/Division Commander, Bureau Inspector, Bureau Commander, Assistant Chief, and the Chief of Police.

2. Should the decommissioning supervisor be from outside the employee's regular chain of command, the appropriate supervisors shall be notified by the most expeditious means.

   a. When a supervisor other than the affected employee's supervisor has initiated decommissioning of an employee, that supervisor shall determine the location of the affected employee's assignment and cause a supervisor in the employee's chain of command to be notified as soon as possible.

   b. When appropriate, the affected employee's supervisor shall respond and take appropriate action.

3. As a result of the decommissioning, the employee's departmentally issued credentials (badge, police identification, etc.), issued weapons, and other issued equipment found on MNPD Form 12, Decommission Notice are to be removed from the employee's possession. An exception may be made to the above regarding the employee's access card. The access card may be retained if needed for access to assigned work areas.

   a. A supervisor senior in rank to the decommissioned employee shall take possession of these items.

   b. Depending upon the situation, the supervisor may request a second supervisor be present to act as a witness or assist with the collections of these items.

c. The items taken from the employee, excluding vehicles and weapons, shall be secured by the precinct /division commander of the decommissioned employee.

d. All departmentally issued firearms shall be secured at the Training Academy.

e. Failure of the decommissioned employee to relinquish all departmentally issued firearms, badges, identification cards, vehicle, and other applicable issued equipment is a violation of this policy. *(Category varies by severity of the conduct)*

4. The decommissioned employee shall also be instructed that he/she is prohibited from carrying or displaying any duplicate badge or other identification that may identify the employee as a police officer.

5. The decommissioning supervisor shall, upon receipt of the above items, prepare an MNPD Form 12, Decommission Notice, with the affected employee's signature, certifying (i) the employee is aware he/she has been decommissioned, (ii) has provided the employee with a copy of the current policy on relief from duty, decommission, and/or administrative assignment and (iii) listed the items and identification numbers of any equipment surrendered.

   a. The original shall be maintained and tracked in the Police Human Resources Division; a copy will be given to the employee, the employee's Bureau Commander, the Office of Professional Accountability (OPA), and to the Chief of Police.

   b. Copies shall be delivered by the most expeditious means.

6. It shall be the responsibility of the immediate supervisor of the decommissioned employee to monitor incoming subpoenas and to notify the District Attorney's Office once a new subpoena is received for such an employee. The District Attorney's Office shall then make the determination if the employee should appear on the scheduled date. Reference current departmental policy governing Court Appearance.

7. Upon notification that an employee has been decommissioned or placed into an alternate duty assignment, the MNPD Information Technology Division Commander shall ensure all network access of the decommissioned employee is suspended until further notice. If a business need exists for some part of the decommissioned employee's access to be restored, the Precinct/Division

Commander of the decommissioned employee shall notify the MNPD Information Technology Division Commander to arrange appropriate or restricted access.

B. Required Notifications

1. When an employee is decommissioned or placed on Alternate Duty Assignment with restricted access or limited police authority, the supervisor causing such action shall ensure the following departmental elements are immediately notified:

   a. The Chief of Police, Assistant Chiefs of Police, Deputy Chiefs of Police, and Inspectors,

   b. The Director of the MNPD Human Resources Division,

   c. The Director of the MNPD Training Academy,

   d. The Director of the Office of Professional Accountability,

   e. The Police Legal Advisor,

   f. The Director of the Behavioral Health Services Division,

   g. The Director of MNPD Fiscal Affairs Division,

   h. The Director of the MNPD Information & Technology Division, and

   i. The supervisor of the Court Appearance Section, and

   j. The supervisor of the Secondary Employment Unit

2. Notification shall be made utilizing the departmental email system. Email notifications shall be made regardless if notification was initially made via phone. The notifications shall include:

   a. the decommissioned/alternate duty assignment employee's name,

   b. employee number,

   c. regular duty assignment,

   d. alternate duty, if applicable,

e. specific access restrictions, including buildings, property, media servers, weapons and/or vehicles;

f. a brief summary of the reason for decommissioning or alternate duty assignment (suspension, administratively assigned to other duties, etc.); and

g. any information regarding medical or other confidential information, which shall be forwarded **only** to those recipients wherein an appropriate business need exists for such information.

C. Administrative Procedures

1. A decommissioned employee may be alternately assigned to work hours, days off, and/or assignments that may differ from his/her regularly assigned duties. The employee will be expected to perform job-related obligations, e.g., court attendance, appearance in connection with departmental investigations, and other official matters.

2. An employee, decommissioned and placed on an alternate assignment to an approved location, ***shall remain at the assigned location, be available by telephone, and be able to respond to their Division/Precinct, Bureau Inspector, Deputy Chief's office, Assistant Chief's office, or Chief of Police's office within one hour notice between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. (General Business Hours)***

(Violation of this provision shall be a Category B Offense)

D. Decommissioned Employee Status Change

1. If the decommissioned employee is the subject of a criminal charge or indictment, department disciplinary action procedures delineated in current departmental policy governing discipline and corrective action shall be followed.

2. A decommissioned employee who wishes to change his/her status of employment, e.g., resignation, must do so in writing to a member of his/her chain of command. Any member so notified shall notify their Precinct/Division Commander, Bureau Inspector, or Bureau Commander within twenty-four hours of receipt of such notification.

3. Before the reinstatement of a decommissioned employee, the Chief of Police shall forward a MNPD Form 12A, Reinstatement Notice to the concerned employee's chain of command.

    a. This notice should include any and all restrictions placed upon the reinstated employee.

    b. Copies of all status changes, e.g., reinstatement, automatic suspension, or termination will be forwarded to the concerned employee's chain of command and the MNPD Human Resources Division.

E. Alternate Duty Assignment

1. An alternate duty assignment, as described herein, is not considered corrective/disciplinary action.

2. Due to the gravity of these types of decisions, a determination shall be made by the Chief of Police, Assistant Chief of Police, or the employee's Bureau Commander in consultation with the Chief of Police, as to whether or not the employee will be placed on an alternate duty assignment.

3. When so notified, Division/Precinct Commanders shall coordinate with the employee’s Bureau Inspector or Bureau Commander regarding all restricted assignment decisions.

4. When an employee is placed on an alternate duty assignment, the Division/Precinct Commander shall immediately determine if any of the following departmental equipment has been or should be surrendered by the employee and secured:

    a. The employee’s departmentally issued credentials (badge, police identification, etc.);

    b. Any departmentally owned or issued weapons;

    c. The employee’s security/access card;

    d. Any vehicle keys;

    e. Any office keys;

    f. Any department issued computers and/or related equipment; and

    g. Any departmentally owned or issued vehicles.

Note: *The above-mentioned procedure does not preclude Division/Precinct Commanders from securing additional equipment and/or items from the employee as deemed appropriate.*

5. Restrictions while on an alternate duty assignment shall include, but are not limited to:

   a. The employee will not conduct department business unless directed by their supervisor.

   b. Until notified otherwise, the employee is not to involve themselves in any law enforcement activities, excluding response to court subpoenas. Any coordination of such court related responsibilities will be handled through the Inspections Section/ Court Appearance Unit supervisor.

   c. The employee will utilize accumulated sick leave for medical appointments. The employee's supervisor must approve sick leave and annual leave usage.

   d. Any previously approved secondary employment request(s) are hereby rescinded. Requests to engage in secondary employment while decommissioned or on alternate duty status may be submitted via MNPD 150, Secondary Employment Request Form. Only requests for non-police related employment will be considered.

   e. Employees on an alternate duty assignment are not to appear at any department facility without official authorization from their Precinct/Division Commander.

   f. Employees on an alternate duty assignment shall adhere to the standard operating procedures of the division to which they are alternately assigned.

   g. If the employee has any questions regarding his/her assignments or expectations, he/she shall direct those questions to the immediate supervisor of the component to which they are assigned.

   (Violation of provisions outlined in sections a-j above shall vary by severity of the offense)

F. Decommissioned Employee Restrictions

1. A decommissioned employee shall:

   a. Not bring any firearm onto Metropolitan Government owned or controlled property at any time;

   b. Not carry or display any duplicate badge or other identification indicating he/she is a law enforcement officer;

   c. Not represent his/herself as a law enforcement officer in any situation;

   d. Not perform in any official law enforcement capacity except by subpoena or court order; and

   e. Notify their immediate supervisor of any existing and/or new subpoenas received while they are decommissioned or suspended.

2. Due to restrictions on duties and the exercise of law enforcement authority of decommissioned personnel, no law enforcement authority shall be exercised unless specifically authorized by the Division/Precinct Commander or the Commander of any other component assigned.

3. Additionally, any exercise of law enforcement duties specifically approved by the Division/Precinct Commander shall be given the same effect as if the sworn employee was fully commissioned.

G. Reinstatement of Decommissioned Employees

1. The Chief of Police or Designee must authorize the reinstatement of any decommissioned employee or any employee placed on Administrative Assignment.

2. When a decommissioned employee or any employee placed on Administrative Assignment is reinstated to regular duty status, the office of the Chief of Police shall make the following notifications:

   a. The Chief of Police, Assistant Chiefs of Police, Deputy Chiefs of Police, and Inspectors,

   b. The employee’s Precinct/Division Commander

   c. The Commander/Director of the MNPD Human Resources Division,

d. The Commander/Director of the MNPD Training Academy,

e. The Commander/Director of the Office of Professional Accountability,

f. The Police Legal Advisor,

g. The Commander/Director of the Behavioral Health Services Division,

h. The Commander/Director of the MNPD Fiscal Affairs Division,

i. The Commander/Director of the MNPD Information &

Technology Division, and

j. The Commander/Director of the Inspections Section/ Court Appearance Unit.

3. Notification shall be made utilizing the departmental email system. Email notifications shall be made regardless if notification was initially made via phone. The notifications shall include:

a. the employee's name,

b. employee number,

c. regular duty assignment,

d. alternate duty assignment if applicable,

e. removal of specific assess restrictions including buildings, property, media servers, weapons and/or vehicles; and

f. any information regarding medical or other confidential information, which shall be forwarded **only** to the MNPD Human Resources Division. Such information shall not be included in other notifications. The MNPD Human Resources Division shall make the determination of distribution of confidential information.

4.70 Workplace Conduct

4.70.010 Purpose

Employees of the Metropolitan Government should not be exposed or subjected to abusive behavior from other employees. Employees found to be engaging in such conduct shall be subject to corrective and/or disciplinary action. Supervisors may also be subject to corrective action or discipline if they learn of abusive conduct in their workplace and fail to take appropriate action.

4.70.020 Definitions:

For purposes of this policy, the following definitions apply:

A. **Abusive conduct:** Behavior that creates an intimidating environment likely to interfere with an individual's work. This conduct can be verbal, visual, physical, or communicated in writing or electronically. Such conduct is typically directed against a particular individual or individuals. It includes, but is not limited to:

1. Situations in which one person has authority over another and engages in conduct that unfairly exploits the power inherent in a supervisor's position.

2. Repeated threatening or intimidating behavior or words (written or oral);

3. Repeated use of obscenities, profanity, epithets, gestures or cartoons directed at a person or group;

4. Repeated degrading of a person or a group on the basis of personal characteristic(s);

5. Repeated taunting, jeering, mocking, or humiliating another person through acts or words;

6. Repeated screaming and/or yelling at or around others;

7. Insulting someone, especially in the presence of others;

8. Endangering the safety of an individual or individuals; and/or

9. Sabotaging or undermining an employee's work performance.

B. **Retaliation:** Conduct that adversely affects another's terms or conditions of employment and has the effect of harming a person for filing a complaint or for participating in an investigation. Retaliation can take many forms. Examples include but are not limited to:

1. A threat of transfer or reassignment of work duties;

2. A threat of the loss of one's job, salary level, or tangible benefits related to one's job.

C. **Supervisor:** The person in an employee's chain of command having departmental authority to:

1. Direct the employee's work;

2. Approve or deny leave requests:

3. Conduct the employee's performance evaluations; and/or

4. Counsel, correct, discipline and recommend termination of employment.

4.70.030 Guidelines

A. In considering a complaint under this policy, it shall be understood that abusive conduct must be distinguished from behavior that is appropriate to the carrying out of certain supervisory or instructional responsibilities. Examples of conduct that demonstrates the non-abusive exercise of managerial prerogative and which should not be considered as abusive include but are not limited to:

1. Routine coaching and counseling, including feedback about and correction of work performance;

2. Reasonable work assignments, including shift, post, and overtime assignments;

3. Disciplinary procedures in accordance with adopted rules of the Civil Service Commission;

4. Individual differences in styles of personal expression;

5. Passionate, loud expression with no intent to harm others;

6. Differences of opinion on work-related concerns;

B. Cadets/Trainees

Abusive behavior shall not be a part of MNPD academy training program. However, this policy recognizes that loud and/or repetitive instructions from a trainer may be part of an acceptable teaching method. Such training methods are a generally accepted practice for quasi-military type training programs where stress is injected into the training atmosphere to prepare the trainee for real-
world events and conditions. Further, loud or repetitive instructions may be necessary in a life-threatening/public safety situation wherein immediate action and/or compliance is necessary (for example, in a facility evacuation due to a bomb threat or active killer).

C. The fact that someone did not intend to be abusive is generally not considered a sufficient defense to a complaint. In most cases, it is the effect of the behavior on the complainant and whether a reasonable person would find the conduct abusive that determines whether the behavior was abusive. Generally acceptable business conduct may help to gauge the reasonableness of the behavior.

D. A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

4.70.040 Reporting

A. Any employee who feels he or she has been subjected to abusive conduct, or any employee who believes abusive conduct has been perpetrated by one or more employees toward one or more co-workers, shall report the matter to any of the following:

1. A supervisor including his or her supervisor;

2. The MNPD Office of Professional Accountability;

3. The MNPD Human Resources Division; or

4. The Chief of Police.

B. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above; especially if the abusing subject is the reporting individual's immediate supervisor.

C. Unless a threat of personal or professional harm has caused an employee to delay reporting abusive conduct, a report of abusive conduct should be made within sixty (60) calendar days of the date of the conduct giving rise to the report.

D. A complaint of Abusive conduct or retaliation may be filed according to the following procedures:

1. Filing a Complaint with a Supervisor

a. When any supervisor is notified of a complaint, that supervisor shall meet with the employee and document the complaint in writing to include, but not limited to:

1) The type of behavior;

2) The person(s) performing or participating in the behavior;

3) Any witnesses to the incident(s); and

4) The date(s) on which it occurred.

b. The department employee taking the complaint shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.

c. If the supervisor who is documenting the complaint is not in the chain of command of the complaining party, upon receipt of the confidential memorandum, the Chief of Police or his/her designee shall designate the appropriate party to conduct the investigation.

d. Failure to take action regarding abusive conduct shall be grounds for disciplinary action.

2. Filing a Complaint with the Director of the MNPD Human Resources Division

   a. When the Director of the MNPD Human Resources Division is notified of a complaint, that Director (or an authorized designee) all meet with the employee and document the complaint in writing to include, but not limited to:

      1) The type of behavior;

      2) The person(s) performing or participating in the behavior;

      3) Any witnesses to the incident(s); and

      4) The date(s) on which it occurred.

   b. The Director of the MNPD Human Resources Division shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.

   c. Upon receipt of the confidential memorandum, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.

3. Filing a Complaint with the Chief of Police

   a. When a complaint is filed with the Chief of Police, the Chief or the Chief's designee shall investigate the complaint and take corrective action should the allegation(s) be sustained.

   b. The Chief of Police may determine the complaint be sent to MNPD Human Resources Division, or The Office of Professional Accountability for investigation. If such decision is made, the Chief of Police or designee shall advise the reporting employee the departmental element conducting the investigation.

4.70.050 Response to Complaint

A. An investigation into any complaint shall be conducted as soon as practicable. All affected parties will be informed of the investigation's outcome.

1. If a complainant is dissatisfied with the report's finding on the ultimate question of whether the conduct complained of violated this policy, they may appeal to the Chief of Police by making a written request for review within ten (10) calendar days of the date the investigative report was issued.

2. The decision of the Chief of Police shall be final.

3. Lodging a complaint of abuse is not proof of prohibited conduct. A complaint against an individual shall not be taken into account during a performance evaluation or consideration for targeting into a new position or promotion, unless a final determination has been made that the individual violated this policy.

B. **Retaliation**

It is a violation of this policy to retaliate against persons who report or make a charge of abusive conduct or to retaliate against those who testify, assist, or participate in any investigation involving a complaint. Any such retaliation, or any encouragement of another to retaliate, is a violation of this policy, independent of whether the underlying claim was substantiated.

NOTE: The decision to temporarily transfer or re-assign a complainant's work duties, as a protective measure, pending the outcome of an investigation, will ordinarily not be considered retaliation.

C. **False or Frivolous Allegations**

Accusations of abusive conduct typically have injurious and far-reaching effects on the careers and lives of accused individuals. Therefore, allegations must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation will not be tolerated and will subject the employee making such a report to disciplinary action.

D. Should the investigation conclude a MNPD employee has violated policy by displaying abusive conduct, such violations shall be processed and sanctioned in accordance with current policies on Discipline and Corrective Action (MNPD Department Manual 4.10) and Deportment and Personal Appearance (MNPD Departmental Manual 4.20).

Title 5: Criminal Process

5.10 Search Warrants

A. The purpose of this policy is to designate uniform procedures for conducting search and seizures without a search warrant, the execution of criminal processes, and arrests without a warrant. The information contained in this policy is consistent with the information disseminated by the Training Division. However, when in doubt about a particular search situation, officers are encouraged to seek advice from the Legal Advisor, Davidson County District Attorney's Office, or Case Preparation Division personnel. Any search, seizure, or arrest without a warrant must be justified and supported by clear, convincing, and articulable facts. The information set forth in this policy is intended to be a general guide in the area of criminal process and in no way is it an in-depth coverage of this subject. In the event of any conflict between this policy and any statute, court opinion or other rule of law, the latter will be controlling. Further, in the event any statute, court opinion or other rule of law provides greater authority to a law enforcement officer than is stated in this policy, the former will be controlling.

B. It shall be the policy of the Metropolitan Nashville Police Department that all searches, seizures, and arrests be conducted based upon a proper warrant whenever appropriate under the circumstances. Searches and/or seizures that have not been reviewed and authorized by judicial personnel will be executed as established according to the procedures set forth in this policy.

5.10.010 Definitions

A. **Arrest:** The apprehension or detention of the person of another in order that he or she may be forthcoming to answer for an alleged crime.

B. **Arrest Warrants:** A warrant of arrest is an order in writing stating the substance of the complaint, directed to a proper officer, signed by a judge or commissioner, and commanding the arrest of the defendant.

C. **Body Cavity Search:** An inspection, probing or examination of the inside of a person's anus, vagina, or genitals for the purpose of determining whether such person is concealing evidence of a criminal offense, a weapon, a controlled substance or other contraband.

D. **Capias:** A judicial writ, which requires an officer to take the body of the defendant into custody.

E. **Criminal Process:** Shall include all state arrest warrants, state capiases, and search warrants issued for the arrest of persons and search of places located within Nashville, Davidson County, Tennessee. Criminal process shall also include arrests made without a warrant and state

misdemeanor citations.

F. **Eviction:** An action taken by a landlord, owner, lessor, agent or employee to dispossess or deprive a tenant or lessee by process of law the possessions of lands which the tenant or lessee has held.

G. **Juvenile or Minor:** An un-emancipated person under the age of eighteen.

H. **Legend drug:** Any drug specified by federal law that cannot be dispensed without a prescription from a licensed doctor, dentist, or veterinarian.

I. **Lessee:** One to whom a lease, written or verbal, is given; a tenant or occupant. The lessee can reside with or without compensation being made to a landlord.

J. **Manage:** To control and direct, to administer, to take charge of. For the purpose of this order manage will refer to any person(s) who manages or controls any building, room, or enclosure. This is either as an owner, lessor, agent, or employee who shall knowingly rent, sublease, or make available for use, with or without compensation, any building room or enclosure.

K. **NOTICE:** As used herein; a written NOTICE given by MPD personnel to an owner, lessor, agent or employee to evict a tenant or occupant for a violation of Metro Code - Section 11.12.060.

L. **Order of Protection:** An order of protection is an order of a civil court which is issued after a hearing filed by a petitioner (as defined by T.C.A. § 36-3-601) which sets forth the specific orders of the court for the protection of the petitioner and is enforceable by police officers without an arrest warrant. (Reference current department policy.)

NOTE: Special precautions relevant to ex-parte orders of protection)

M. **Parent:** Any person having legal or physical custody of a juvenile.

N. **Personal Service:** Is that service of the NOTICE. Service is made by delivering said NOTICE to the person named on the NOTICE. This delivery is done in person.

O. **Private Place:** Any place that is privately owned and includes, but is not limited to buildings, motels, apartment complexes, trailer parks, railroad property, private schools, real property, and other similar areas not open to public use.

P. **Public Place:** Any place to which the public or a substantial group of the public has access.

Q. **Reasonable Suspicion:** A level or standard of proof that is less than probable cause but more than a mere hunch or belief. Reasonable suspicion must be based on specific and articulable facts, which taken together with rational inferences from those facts, reasonably warrant an officer to believe that criminal activity is afoot.

R. **Search Warrant:** A search warrant is an order in writing in the name of the state, signed by a judge, directed to any peace officer of the county, commanding him/her to search for personal property and bring it before the court.

S. **Service:** The delivery of a NOTICE by an authorized officer, to a landlord, owner, lessor, agent, or employee who is thereby officially notified of some action or proceeding in which he/she is concerned and is thereby advised of some action that he/she is commanded to take.

T. **Tenant:** One who holds or possesses lands or tenements by any kind of right or title.

5.10.020 Authority to Issue Warrant

A search warrant may be issued by a magistrate with jurisdiction within the county wherein the property sought is located, upon request of the district attorney general, assistant or criminal investigator, or any other law enforcement officer.

5.10.030 Property Which May be Seized with a Warrant

A. A warrant may be issued to search for and seize any of the following:

1. Evidence of a crime;

2. Contraband, the fruits of a crime, or items otherwise criminally possessed;

3. Property designed or intended for use, or that has been used in a crime;

4. A person whose arrest is supported by probable cause; or

5. A person who is unlawfully restrained.

5.10.040 Search Warrant Application

A. Process

Within the MNPD, only sworn employees may apply for a search warrant. Such employees shall ensure compliance with Tennessee law and all applicable MNPD policies and procedures.

B. Supervisor Review

1. Applications for search warrants shall be reviewed by a sworn supervisor, at a level no less than a Bureau Commander, prior to submission to a magistrate or judge for review and approval. Supervisors, in reviewing search warrants, are encouraged to use the resources available across the department (e.g., supervisors in SID, CID, CSU, Case Preparation, Police Legal Advisor, or, if assisting with the case) assistant district attorney.

2. In reviewing search warrant applications to determine whether sufficient probable cause exists to support the issuance of a warrant, supervisors shall, at a minimum, consider:

   a. Staleness – The timeline of occurrence of the relevant facts being relied upon in order to establish probable cause for the issuance of the warrant must be established. If the information is too old, it is considered stale and cannot constitute probable cause.

   b. Nexus – Is there a sufficient nexus between the item(s) to be searched for and the place to be searched? Does the affidavit establish probable cause to believe that the items subject to seizure (i.e., evidence, contraband, fruits of crime, etc.) are currently in the place to be searched?

   c. Scope – Is the scope of the warrant limited to the search of items for which the affidavit establishes there is probable cause to believe are located at the place to be searched? If the warrant is overly broad, it is considered a general warrant and invalid.

   d. Hearsay – Does the affidavit satisfy the basis of knowledge prong and the veracity prong such that, under the totality of the circumstances, a magistrate would find there is a fair probability that contraband or evidence of a crime will be found in a particular place?

   e. Description – Does the search warrant describe the place to be searched to the exclusion of all others? The warrant should provide a sufficient description such that an officer with no knowledge of the case can accurately locate the place to be searched. Does the warrant describe the things to be seized to the exclusion of all others? If the warrant is for the seizure of an item such as controlled substances, then a more general description will suffice. If the warrant has been issued to recover a particular item (e.g., a stolen phone, a gun used in a homicide, etc.), then the warrant should sufficiently describe that item such that no other items will be taken by mistake.

   f. Necessity – Prior to seeking a search warrant, officers will assess the need to obtain a search warrant, weighing factors such as the

reason for the search, the intrusiveness of the search, safety of the officers and the public, and whether there were reasonable and less drastic alternatives to accomplish the investigative goals (e.g., consent). Officers should also take reasonable steps to minimize the intrusiveness of a search warrant execution (e.g., obtaining consent where there is no threat to evidence or safety, using keys to minimize damage, etc.).

C. Search warrant applications should generally be presented to the Judges of the General Sessions and Criminal Courts. In the event a judge cannot be located and a delay to find a judge would impair the investigation, commissioners/magistrates assigned to Night Court may be utilized.

D. When a search warrant is presented to a judge or magistrate for review and approval, and such approval is denied, copies of the search warrant and affidavit shall be forwarded to Legal Resources. Only after a review of the search warrant has been completed by Legal Resources or the Police Legal Advisor, and a finding that probable cause exists to support the issuance, may the search warrant be submitted to a different judge or magistrate.

E. Search Warrant Type – Minimum Requirements for Application & Supervisory Review.

1. Search Warrants Requesting No-Knock Service or Execution:

   No officer shall seek application for a search warrant wherein a “no-knock” service or execution is requested.

2. Search Warrants Involving a Residence or Building Where Forced Entry is Reasonably Expected or Anticipated or Body Cavity Searches:

   No officer shall seek application for a search warrant under this category without the explicit prior approval of no less than a Deputy Chief of Police.

3. All Other Search Warrants:

   No officer shall seek application for a search warrant under this category without the explicit prior approval of a sworn supervisor who has completed the departmentally approved search warrant review training program.

5.10.050 Execution and Return with Inventory

A. Prior to executing a search warrant, officers shall consider the following factors:

1. Threat assessment – Prior to the execution of a search warrant for a

premises, a Threat Assessment form (MNPD Form 375) shall be completed. The decision matrix shall be used to determine which component will execute the warrant.

2. Time – Proper consideration should be given to the time of execution of the search warrant. Is the planned execution time reasonable? Is there a time when the person in control of the premises is likely to be present and can admit officers so that damaging the property is unnecessary? If the search warrant is for a premises and doesn't involve a threat to the loss of evidence or safety of the officer or others, then the warrant should generally be executed during daytime hours.

3. Personal searches – If the search of persons is anticipated, officers of either sex should be on hand to accommodate personal searches.

4. Security – Consideration should be given to the steps necessary to secure the premises following the execution of the search warrant if forced entry is required (e.g., calling apartment maintenance, replacing a damaged lock on a storage unit, etc.).

5. Visibility – Officers executing the search warrant should be properly attired in uniform or other clothing that clearly indicates they are a law enforcement officer with the MNPD. When a warrant is to be executed on a premises by a non-uniformed unit, at least one uniformed officer should be present and visible, unless there is an articulable threat in doing so. Where feasible, a marked unit should be positioned so as to be visible to the occupants of any premises subject to the execution of the search warrant.

B. During the execution of the search warrant, officers shall consider the following factors:

1. Knock and Announce – In conformance with constitutional requirements, absent reasonable suspicion of exigent circumstances, officers must comply the requirement to knock and announce the officer's presence and purpose.

2. Wait time – The knock and announce rule requires officers to wait a reasonable period of time to be voluntarily admitted into the location before forced entry may be made.

3. Forced entry – Any damage sustained during the execution of a search warrant must be reasonably necessary. Care should be taken to avoid unnecessarily causing damage to property. Consideration should be given to steps which may reduce the need to force entry (e.g., waiting until someone is on hand who can provide access to the location, obtaining a key to the location, etc.)

C. The search warrant may only be executed by the officer, or one of the officers, to whom it is directed. Other persons may aid such officer at the officer's request, but the officer must be present and participate in the execution.

D. If, after notice of his or her authority and purpose, an officer is not granted admittance, or in the absence of anyone with authority to grant admittance, the officer with a search warrant may break open any door or window of a building or vehicle, or any part thereof, described to be searched in the warrant to the extent that it is reasonably necessary to execute the warrant and does not unnecessarily damage the property.

E. The warrant must be executed within five calendar days after its date of issuance.

F. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at a place from which the property was taken.

G. The return shall be made promptly and shall be accompanied by a written inventory of any property taken.

   The return, along with a copy of the search warrant and supporting affidavits shall be sent to Legal Resources who shall maintain such copies as a confidential open case. Legal Resources shall review the documents for training purposes and maintain an analysis which summarizes statistical information, and such analysis shall not contain any confidential information.

5.10.060 Search Warrant Control Number

A. Any time a member of the MNPD seeks approval for a search warrant, they shall request a control number from the Search Warrant Request link on PDWeb.

B. The search warrant control number shall be included with the search warrant for supervisory review prior to presenting the warrant for a magistrate's approval.

C. If a search warrant control number cannot be obtained due to technical problems or other unforeseen circumstances, the member shall ensure that a control number is requested as soon as practicable.

5.10.070 Search Warrant Tracking Form

A. Any time a member of the MNPD appears before a magistrate, seeking a search warrant, the Search Warrant Tracking form shall be completed. The link to the Search Warrant Tracking form may be found on the PDWeb under Forms.

B. The Search Warrant Tracking form shall be completed:

   1. Following the execution of the search warrant.

2. At the point it is determined the search warrant, although granted by the magistrate, will not be executed (e.g., expired, stale, etc.); or

3. Following the denial of a search warrant by a magistrate.

C. A Search Warrant Tracking form shall be completed each time a new search warrant is sought, even if they are related to the same case, involve the same suspect, or are for the same location.

D. All applicable blanks of the Search Warrant Tracking form shall be completed fully and accurately, and the related control number must be included. The form should be completed in a timely manner, and no later than upon filing of the search warrant return with Criminal Court Clerk's Office.

E. The Search Warrant Tracking database shall be maintained as a confidential record. Access to the Search Warrant Tracking database shall be limited to those persons with an established business need; as approved by the Chief of Police, Deputy Chief or the commander of Professional Standards Division.

5.20 Warrantless Searches

5.20.010 Authority

Officers have the authority to conduct searches and make seizures without a warrant under certain circumstances. These circumstances include but are not limited to:

A. Searches by consent;

B. Stop and frisk of individuals;

C. Vehicle searches based on:

1. Mobility;

2. Incident to a lawful custodial arrest; or

3. An inventory, or caretaking provision, as it relates to impounded vehicles.

D. Searches Based on Exigent Circumstances;

E. Abandoned property;

F. Searches incident to lawful arrest;

G. Strip searches;

H. Plain view seizures; and/or

I. Open field searches.

5.20.020 Searches by Consent

A. Officers may conduct a search of a person or property by obtaining prior consent. The consent must be voluntarily given, and that voluntary consent must be shown to be unequivocal, specific, and intelligently given, uncontaminated by duress or coercion. The consent must be proven to be voluntarily given by a preponderance of the evidence and is never lightly inferred by the courts. The prior consent must be obtained from the person or persons with authority to give a valid consent. Consent need not be in writing and a refusal to give written consent may still permit a valid oral consent.

B. Officers should make an informed evaluation of the relevant facts and circumstances of the situation; consider the scope of the particular intrusion, the manner in which it is conducted, and the time and place in which it is conducted when making a determination that it is

reasonable to request consent.

C. It is expected that officers will attempt to obtain written consent, using the proper departmental form, prior to conducting a consent search. If the individual indicates that they will consent to a search but are refusing to sign the form, employees shall complete the form and indicate "consented to search but refused to sign,"- inserting initials and the signature of any witness in the signature block.

D. Current consent to search forms available for use are, MNPD Form 262, Consent for a Search of Premises, MNPD Form 263, Consent for Physical Samples, MNPD Form 264, Consent for Fingerprints and Photographs, and MNPD Form 265, Consent to Search a Vehicle.

Note: It is strongly recommended that consent searches only be conducted with written consent, using the proper departmental form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign," inserting initials and the signature of any witness in the signature block.

5.20.030 Stop and Frisk of Individuals

A. Officers may stop a person or persons when the officer has specific and articulable facts that rise to the level of reasonable suspicion of criminal activity, past, present, or future. Generally stated, reasonable suspicion is a less demanding standard than probable cause. The officers should identify themselves as police officers when conducting the stop.

B. Further, if there is reasonable suspicion the person is armed and dangerous, a frisk of the person is authorized. Such a frisk (a limited search) is not meant to discover evidence of a crime and generally is limited to what is necessary to protect the investigating officer. If the frisk or pat down goes beyond what is necessary to discover a weapon, it will likely be ruled to be invalid. However, if a suspected weapon can be felt through the outer clothing, it may be seized. Any further search or intrusion must proceed on the higher standard of probable cause. The frisk or “patting down” **must be limited** to that which is necessary for the discovery of weapons.

C. If there is reasonable suspicion to believe a current, or recent, occupant of a lawfully stopped vehicle is armed and dangerous, then officers may perform a limited protective search (“frisk”) of the passenger compartment of the vehicle to locate a weapon that may be used to harm the officer. The limited protective search is restricted to those areas of the passenger compartment of the vehicle where a weapon may be placed or hidden.

5.20.040 Vehicle Searches

A. Mobility of Vehicles

1. Officers may conduct an immediate search of a movable vehicle when the officer has established probable cause to believe that contraband or evidence of a crime is present in the vehicle. **The probable cause established must be as sufficient as that which would support obtaining a search warrant. Unless exigent circumstances exist, a warrant should be sought.**

2. There is a presumption of mobility and exigent circumstances if the vehicle is stopped on a highway or other area open to the public. In other situations, the officer must demonstrate the mobility and exigent circumstances with specific and articulable facts. The officer is not required to obtain a search warrant when, due to the mobility of the vehicle, an immediate search is necessary. However, articulable probable cause for the search must be established before the search commences. Probable cause to search exists where the facts and circumstances within the officer's knowledge, of which he/she has reasonable trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that contraband or evidence can be found in a particular place.

3. The United States Supreme Court has ruled that police officers who have legitimately stopped an automobile, and who have probable cause to believe that contraband is concealed somewhere within it, may conduct a warrantless search of the vehicle. This search can be as thorough as a magistrate could authorize by warrant.

B. Vehicle Search Incident to a Lawful Custodial Arrest

1. A vehicle may be searched incident to the arrest of a recent occupant of that motor vehicle.

2. The search of a motor vehicle incident to the arrest of a recent occupant of that vehicle may only take place when the following apply:

   a. An actual and continuing threat to the officer's safety is posed by an arrestee, or

   b. At the time of the search, the arrestee is unsecured and within reaching distance of the passenger compartment; or

   c. It is reasonable to believe the vehicle contains evidence of the offense of arrest.

3. Pursuant to a search outlined immediately above, officers may also examine the contents of any unlocked containers found within the passenger compartment. A “container” is defined as being any object capable of holding another object. This includes closed or open glove compartments, consoles, or other receptacles located anywhere within the passenger compartment, as well as luggage, boxes, bags, clothing, or other similar objects. This does not include locked containers or a separate trunk area. The scope of any such searches is limited by the item(s) lawfully being searched for.

C. Vehicle Inventory Procedures

Officers will conduct an inventory of impounded vehicles or property. In order for an inventory to be valid, such impoundment must be justified and consistent with the department’s policy on vehicle impoundment. Special attention should be given to the reasonable alternatives to towing:

1. When a vehicle is in lawful custody, an officer is authorized to inventory the contents of that vehicle so as to protect:

   a. The owner/operator’s property; and

   b. The officer and the department from unfounded claims that may result in liability to owners/operators who make claim that property was taken or damaged while their vehicle was in custody; and

   c. The officer and others present from dangerous materials.

2. A vehicle inventory is permitted without a warrant or the consent of the operator/owner of the vehicle. The extent of the inventory depends upon the circumstances which caused the vehicle to be in custody:

   a. If due to a parking violation, or other circumstances where access to the interior of the vehicle is limited, a cursory survey will be made of the areas exposed to “plain view”, or accessible to a thief (e.g. over sun visors, under front seat, unlocked glove box, other “unlocked” areas and containers), and items of apparent value shall be itemized on applicable reports, and protected as each item demands and circumstances permit.

   b. When keys to the vehicle are present, in addition to the scope of the survey detailed above, the inventory will be extended to areas made accessible by the keys (i.e. locked glove box and trunk) and any “unlocked” container(s) located therein. In either case, the inventory should be limited to areas where personal items would reasonably be stored.

c. The officer may properly open closed containers when necessary to make a realistic and meaningful inventory.

d. The inventory does not extend to a locked container.

IMPORTANT: The inventory of a vehicle is separate from the detection, investigation, or collection of evidence related to criminal activity; however, the inventory of a vehicle should not be construed as limiting any other lawful search.

3. Alternative to Impoundment

Alternative actions to vehicle impoundment are outlined in the current written directive on Vehicle Impoundment.

5.20.050 Searches Based on Exigent Circumstance

Officers may conduct a search of a vehicle or a building when the officer has reasonable grounds to believe it is necessary to save life, prevent injury, preserve evidence, or prevent serious property damage. However, the officer must have reasonable grounds to believe the circumstances of the situation give rise to an objectively reasonable belief that there is a compelling need to act and insufficient time to obtain a search warrant. Additionally, there must be some reasonable basis to associate the exigent circumstances with the area to be searched.

NOTE: The exigent search should be used with extreme caution. Although it is a search warrant exception, courts strictly examine its use. The exigent circumstances, granting the privilege to enter and search, cannot be created by the officer or other governmental agency.

5.20.060 Abandoned Property

Abandonment can occur as to premises, vehicles, or possessions. When a person disclaims ownership, they have no legal standing to later complain of a search, because any privacy interest has been abandoned with the property.

Officers may seize abandoned property as long as the abandoned property is located in a public place or a location not otherwise constitutionally protected from unreasonable search and/or seizure.

5.20.070 Searches Incident to Arrest

A. Officers shall conduct a search of a person or persons placed under custodial arrest. Persons under a lawful custodial arrest may be searched completely including clothing, purses, wallets, and any containers on their person at the time of arrest. The search may extend to the immediate area of the arrestee and may be for weapons,

evidence, or means of escape. The issuance of a misdemeanor citation is not considered an arrest for purposes of the search incident to arrest warrant exception.

1. A search incident to arrest is permissible after any lawful custodial arrest. There are two valid purposes for conducting searches incident to arrest:

   a. To protect the officer and other persons in the vicinity from any dangerous items in the possession of the person arrested; or

   b. To prevent the destruction of evidence within the reach of the arrestee.

2. The scope of the search extends to the immediate areas from which the arrestee might obtain a weapon or evidentiary items.

B. Officers may conduct a protective sweep incident to an in-home custodial arrest. A protective sweep is a search incident to a custodial arrest in a home to ensure the safety of the arresting officers from unseen attackers.

1. The arresting officers can, as a precautionary matter and without probable cause or reasonable suspicion, look in closets and other spaces immediately adjoining the place of arrest from which an attack could be immediately launched.

2. The arresting officers may also conduct a limited protective sweep of the arrestee's dwelling when the officers possess a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene.

3. The scope of a protective sweep is limited to a cursory inspection of those spaces where a person may be found. The protective sweep may last no longer than is necessary to dispel the reasonable suspicion of danger and in any event no longer than it takes to complete the arrest and depart the premises.

5.20.080 Strip Searches

A. Strip searches are to be restricted and shall always be reviewed with the greatest of scrutiny.

B. **Tennessee Code Annotated Section 40-7-119 restricts such searches by police with the following language:**

“As used in this section, "strip search" means having an arrested person remove or arrange some or all of the person's clothing so

as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of the arrested person. No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, or other contraband."

C. It shall be the policy of this department that if an arrestee can be reasonably secured, without danger to the officer, that such a search, when deemed to be necessary, be conducted by an officer of the same gender, based on the gender identity/expression of the arrestee, and in an area not easily viewed by the public.

D. Unless immediate action is necessary for the safety of officer(s) present, the public, or to prevent the destruction/tampering of evidence, prior to any strip search, the employee's immediate supervisor shall respond to the scene to evaluate the circumstances surrounding the request to perform a strip search and make a determination whether such a search is warranted.

E. All strip searches shall be documented by all employees involved in the search process by completing MNPD Form 104, Supplemental Report. The following information should be included in the Supplement Report: who directed the search, the level of proof attained before the search, what evidence, if any, resulted from the search, who was present during the search, the name of the supervisor approving the search, as well as any other pertinent information.

F. In addition to the requirements set forth herein, strip searches involving juveniles should adhere to the following provisions:

1. Prior to any authorization for a strip search of a juvenile, reasonable effort must be made to use other less intrusive means such as pat searches, clothing searches, or electronic metal detection devices;

2. Any strip search involving a juvenile shall be conducted only after having consulted with the on-duty Field Supervisor and only with an MNPD supervisor on the scene as required by 5.20.080 (D);

3. At least two MNPD officers of the same gender, based on the gender identity/expression of the juvenile, shall conduct any strip search of a juvenile;

4. A strip search involving a juvenile shall be performed in an area that ensures the privacy and reasonable comfort of the juvenile;

5. MNPD staff shall make a reasonable attempt to notify the juvenile's parent/guardian of the search as soon as it is practical; and

6. Any strip search involving a juvenile shall be documented as required by 5.20.080 (E) and shall be forwarded through the chain of command for review.

5.20.090 Body Cavity Searches

A. Body cavity searches are strictly regulated by T.C.A. § 40-7-121, which states in part that no person shall be subjected to a body cavity search by a law enforcement officer or by another person acting under the direction, supervision or authority of a law enforcement officer unless such search is conducted pursuant to a search warrant issued in accordance with Rule 41 of the Tennessee Rules of Criminal Procedure.

B. The issue of whether a person subjected to a body cavity search consented to such search is irrelevant and shall not be considered in determining whether the search was a valid one under the provisions of this section, unless the consent is in writing on a preprinted form and contains the following language:

Waiver of Warrant Requirement and Consent to Search Body Cavities
"I knowingly and voluntarily consent to have my body cavities searched immediately by law enforcement personnel in the manner provided by the laws of Tennessee. By signing this consent form, I knowingly and voluntarily waive my right to require that a warrant be obtained from an appropriate judge or magistrate before my body cavities are searched."

"I understand that a body cavity search may involve both visual and physical probing into my genitals and anus. I understand that I would not be prejudiced or penalized by declining to give my consent to be searched in this manner."

C. A law enforcement officer who conducts, or causes to be conducted, a body cavity search in violation of this section, and the governmental entity employing such officer, shall be subject to a civil cause of action.

D. Body cavity searches conducted pursuant to this section must be performed by a licensed physician or a licensed nurse.

E. All body cavity searches will be documented by all employees involved in the process by completing MNPD Form 104, Supplemental Report. The following information should be included in the Supplement Report: who directed the search, the level of proof attained before the search, what evidence, if any, resulted from the search, who was present during the search, as well as any other pertinent information.

Copies of supplemental reports and any search warrant or consent forms will be maintained in the case file.

F. MNPD Form 268, which is a voluntary *Consent for a Body Cavity Search*, **cannot** be used with juvenile subjects.

G. Supervisory approval is required before using MNPD Form 268.

5.20.100 Plain View

Officers may seize any illegal contraband or evidence of a crime that is in "plain view". However, each of the following elements must be satisfied before the "plain view" exception is satisfied:

A. The item must be in plain view. The officer may not manipulate the item in order to obtain a better view;

B. The officer must have the legal right to be in the particular place to view, as well as to seize, the item; and

C. The incriminating nature of the object(s) must be immediately apparent to the officer, i.e., the officer must have probable cause to believe that the object(s) has/have evidentiary value.

5.20.110 Open Field Searches

The U.S. Supreme Court authorizes law enforcement to seize contraband or evidence of a crime located in an "open field". The contraband or evidence must be in a location where it is clear the owner of the item has no reasonable expectation that it will be free from the public's view, and thus the owner has no reasonable expectation of privacy.

The courts have distinguished "open fields" from a Fourth Amendment protected area known as the "curtilage". According to the U.S. Supreme Court, curtilage is any land immediately surrounding and associated with the home. Curtilage enjoys the same Fourth Amendment protection as the interior of a home.

Tennessee courts, interpreting the Tennessee Constitution, are generally more restrictive in their definition of constitutionally unprotected "open fields" and more expansive in their definition of constitutionally protected "curtilage". Tennessee courts have held that only that portion of an "open field" that is unoccupied and unpossessed (legally referred to as "only wild and wasteland") may be searched without a search warrant.

5.20.120 Crime Scene Searches

There is no "crime scene" exception to the search warrant requirement. Any seizure of evidence, whether at a crime scene or not, must be justified by a search incident to the execution of a search warrant, or the search and/or seizure must fit within one of the exceptions to the search warrant requirement.

5.20.130 Juvenile Provisions

All departmental procedures, court opinions, rules of law and applicable statutes will be followed when dealing with juvenile suspects.

5.30 Metropolitan Development and Housing Authority Properties

5.30.010 General Provisions

A. Any time it is necessary to enter the premises of any tenant on property controlled, owned or managed by the Metropolitan Development and Housing Authority, officers must obtain the proper warrant authorizing such an entry or the entry must be made pursuant to a recognized exception to the warrant requirement. Consent and exigent circumstances are the recognized exceptions to the requirement that a warrant must be obtained.

B. Persons leasing or occupying property controlled by MDHA are entitled to the same constitutional protections as any other citizen leasing or occupying property owned or managed by a private entity. Ownership and/or management by a government agency does not in any way diminish the constitutional protection afforded the citizens occupying these premises. Further, MDHA does not have the authority to consent, on behalf of the tenant, to an entry of a tenant's premises.

C. Therefore, entry into/onto the premises of any tenant of MDHA must be pursuant to a proper warrant or, in the alternative, one of the recognized exceptions to the warrant requirement. At no time will any officer attempt to circumvent these mandates by requesting MDHA personnel to use a passkey to make an entry.

D. However, if a proper warrant has been issued or a valid exception to the warrant requirement exists, it is permissible to request MDHA personnel to use a passkey to facilitate an entry if the use of the passkey is to avoid unnecessary damage to property or to decrease the likelihood of harm to any person.

E. Any officer requesting MDHA personnel to use a passkey to facilitate an entry will be required to complete and sign a MNPD Form 267, Unlock Request. By signing this request, the officer is attesting that entry will be by constitutional means and that he or she is accepting responsibility for use of the passkey to make the entry.

F. Likewise, the files maintained by MDHA on any of its tenants receive the same constitutional protection as the files of any tenant of any nongovernment entity. A search warrant will be required to obtain information from a tenant's file.

5.40 Arrests

5.40.010 General Provisions

A. Arrest warrants and search warrants issued by legal authority shall only be executed by sworn law enforcement officers as provided in Tennessee Code Annotated.

B. All sworn members of the Metropolitan Nashville Police Department are vested with the authority to execute all criminal warrants and capiases as well as to enforce orders of protection within Davidson County, Tennessee; however, all outstanding warrants, capiases, and orders of protection are maintained, processed, and filed by the Davidson County Sheriff's Office (DCSO).

C. Metropolitan Nashville Police Officers have authority to make arrests and enforce all criminal process issued against persons and places located in Davidson County, Tennessee. The execution of criminal process in other counties of this state shall be the primary responsibility of the law enforcement officers with jurisdiction in that particular county, although the criminal process may have originated in Davidson County, Tennessee.

D. A defendant arrested in one (1) county on an arrest warrant issued in another county for the commission of an offense for which the maximum punishment is imprisonment for ten (10) years or less is entitled to be admitted to bail in the county of arrest by the same officials and in the same manner as if arrested in the county issuing the warrant.

5.40.020 Grounds for Arrest by Officers Without a Warrant

Metropolitan Nashville Police Officers may arrest a person without an arrest warrant, pursuant to TCA, in any of the following instances:

A. For a public offense committed or a breach of the peace threatened in his/her presence;

B. When the person has committed a felony, though not in the officer's presence;

C. When a felony has in fact been committed, and the officer has reasonable cause for believing the person arrested has committed the felony;

D. On a charge made upon reasonable cause of the commission of a felony by the person arrested;

E. When the person is attempting to commit suicide;

F. At the scene of a traffic accident who is the driver of a vehicle involved in the accident when, based on personal investigation, the officer has probable cause to believe that the person has committed an offense under the provisions of Title 55, Chapters 8 and 10 of the Tennessee Code Annotated.

   The provisions of this subdivision shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars ($1,000) unless the officer has probable cause to believe that the driver of such vehicle has committed an offense under T.C.A. § 55-10-401;

G. Notwithstanding any other provision of law to the contrary, when a law enforcement officer responds to a domestic violence call, he or she shall comply with current department policy, which incorporates the provisions of this statute;

H. Who is the driver of a vehicle involved in a traffic accident either at the scene of the accident or up to four (4) hours after the driver has been transported to a health care facility, if emergency medical treatment for the driver is required and the officer has probable cause to believe that the driver has violated T.C.A. § 55-10-401;

I. When an officer has probable cause to believe a person has committed the offense of stalking, as prohibited by T.C.A. § 39-17-315;

J. Who is the driver of a motor vehicle involved in a traffic accident, who leaves the scene of the accident, who is apprehended within four (4) hours of the accident, and the officer has probable cause to believe the driver has violated T.C.A. § 55-10-401;

K. If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the conditions of release imposed pursuant to § 40-11-150, and verifies that the alleged violator received notice of the conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer;

L. The person is subject to arrest pursuant to § 55-10-119; or

M. When an officer has probable cause to believe a person has committed a misdemeanor, regardless of whether the offense was committed in the officer’s presence.

5.40.030 Arrest Warrants

A. All arrest warrants issued in Davidson County are issued by a judge or commissioner once he/she is satisfied that the offense complained of has been committed, and there is reasonable ground to believe the defendant is guilty of that offense.

B. Upon issuance of a warrant, state law imposes a duty on all sworn employees of the Metropolitan Nashville Police Department to serve said warrants on defendants located within Davidson County, Tennessee. However, when the persons are not in custody or presently located, the outstanding warrant shall be filed in Criminal Warrants consistent with the section policy for filing the same.

C. Consistent with the provisions of T.C.A. § 40-7-118, the judge or General Sessions "Night" Court Commissioner may designate that misdemeanor arrest warrants shall be served by the issuance of a state misdemeanor citation. If this is done, the warrant will be clearly marked and all such outstanding misdemeanor warrants will be served by state misdemeanor citation giving the defendant a court appearance date.

1. Current practice among judges and judicial commissioners issuing misdemeanor warrants is that warrants are stamped "Citation" if they may be served with a citation. **If the warrant is not stamped "Citation," the person named shall be brought to Night Court for processing as with any physical arrest.** **[74.3.1]**

    a. The person named must meet all other eligibility requirements to have the warrant served with a citation. Otherwise, a physical arrest is required even if the warrant is stamped "Citation."

    b. When serving such a warrant with a citation, the officer shall complete all information on the citation and other documents.

    c. The officer shall assign the court date as mandated by existing policy.

    d. The officer shall contact the Warrant Office, and provide the following information:

        (1) Defendant's name;

        (2) Warrant number;

        (3) Officer's name;

        (4) Officer's unit number;

        (5) Complaint number, if not assigned on warrant;

(6) Citation number; and

(7) Court date assigned.

e. The Warrant Office personnel shall forward the warrant to the Criminal Court Clerk as being "served."

D. When serving arrest warrants at a private residence, police officers shall adhere to the U.S. Supreme Court ruling in *Steagald v. United States* which provides that a search warrant must be obtained, absent exigent circumstances or consent, to search for the subject of an arrest warrant in the home of a third party.

E. When serving arrest warrants, officers shall first confirm that the warrant is still outstanding and the DCSO has visually confirmed the warrant is on file. This can be accomplished in several ways:

1. Via radio by contacting the DCSO Warrant personnel on the designated radio channel; or

2. Via telephone by calling the DCSO Warrant personnel directly.

F. In all circumstances, DCSO personnel shall physically pull the warrant and confirm the warrant is active and on file prior to any MNPD officer placing any suspect in custody for an outstanding warrant offense only.

G. Under no circumstances shall any individual be transported to booking or the MNPD Warrant Division for the purpose of confirming an outstanding warrant.

5.40.040 Routine Felony Arrests

Consistent with the U.S. Supreme Court's holding in *Payton v. New York*, it is presumptively unreasonable for Metropolitan Nashville Police Officers to make a non-consensual warrantless entry into a suspect's home for the purpose of making a routine felony arrest. However, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.

5.50 State Misdemeanor Arrest Citations

5.50.010 Policy

It is the policy of the Metropolitan Police Department that all personnel shall adhere to the provisions herein with respect to state misdemeanor citations. Officers **shall** issue citations in cases where:

A. The public will not be endangered by the continued freedom of the suspected misdemeanant; and

B. The officer has reasonable proof of the identity of the suspected misdemeanant; and

C. There is no reason to believe the suspected misdemeanant will not appear as required by law; and

D. Issuance of such citation is not specifically prohibited by statute and/or this order.

5.50.020 Determination of Continued Custody or Issuance of Citation

A. Sworn personnel shall comply with all current laws and departmental policies in regard to handling and searching of subjects. The officer shall conduct an analysis of the facts, circumstances, and laws to determine if a custodial arrest should be made or if the arrested person should be issued a citation and released.

1. Mandatory Issuance of Citations

   As a general rule, police officers who have arrested a person for the commission of a misdemeanor committed in their presence, or who have taken custody of a person arrested by a private person for the commission of a misdemeanor, **shall** issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate, unless the offense or the circumstances of the arrest fall within one of the exceptions listed in this order.

2. Non-Mandatory Issuance of Citations

   a. If a person is arrested for any of the five (5) offenses listed directly below, a police officer **may** issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.

(1) The offense of theft (which formerly constituted shoplifting), in violation of § 39-14-103.

(2) Issuance of bad checks in violation § 39-14-121.

(3) Use of a revoked or suspended driver license in violation of § 55-50-504, 55-50-601 or § 55-50-602.

(4) Assault, unless the officer believes there is a reasonable likelihood that the arrested person would endanger other persons if a citation were issued in lieu of continued physical custody of the defendant.

(5) Prostitution, in violation of § 39-13-513, unless the arresting officer has reasonable cause to believe that the defendant will attempt to engage in prostitution activities (within a reasonable period of time) if not arrested.

b. While issuance of a citation for the above-described offenses is not statutorily mandated, **officers are encouraged to issue citations whenever possible**.

3. Officer's Discretion to Make Arrest:

a. An officer may arrest and take a person into custody if:

(1) A reasonable likelihood exists that the arrested person will fail to appeal in court;

(2) The prosecution of the offense for which the person was arrested, or other offense would thereby be jeopardized; or

(3) The peace officer has probable cause to believe that person committed the offense, regardless of whether the offense was committed in the peace officer's presence.

b. The decision to arrest rather than issue a misdemeanor citation under these circumstances must be specifically articulated in the narrative of the MNPD Form 106 Arrest Report. Emphasis should be placed on the risk posed to the proper administration of justice by issuing a citation if the suspected misdemeanant remains at large.

4. Issuance of Citations Prohibited

    a. **No citation shall be issued** for any misdemeanor arrest if:

        (1) The person arrested requires medical examination or medical care; or such person is unable to care for his/her own safety; or

        (2) There is a reasonable likelihood that the offense would continue or resume, or that persons property would be endangered by the arrested person; or

        (3) The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field administered fingerprint or thumbprint; or

        (4) The person demands to be taken immediately before a magistrate or refuses to sign the citation; or

        (5) The person arrested is so intoxicated that he could be a danger to himself or herself or to others; or

        (6) There are one (1) or more outstanding arrest warrants for the person, or

        (7) The person arrested is charged with D.U.I. as prohibited by § 55-10-401, **unless** the offender is admitted to a hospital or detained for medical treatment for a period of at least three hours for injuries sustained in a D.U.I. incident; or

        (8) The person is subject to arrest pursuant to § 55-10-119.

B. Officers should be aware that on some occasions judicial commissioners may order officers to issue citations after arrival at the Downtown Detention Center (DDC). The commissioner may order that the citation be issued due to jail overcrowding or other circumstances. On those occasions officers shall comply with the orders of the commissioner. The facts and circumstances shall be recorded on MNPD Form 104, "Supplement Report." **Officers are not responsible for transporting arrested persons away from the Downtown Detention Center unless the commissioner refuses to allow any prosecution of the person.** See Section E.

C. Officers **shall** always document on the Arrest Report why an arrested person was not issued a citation. Prisoner processing personnel will check to see if this information has been placed on the MNPD Form

106, “Arrest Report.” If not, the incomplete report shall be returned to the arresting officer.

D. When analyzing the circumstances to determine if an arrested person is eligible to receive a citation, there are no strict residency or employment requirements. A citation may be issued to a person who does not live or work in Davidson County, unless prohibited by statute, by this order, or for any other articulable reason consistent with this order.

E. When issuing a citation, the officer shall inform the person that he is being arrested, and that the issuance of a citation is authorized by law in lieu of arrest. Further, the arrested person shall be informed that failure to appear for the booking process constitutes a separate offense under the law as described on their copy of the citation.

F. Officers **shall not** issue a citation to an arrested person if, after hearing probable cause testimony, a judicial commissioner or judge refuses the officer's request for a warrant. The officer shall offer to return the person to the location of arrest or another safe location within Davidson County.

G. Officers shall always obtain satisfactory identification, as defined in 1-5 below, from arrested persons when making the citation/physical arrest determination. This requirement is intended primarily to protect the public from inconvenience, business or financial difficulties, or embarrassment when criminal suspects illegally use the name of an innocent person. The secondary intent of this requirement is to control the amount of time and resources spent by all elements of the criminal justice system in correcting official documents and records prepared in false or assumed names.

1. Because of the increasing number of citations being processed under insufficient or false identification provided by arrested persons, **preferred identification shall be interpreted as valid documents bearing a recognizable photo of the person arrested** (e.g., driver license, government employee or military identification, student identification, etc.).

2. Other items of identification are to be considered satisfactory, but less reliable than photo identification. Such satisfactory items would include: computer verified information, vehicle registrations and titles, government food or housing documents, voter registration cards, club/fraternal/service organization membership cards, social security cards, birth certificates, jail identification, parole/probation documents, rent or utility receipts, etc.

3. Nothing herein shall prohibit the issuance of a citation when an officer uses investigative skills, interview techniques, or personal knowledge of an arrested person to satisfactorily identify that person. However, officers must be able to articulate their reasons for issuing a citation in the absence of identification required by these provisions, or obtain supervisory approval. Misidentification could result in civil liabilities to the employee and/or department.

4. **Any citation that is issued**, and later determined by appropriate authority to be **in a fictitious or assumed name, will be brought to the attention of the issuing officer and the approving supervisor**. The reviewing authority will discuss with those employees the identification procedures used at the scene of the incident. The employees shall make every effort to correct the documents in question, and **will be held accountable for the identification requirements mandated herein.**

5. In a situation where a defendant does not have state issued photographic identification, officers shall articulate on the citation or arrest report why a custodial arrest was made or a citation was given. On an arrest report, officers shall document their specific reason to doubt the defendant's assertion of identity. If a citation is given, then, officers shall document on the citation what investigative methods or documents provided were used to confirm the defendant's assertion of his identity.

5.50.030 Serving Outstanding Misdemeanor Arrest Warrants Via Citation

Consistent with the provisions of T.C.A. § 40-7-118, the judge or General Sessions "Night" Court Commissioner may designate that misdemeanor arrest warrants shall be served by the issuance of a state misdemeanor citation. If this is done, the warrant will be clearly marked and all such outstanding misdemeanor warrants will be served by state misdemeanor citation giving the defendant a court appearance date.

A. Current practice among judges and judicial commissioners issuing misdemeanor warrants is that warrants are stamped "Citation" if they may be served with a citation.

B. Absent additional charges which require a custodial arrest, outstanding misdemeanor warrants (excluding indictments, domestic violence, probation violation, failure to be booked, failure to appear and similar charges which require custody), officers are authorized to serve those warrants by issuance of a State Misdemeanor Citation

1. When serving such a warrant with a citation, the officer shall complete all information on the citation and other documents.

2. The officer shall assign the court date as mandated by existing policy.

3. The officer shall contact the Warrant Office, and provide the following information:

    a. Defendant's name;

    b. Warrant number;

    c. Officer's name;

    d. Officer's unit number;

    e. Complaint number, officers are reminded to use the incident number from the outstanding warrant

    f. Citation number; and

    g. Court date assigned

    h. Describe in the narrative of the citation that a warrant is being served and to notify MNPD Criminal Warrants.

5.50.040 Documentation and Fingerprints Required

A. The citation itself shall be completed in its entirety, including all information in the affidavit. Witness, prosecutor, issuing officer, and court date shall be complete and legible.

    1. The affidavit shall contain sufficient facts to allow a judge to determine that probable cause exists that an offense was committed.

    2. The prosecutor shall swear to, or affirm to, the citation prior to commencement of a preliminary hearing or trial.

B. Officers shall obtain a clear fingerprint from the arrested person in the block indicated on the citation form. Officers shall use the supplied fingerprint inkpad. Failure to allow fingerprinting is grounds for custodial arrest and "booking" of the arrested person.

5.50.050 Court Appearances and Assignment of Booking Dates

A. Metropolitan Police Officers shall not appear in court on state misdemeanor citations unless a subpoena has been issued requiring such appearance.

B. Metropolitan Police Officers will assign court dates on state misdemeanor citations per existing procedure.

5.50.060 Processing Citations, Reports, and Booking Documents

Issuing officers shall forward required copies of the citation to the Records Division at the end of their shift by utilizing current "mail" transfer practices.

5.50.070 Processing Evidence

Officers shall immediately, or as soon as practical, process all evidence in accordance with applicable procedures and existing policy.

5.50.080 Issuance of State Misdemeanor Citations during Pre-planned Warrant Operations and under Extraordinary Circumstances

A. Notwithstanding the provisions pertaining to permissible issuance of misdemeanor citations, during pre-planned warrant operations and under extraordinary circumstances it shall be permissible for the MNPD to issue State Misdemeanor citations to those persons who may have outstanding misdemeanor warrants in lieu of taking those persons involved into physical custody.

B. Such action should be for the purpose of obtaining an additional court date, for a future docket, whereas the individual may get a disposition in their case.

C. The issuance of State Misdemeanor citations during pre-planned warrant operations and under extraordinary circumstances may be authorized by the Chief of Police in collaboration and agreement with the General Sessions Courts, the Criminal Courts, the District Attorney’s Office and other criminal justice departments that may be involved in the operation.

5.50.090 Instructions for Issuing Booking Dates and Initial Court Appearance

A. MNPD personnel shall utilize the appropriate initial booking date according to their regular work assignment.

B. The initial booking date for state misdemeanor citations shall be scheduled on the specific day of the week assigned to the departmental element wherein the issuing member is regularly assigned (**See Chart**). The booking date will be set on the assigned day of the week at least **three (3) full weeks and no more than four (4) weeks, following the date of issue between the hours of 0700 am and 0900 hours or 0900 and 1100 hours. If the booking date should fall on a holiday closed by the authority of the court,** issuing officers shall schedule the booking date on the next available booking date assigned to their division.

C. Official Court Holidays include, but are not limited to, the following:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Veterans Day
10. Thanksgiving Day
11. Day After Thanksgiving
12. Christmas Eve
13. Christmas Day
14. Other Dates as notified by the courts

D. **No booking dates will be scheduled on Saturday or Sunday.**

E. Booking dates will be assigned on all weekdays, excluding the above holidays and those dates specifically closed by the authority of the court.

F. Defendants should be notified, at the time the citation is issued, that their initial court appearance will be held after the booking process, in the same building. At that time, some dispositions may be made, or they may be issued a court date to return for a hearing on their case. In any event defendants should be notified to plan for the process to take several hours.

G. The MNPD Court Appearance Section shall advise employees in advance if any court date is closed to ensure no booking dates are assigned on a closed date.

H. Examples:

1. An officer assigned to the **Hermitage Precinct** issues a State Misdemeanor Citation on **Thursday June 5, 2014**. The initial booking date and time assigned to the arrestee would be **Thursday June 28, 2014 between 0700-0900hrs**. Notice the date is not simply the 3rd Thursday after the issue date, but the 3rd Thursday **3 full weeks** after the issue date.

2. An officer assigned to the **Property and Evidence Division** issues a State Misdemeanor Citation on **Wednesday July 2, 2014**. The initial booking date and time assigned to the arrestee would **be Thursday July 24, 2014 between 1100-1300hrs.** The date is **3 full weeks** past the issue date.

3. If an officer assigned to the **East Precinct** issues a State Misdemeanor Citation on **Tuesday June 10, 2014**. The initial booking date and time assigned to the arrestee would be **Wednesday, July 9, 2014 between 0700-0900hrs**. The first Wednesday 3 full weeks following the issue date is **Wednesday, July 9, 2014.**

4. **All other law enforcement agencies** that issue State Misdemeanor citation for Metropolitan Davidson County Courts will utilize the **Tuesday between 1100-1300hrs** initial booking date.

5.60 Officer Discretion and Alternatives to Arrest

5.60.010 Officer Discretion

An officer's discretion is an essential function of effective law enforcement. The totality of the circumstances should be considered when determining the necessary actions to resolve each situation. Officers must rely on training, departmental policies and procedures, statutory law, and supervisors to make the appropriate decision.

5.60.020 Alternatives to Arrest

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation. Different facts may justify either an investigation, search, arrest, or no action at all. The decision to arrest should be based on a careful analysis of the situation with an understanding that many of the problems encountered will demand a variety of solutions. There are alternatives for creatively resolving a situation which may include warnings, citations, grand jury direct presentments, or referrals to social service agencies.

5.70 NCIC "Hits"

5.70.010 General Provisions

When a subject is stopped and a records check reveals a NCIC "hit" MNPD personnel shall:

A. Immediately notify the MNPD Central Records Division via phone or radio.

B. Central Records Division shall verify if the originating agency will extradite.

1. If the originating agency will extradite, the subject shall be placed into custody and booked.

2. If a fugitive is in Davidson County, and is within the extradition limits of the NCIC hit, but the originating agency refuses extradition, the officer shall complete an Incident Report (MNPD Form 100) as a "Matter of Record" documenting the stop and release of the subject. The report must contain the following information, at a minimum:

   a. Complete identifying information of the person stopped,

   b. Complete facts surrounding the reason for the initial stop,

   c. Name of agency from which the "hit" was received,

   d. Date and time of notification to originating agency,

   e. Date and time of response from originating agency (including details of response),

   f. If originating agency fails to respond within the allotted time, the officer shall state that information in the report, and

   g. Reason for release of the subject such as: originating agency would not extradite or originating agency failed to respond within allotted time frame.

5.80 Disorderly Houses Ordinance

5.80.010 Purpose

The purpose of this order is to communicate procedures for the enforcement, tracking, recording and prosecution of violations of the Disorderly House Ordinance, Metropolitan Code Section 11.12.060.

5.80.020 General Provisions

A. No person who manages or controls any building, room or enclosure, either as an owner, lessor, agent, or employee shall knowingly rent, lease or make available for use, with or without compensation, any building, room or enclosure to any tenant or occupant who unlawfully manufactures, delivers, sells, stores, gives away or uses any regulated legend drug, narcotic or other controlled substance as defined in T.C.A. Section 39-17-402 and T.C. A. Section 53-10-101. (Metro Code Section 11.12.060, Subsection B)

B. Once notified by police department personnel that a violation of Metro Code - Section 11.12.60 has occurred, a person who manages a building shall evict tenants or occupants that are engaged in illegal drug activity. Personnel in the Vice Division, Equipment and Seizure Section, shall provide the person(s) who manages or controls the property with **current** and **accurate** information concerning the tenants or occupants criminal drug activity. This NOTICE shall provide grounds for evicting such persons.

C. Once Metropolitan Police Department personnel determine that a tenant or occupant is manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics or other controlled substances, **and that enforcement of the ordinance would not hinder further criminal prosecution**, the Metropolitan Police Department shall serve a written NOTICE on the person(s) who manage the building where the illegal drug activity is occurring. The written NOTICE will inform the person(s) who manage or control the property in question of the investigation and his/her responsibility to prohibit manufacturing, delivering, selling, storing, giving away, or using regulated legend drugs on their tenant's property.

5.80.030 Enforcement Provisions

A. If an officer discovers and verifies illegal drug activity as defined below, **and enforcement of this ordinance would not hinder further criminal prosecution**, the ordinance shall be used under the following conditions:

1. When officers have personal or actual knowledge of the purchase of a regulated legend drug, narcotic, or other controlled substance on the tenant premises; or

2. When conducting a lawful search and any regulated legend drug, narcotic, or other controlled substance is found to be in the control of the tenant; and

3. After laboratory verification that the questioned substance is a regulated legend drug, a narcotic, or other controlled substance as defined in T.C.A. 39-17-402 and/or T.C.A. 53-10-101.

B. The officer will determine that a landlord/tenant relationship exists. He/she will also determine that the tenant or occupant in question is specifically named on the lease or verify through the person who manages the building that the tenant in question is the lessee, or has been provided other rental arrangements.

C. Once an officer has met the above requirements, he/she will compile a case file that includes a report of why he/she believes service of the NOTICE is appropriate. The case file shall include all other documentation, such as copies of arrest reports, executed search warrants, documentation of any drug seizures or transactions, and any other relevant reports. A copy of the case file will then be forwarded to the Vice Division Equipment and Seizure Section. Vice Division Equipment and Seizure Section personnel will have the responsibility of reviewing cases for the enforcement of this ordinance to determine if all legal and departmental requirements have been met. After a review, a determination to decline or initiate the NOTICE procedure will be made. If the determination is made to serve NOTICE, the NOTICE process will then be initiated by Vice Division Equipment and Seizure Section personnel.

The Metropolitan Police Department is required by law to serve the NOTICE. A NOTICE report will be completed by a member of the Vice Division Equipment and Seizure Section, who shall also have the responsibility of serving the NOTICE. The NOTICE can be served by means of certified restricted delivery return receipt mail or by personal service as authorized by Rule 4.04 of the Tennessee Rules of Civil Procedure for service of civil process. The Equipment and Seizure Section will have the authority to delegate service of the NOTICE to officers who are actively involved in the criminal investigation of the case. A copy of the NOTICE will be given to the person who manages or controls the property, or to the person who is an agent for service of process for the property. A copy of the case file will be maintained in the Vice Division Equipment and Seizure Section. When a NOTICE is

sent to a landlord, Vice Division Equipment and Seizure Section personnel will monitor the progress of the proceeding. They will verify that a landlord has initiated eviction proceedings if the tenant or occupant has not voluntary vacated the building, room, or enclosure. If the landlord is not in compliance with the ordinance, they will file the appropriate charges against the landlord.

D. The narrative of the NOTICE will specify the type of illegal drug activity that was occurring such as manufacturing, delivering, selling, storing or giving away regulated legend drugs, narcotics or other controlled substances in the building, room or enclosure. The NOTICE will include the following information:

1. The name of the officer who is the source of the information on the NOTICE;

2. Any criminal warrant(s) number that was obtained in the drug investigation;

3. The name of the person, company or corporation, the NOTICE is to be served on;

4. The officer who serves the NOTICE;

5. The date and time of service;

6. The name of the person the NOTICE was served or executed on; and

7. The address where service was executed.

E. The ordinance applies to both residential and commercial properties.

F. All officers involved in the case will be available for any court hearing on the matter, either civil or criminal.

5.80.040 Exceptions to the Ordinance

No person shall be charged with a violation of this Ordinance if such person:

A. Instituted eviction proceedings within thirty (30) days of the receipt of the NOTICE of illegal activities of the tenant; or

B. Has completed the eviction proceedings within forty-five (45) days of the commencement of the proceeding; or

C. Cannot complete eviction proceedings within forty-five (45) days by reason of a court-ordered delay in such proceedings.

5.90 Juvenile Curfew Ordinance

5.90.010 Purpose

The purpose of this order is to communicate procedures for the enforcement, tracking, and recording of violations of the curfew ordinance.

5.90.020 General Provisions – Curfew Ordinance

A. Curfew for Juveniles

It shall be unlawful for any person under the age of eighteen to be in a public place, or a private place without consent of the property owner, lessee, or a designee of either, during the following time periods:

1. Beginning at 11:00 p.m. and ending at 5:00 a.m. Sunday through Thursday and beginning at 12:00 midnight and ending at 5:00 a.m. Friday and Saturday between September 1st and May 31st; and

2. Beginning at 12:00 midnight and ending at 5:00 a.m. on any day between June 1st and August 31st.

B. Defenses to Ordinance

The following constitute defenses to the enforcement of the ordinance:

1. When the juvenile is accompanied by the juvenile's parent;

2. When the juvenile is accompanied by an adult authorized by the juvenile's parent to take the parent's place for a designated period of time and purpose within a specified area;

3. When the juvenile is on an errand as directed by the juvenile's parent until the hour of 12:30 a.m.

4. When the juvenile is exercising First Amendment rights such as freedom of speech, free exercise of religion or the right of assembly. This exception requires that the juvenile submit written notification to the chief of police, or his designee, detailing where, when, and in what manner the juvenile is exercising a First Amendment right;

5. Until the hour of 12:30 a.m. if the juvenile is on the property of or sidewalk directly adjacent to the place where the juvenile resides, provided the property owner has given consent;

6. When a juvenile is attending an official activity supervised by adults and sponsored by the Metropolitan Government, a religious or civic organization, or another similar adult supervised entity that takes responsibility for the juvenile. This includes travel to and from the activity, without any detour or stop;

7. In the case of reasonable necessity, but only after the juvenile's parent has communicated to the police department the facts establishing the necessity, the juvenile's place of origin, and destination relating to specific streets at a designated time. The police department may be notified by telephone or other communication methods;

8. When a juvenile is legally employed, including the period from 45 minutes before and 45 minutes after work, while going directly between the place of employment and residence. The juvenile must be carrying written evidence of employment that has been issued by the employer; and

9. When the juvenile is, with parental consent, engaged in normal interstate travel.

C. Parental Responsibility

It shall be unlawful for a parent of a juvenile to permit, either knowingly or negligently, the juvenile to violate the curfew law. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's custody. It is no defense that the parent was completely indifferent to the activities, conduct, or whereabouts of the juvenile.

D. Enforcement Procedures

Officers shall use one of the following enforcement procedures when dealing with curfew law violations:

1. In the case of a first violation and if in the opinion of the officer such action would be effective, take the juvenile to the juvenile's home and warn and counsel with the parent(s).

2. Issue a juvenile citation;

3. Arrest the child and transport to juvenile detention center;

4. Issue a Metro Citation to the parent.

5.90.030 General Provisions – Tracking and Recording

A. Exception Documentation

1. The Youth Services Division shall receive and record requests for exceptions to the curfew ordinance Monday – Friday between the hours of 7:30 a.m. and 4:00 p.m. Individuals making requests at any other time that are not of an emergency nature will be instructed to contact the Youth Services Division during this time frame. The division commander, or a designee appointed by the commander, shall review the requests for compliance with ordinance requirements. Information regarding the requests will be faxed to the Department of Emergency Communications.

2. Written documentation shall be completed for the following exceptions to the ordinance:

   a. Section 4: First Amendment rights; and

   b. Section 7: Reasonable necessity for an individual juvenile.

B. Field Unit Responsibilities

1. When a juvenile who is out past curfew informs an officer that a notice of curfew exception has been requested, the officer shall check with the dispatcher for verification.

2. Due to the fact that a juvenile employed during the curfew hours is only required to carry a written statement issued by the employer, the officer shall make a reasonable attempt to verify these statements.

3. When an officer encounters a juvenile in violation of the curfew law, the officer shall notify the dispatcher of the violation. The officer shall use one of the following disposition codes indicating the action taken even if the call did not originate as a curfew violation:

   a. Code 2J – Took juvenile into custody;

   b. Code 3J – Issued juvenile citation; or

   c. Code 9J – Subject warned.

4. Officers also have the option of issuing a Metro Citation to the parent in violation of Metropolitan Code Section 11.28.230, Parental Responsibility.

C. Department of Emergency Communications Responsibilities

1. The identifier "CV" shall be used to identify a violation of the curfew ordinance. This identifier is not for broadcast and will not be used to code a call for service by call-takers.

2. When an officer notifies the dispatcher of a curfew violation, the dispatcher shall change the ten-code priority and classification identifiers to indicate a violation of the curfew ordinance. The ten- code will be retained to reflect the type of incident.

   EXAMPLE: A call originally coded 10-57P will be changed to 10-57CV.

5.90.040 Qualification

For purposes of coordinating procedural matters concerning the Metropolitan Curfew Ordinance, the commander of the Youth Services Division or any person designated by the commander of the Youth Services Division, shall be considered a designee of the Chief of Police.

5.100 Legal Assistance and Support

Assistance and advice regarding criminal process may be obtained from the Legal Advisor Office, the Davidson County District Attorney's Office, or the Case Preparation Division.

5.110 Knowledge of Law

Sworn personnel are required to remain knowledgeable on all matters that pertain to criminal process. Information concerning such will be available to all personnel through official memorandum, in-service training, and roll call training.

An officer acting in objective good faith in any criminal process situation will be presumed not to have violated this order.

5.120 Computer Voice Stress Analysis (CVSA) and Polygraph Testing

5.120.010 Policy

Members of the Metropolitan Nashville Police Department shall use only departmentally authorized and issued CVSA/Polygraph equipment. CVSA and Polygraph examinations may be administered, in conjunction with other investigative techniques, for the purpose of pre-employment, criminal, and internal investigations conducted by the Metropolitan Nashville Police Department. CVSA/Polygraph examinations shall only be administered by certified CVSA/Polygraph examiners and when authorized by a supervisor.

General oversight for the administration of all CVSA's and polygraphs, supervision of standards, and quality control shall rest with the Director of OPA or his/her designee.

5.120.020 Definitions

A. **Blind Review:** A process wherein a second examiner, without knowledge of initial rendering, reviews a CVSA/Polygraph chart and renders an opinion. This is sometimes referred to as a “cold call”.

B. **Computer Voice Stress Analyzer (CVSA):** The CVSA is a laptop computer that is loaded with software that can identify stress in vocal responses. Voice prints depicting changes in frequency can be evaluated and quantified for the purpose of detecting deception or verifying truth of statements.

C. **Polygraph:** The polygraph is an instrument that monitors and records certain physiological changes in individuals undergoing questioning for the purpose of detecting deception or verifying truth of statements.

D. **CVSA/Polygraph Examiner:** A person who has satisfactorily completed department approved training in the use of the CVSA or polygraph instrument and maintains such certifications as appropriate.

5.120.030 Uses

The Polygraph and CVSA devices may be used for, but not limited to, the following purposes:

A. As an examination for Pre-employment Screening.

1. CVSA or Polygraph examinations are administered in pre-

employment screening to ensure:

a. Suitability of the applicant,

b. Verify the accuracy and completeness of information provided by the applicant during the selection process,

c. Resolve questions or conflicts arising during the background investigation,

d. Discover previous criminal or other disqualifying behaviors or actions, and

e. Deter those seeking to join the MNPD for improper/subversive purposes.

2. Examinations will be conducted in accordance with all currently applicable laws, rules and regulations, and policies and procedures for these examinations. This will include, but is not limited to, a waiver signed by the prospective employee stating what the examination will cover, and what it specifically will not address.
3. A copy of all pre-employment CVSA examinations shall be forwarded to the Office of Professional Accountability to be maintained in a central file. This shall include a copy of is the examiner's report, charts, questions, and waiver.

B. As an investigative tool for criminal investigations:

1. The CVSA and Polygraph examinations are a tool to be used by investigators as a supplement to an investigation and should be accompanied by other objective evidence.

2. Juveniles will not be examined unless a parent or legal guardian has signed a release for the test to be conducted and the juvenile has also granted permission for the examination, or a court order has been issued. In voluntary cases, the examiner may refuse to administer the examination to a juvenile because of the juvenile’s age, or lack of understanding of the test and legal surroundings.

C. As an investigative tool for allegations of employee misconduct:

1. The Office of Professional Accountability or a Bureau Commander shall approve the administering of any CVSA/Polygraph examinations to MNPD employees in regard to internal investigations. Such examinations shall be done in accordance with the standard operating procedures of OPA.

2. CVSA/Polygraph examinations unaccompanied by other objective evidence shall not conclusively establish or refute allegations of misconduct. Employees will not be subject to discipline solely on the results of a CVSA or polygraph examination.

3. Departmental employees may be compelled to submit to an investigative CVSA, pursuant to other applicable departmental policies.

D. As a scheduled testing procedure in sensitive assignments within the department: (which may include, but not limited to SID, CSU and Property Room)

1. Personnel applying for sensitive assignments shall receive a CVSA/polygraph test during the selection process.

2. Consistent with established policy and procedure, personnel in sensitive assignments shall receive a CVSA/polygraph examination without any additional objective evidence, allegation of misconduct, etc. at least once per year or at the discretion of the Division or Bureau Commander.

3. Upon transferring from sensitive assignments personnel shall receive a CVSA/polygraph test.

5.120.040 Records of CVSA/Polygraph Examinations:

A. All examinations that are administered by departmental personnel shall be recorded in a departmental database. At the conclusion of each examination, CVSA/Polygraph examiners are required to record this information in the database. This database will capture all information related to the examination. This database shall be maintained by the Office of Professional Accountability.

B. Each component shall maintain all records and associated paperwork pertaining to all CVSA/Polygraph examinations given within that component. Such records shall be available to the Office of Professional Accountability upon request, for auditing purposes, or otherwise as directed by the Chief of Police, or designee.

NOTE: Background and Recruiting shall immediately forward all records and associated paperwork directly to the Office of Professional Accountability, to be audited on a continuing basis.

C. Periodically, each component shall be audited by the Office of Professional Accountability. Such audits shall be for quality

control procedures as well as maintaining consistency within the department.

D. No CVSA or Polygraph testing, review, critique or evaluation of any test results will be performed by departmental personnel except upon request of an initial examiner, such examiner's supervisor(s) or other personnel with primary responsibility for conducting a departmental investigation.

5.130 Case Preparation

The purposes of this order are as follows:

A. To establish a set procedure for members to follow in preparing cases for presentation to the Grand Jury and/or criminal court; and

B. To aid in successful prosecution of criminal cases by the prosecuting officer and the District Attorney General's Office; and

C. To offer legal support to police personnel contemporaneous with criminal investigations and prosecutions.

5.130.010 Policy

The Case Preparation Division shall have the responsibility of preparing all criminal case files that are requested by the District Attorney's Office for presentation to the Grand Jury, as well as preparation of all direct presentment cases initiated by Metro Police personnel, with the following exceptions:

A. Specialized Investigations Division/Vice Section cases, and

B. Homicide cases worked by the Homicide Section or Precinct Investigations Units.

5.130.020 Procedure

A. The Case Preparation Division shall receive all requests from the District Attorney's Office for police case files to be presented to the Grand Jury.

B. Upon receipt of requests from the District Attorney's Office, a determination shall be made as to the personnel responsible for the preparation of the case. This determination will be based on a review of departmental documents and affidavits.

C. Case Preparation personnel will then notify the member responsible for the preparation of a requested case to appear in Case Preparation prepared to provide all information necessary for the successful prosecution of the case. This member shall bring a copy of the following to be included in the Case Preparation file:

1. All Incident reports;

2. All Supplement reports;

3. All Arrest reports;

4. All reports made by the Identification Division;

5. All waivers/consent forms and any other forms utilized in the arrest;

6. Any other documents or evidence relative to the prosecution of the case, including citations, tow-in reports, search warrants, property receipts, statements; and

7. The substantial contents of any statement made by the defendant, which the police intend to use as evidence in the prosecution.

D. Case Preparation shall develop and revise intra-sectional forms and policies to facilitate these procedures.

5.130.030 Case Quality

A. Review of Cases

It shall be the responsibility of Case Preparation personnel to review all cases prepared in said office for quality and prosecutorial fruitfulness with the specific aim to fully develop each of the necessary elements of a particular charge. The purpose of this review is to ensure the legal quality and sufficiency of all cases sent to the District Attorney General's Office by the Metropolitan Police Department.

B. Referral for Additional Investigation

To further improve the quality of cases, personnel of Case Preparation are hereby vested with authority to reject cases they feel need additional investigative effort to ensure the legal sufficiency of the case. Personnel rejecting a case will advise the member responsible for the case, in writing, specifically listing what should be done to bring the case up to the standard deemed necessary for presentation to the Grand Jury. Said request shall be complied with. Failure to comply will result in the Commander of the Case Preparation Division taking appropriate action including disciplinary action.

C. Review of Referred Cases

If any member has reason to question the validity of a request for additional investigation or follow-up made by Case Preparation, a request for review shall be made to the Commander of the Case Preparation Division.

5.130.040 Employee Evaluations - File Cards

The Case Preparation Division shall maintain an officer's evaluation card on each case prepared in said office for presentation to the Grand Jury. These cards will be available to supervisory personnel for annual

evaluation of personnel, as well as consideration for transfer to other positions within the Department. Said evaluation shall reflect the Case Preparation reviewer's overall assessment of the case, including the member's abilities and efforts. The member preparing a case in Case Preparation shall be the only officer evaluated in that case.

5.130.050 Direct Presentment

Direct Presentment shall be a preferred method of prosecution in felony cases. Case Preparation will be available to assist any member in preparing these cases for the Grand Jury. The standards and provisions pertaining to bound over cases shall be fully complied with in all Direct Presentment cases.

5.130.060 Legal Support

A. Supplement to Department of Law/Police Legal Advisor

Case Preparation shall supplement the Legal Advisor by:

1. Advising members on statutory charges regarding criminal prosecutions;

2. Answering search and seizure questions; and

3. Providing guidance in proper police procedure and technique contemporaneous with investigations.

B. Library

Case Preparation will be responsible for maintaining a current limited resource law library for utilization by police attorneys and all other personnel. Use thereof shall be pursuant to the guidelines adopted by Case Preparation.

5.130.070 Liaison With District Attorney General's Office

A. The Case Preparation Division shall be responsible for liaison with the District Attorney General's Office.

B. Upon notice from the District Attorney General's Office, all cases in which the prosecutor declines to prosecute or causes to be dismissed owing to alleged law enforcement agency mishandling are to be reviewed by Case Preparation personnel.

C. Police personnel with problems or suggestions relevant to the District Attorney General's Office shall be handled through the Case Preparation Division.

D. The Case Preparation Division shall be responsible for developing intra-sectional policies to identify habitual or career offenders and to specifically identify case files pertaining to the same, thereby giving notice to the District Attorney General's Office. Said notice shall be deemed to be a request for special consideration.

5.140 Seizure of Digital Devices/Computer Equipment

5.140.010 Purpose

The purpose of this order is to delegate specific responsibilities and establish guidelines for the search and seizure of computer components and related equipment in any type of computer related investigation

5.140.020 Policy

The Executive Services Bureau's Surveillance and Investigative Support Unit (SISU) personnel are responsible for technical advisory and forensic analysis services to department personnel, as well as to outside agencies when approved by the Executive Service's Bureau's commander.

5.140.030 Definitions

A. **Digital/Electronic Evidence:** Information and data of investigative value that is stored on or transmitted by a digital or electronic device.

5.140.040 Planned Seizures

A. Officers planning an operation that may result in the seizure of digital related evidence shall seek the assistance or advice of personnel in SISU who have had formal digital device seizure training. All data extractions, parsing, report building shall be conducted by SISU personnel.

B. When personnel with formal training are not available, officers planning the seizure will contact SISU personnel for technical guidance before the seizure.

C. Search Warrants

1. SISU personnel shall provide advisory services on the preparation of search warrants for the seizure of digital devices and evidence.

2. To seize and search a digital device, the search warrant must specify the items to be seized and searched. All digital device hardware and software should be included in that the entire system may be necessary to replicate the suspect's use of it and to enable forensic examination of the system.

3. Officers are cautioned to consult with a legal advisor and/or SISU personnel in the event the digital devices to be seized

may involve legitimate business records or a business "work product".

D. Consent Searches

1. In investigations involving digital devices, two consent issues often arise.

   a. When does a search exceed the scope of consent? For example. When an individual consents to the search of a digital device, to what extent does the consent authorize the retrieval of information stored in the device?

   b. Who is the proper party to consent to a search? Officers should be particularity cautious in determining if the person giving consent has the authority to do so.

   c. MNPD personnel should seek assistance from SISU personnel and/or Case Preparation personnel if they are unsure how to proceed in either issue.

2. Officers should use MPD Form 287, SISU's Digital Device Request for Laboratory Examination, and state explicitly that the scope of the consent includes consent to search the digital devices and retrieve information stored on them.

5.140.050 Non-Planned Seizures

A. Officers should use caution when seizing digital devices. The improper access of data stored in these devices may violate provisions of certain Federal laws, including the Electronic Communication Privacy Act.

B. If possible, officers encountering digital devices, such as computer systems and computer servers, that may be of evidentiary value should attempt to
obtain the services of SISU personnel trained in the physical seizure and handling of these systems.

C. If circumstances are such that assistance is not readily available, and leaving it in its current location may compromise the possible evidentiary value of the computer systems, the officer should take the basic steps outlined in Article 15.140.060 Seizure Procedures.

5.140.060 Seizure Procedures

NOTE: The following is extremely basic guidance subject to rapidly changing technologies.

A. Stand-Alone Computer (Non-Networked)

1. Computer equipment that appears to be turned off:

    a. Secure the premises and move people away from the computer.

    b. Under no circumstances switch the computer on.

    c. Unplug the power cord from the back of the computer.

2. Computer equipment that appears to be turned on:

    a. Move people away from the computer and power supply.

    b. Do not touch the keyboard or mouse.

    c. Record what is on the screen by photograph or other means.

    d. If no formally trained personnel are readily available, the device must be physically checked to ensure a level of encryption is not engaged. SISU personnel must be called out or contacted if this occurs.

B. Networked or Business Computers

1. Officers will consult with SISU personnel when dealing with networked or business computers, a computer network, or a mainframe or mainframe terminal.

2. Do not disconnect the power source as doing so could damage the system and/or disrupt legitimate business. SISU should be called out or contacted on any investigation where disconnecting a business computer system or server system could disrupt legitimate business activities.

C. Packaging/Labeling

1. If the digital devices are a computer system, MPD Form 286 Computer, Storage Media & Peripherals Inventory Worksheet must be completed. Likewise, the submission of any digital devices must include the completion of MPD Form 287, SISU's Digital Device Request for Laboratory Examination.

2. Each item seized must be properly marked, labeled and/or packaged.

3. Large items such as monitors, keyboards and system units (normally containing the hard drive) may be tagged or labeled rather than bagged.

4. Small items such as loose media (floppy disks, Jaz disks, zip disk,

etc.) must be bagged/boxed, tagged and sealed.

5. Each individual item inside the bag or box must be marked sufficiently to show how to reconnect each item exactly as it was before dismantling. Photographing and/or diagramming the wiring and labeling each wire from the central processing unit to the specific external device can accomplish this.

6. Bags used for electronic evidence items are to be paper or static free plastic bags.

7. Evidence will be handled, processed, and stored in accordance with current departmental policy.

D. Protecting Evidence

1. During transportation and storage of computers and related electronic devices, avoid external magnetic sources (i.e. placing near the police radios in a vehicle) extreme temperatures and other possible contaminants.

2. Do not use magnetic fingerprint powder on phones or other computer media as the presence of fingerprint powder may render forensic data examination impossible. It is understandable that a digital device may need to be fingerprinted or swabbed for DNA. If it's determined this process must be completed, please complete the process very carefully, ensuring not to spill chemicals or powder in ports of the device.

3. Encryption security is present on most cell phones. When a cell phone is encountered and the passcode is not known, do not turn off the device and do not allow the device to run out of power. The device must be placed in a faraday state by removing the SIM card, placing the device in airplane mode and turning off both WiFi and Bluetooth. The SIM card must be attached to and kept with the phone. Once this process is complete, the phone should be submitted to the SISU digital forensic laboratory in this state. If SISU personnel are not available upon submission, place the powered-on device in one of the evidence lockers outside the SISU laboratory, ensuring to connect the charging cord to the phone when placing the device inside the locker. Upon submitting the device, both the MPD Form 287 Digital Device Request for Laboratory Examination form and Form 286 Mobile Device Chain of Custody Form. The submitting personnel will also complete the log form that will be at the evidence station.

E. Other Procedures

1. All seized digital devices will be turned into the Evidence Storage Division, unless it falls under the provisions of Protecting Evidence listed above in #3.

2. SISU personnel will provide and maintain formal, written procedures addressing the handling of digital devices as well as digital forensic procedures. These procedures will be available to SISU personnel and other designated personnel.

3. It shall be responsibility of the personnel submitting the devices to SISU to transport the devices to SISU form the Evidence Storage Division to SISU. Upon notification the digital investigation has been completed, it will be the responsibility of the submitting personnel to collect the digital devices and re-submit them to the Evidence Storage Division.

4. A secured, digital forensic laboratory shall be maintained by SISU personnel. This area shall be restricted to access to only SISU personnel and those of their chain of command. Access to this area shall be for those personnel involved in a SISU investigation. These personnel must be accompanied by a member of SISU. Those accompanied by a member of SISU inside the secure offices must sign in and out of the area with a provided access log.

5. SISU shall maintain a secure evidence room for all evidence submitted to the unit for analysis. The evidence room shall be under 24-hour surveillance and shall be restricted to only those members assigned to SISU and their chain of command.

Title 6: Evidence and Property

6.10 Evidence Storage Division

6.10.020 Definitions

For the purposes of this policy, the following definitions shall apply:

A. **BAC Kit:** This is a blood alcohol content kit that measures the concentration of alcohol in the blood, expressed as the weight of alcohol in a fixed volume of blood and used as a measure of the degree of intoxication in an individual. The kit is used when the officer suspects impairment by means other than alcohol, the person is unable to take a breath test, or the person requests a blood test at his own expense after submitting to a breath test.

B. **Contraband:** When applied to alcohol and tobacco products, generally refers to whiskey, wine, and manufactured tobacco products which are untaxed and/or illegally possessed by nature of their quantity or location.

C. **Discharged bullet:** a projectile that has been fired from a firearm.

D. **Discharged cartridge case:** a casing from which a bullet has been fired.

E. **DNA (deoxyribonucleic acid):** The genetic material of all cellular organisms, a chemical found primarily in the nucleus of cells. DNA carries the instructions or blueprint for making all the structures and materials the body needs to function, stores and transmits the genetic information in cells.

F. **Drop box:** Secured container for submitting evidence. Drop boxes are located at the following locations: West, North, Hermitage, South, Madison, Midtown, the Officer Workroom at Booking, and the Officer Workroom of Property and Evidence Division.

G. **Drug Paraphernalia:** All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body.

H. **Evidence:** Items recovered, seized, or confiscated relative to a crime or other incident where an arrest is made, or an investigation is being conducted and which are instrumental to prosecution efforts.

I. **Found property:** Items recovered or taken into custody to safeguard it until it can be released to someone having a legal right to claim it. The

identity of such person may or may not be known at the time the property is processed.

J. **IBIS:** The Integrated Ballistic Identification System, which stores data concerning the individual signature of a firearm acquired from the surface of fired ammunition.

K. **Media:** Specific storage apparatus used to store audio/video images. This may include, but is not limited to, videotapes, diskettes, disks, compact disks, digital videodisks, digital files, or cassettes.

L. **NIBIN**: National Integrated Ballistic Information Network

M. **Personal Property:** Items clearly identified as belonging to someone who in all likelihood has been arrested and which would usually be maintained by the Sheriff's Department, but which were not turned over to that facility at the time of arrest for whatever reason.

N. **Property:** Physical items recovered, seized, or confiscated within the scope of police authority.

O. **Recovered Property:** Any property that has previously been reported as lost or stolen.

P. **Seized Property:** Items subject to seizure/forfeiture under state drug, gambling, felony forfeiture, and driver licensing laws.

Q. **Stolen property:** Items reported or otherwise known to be stolen and stored as evidence or pending notification of, and recovery by, the rightful owner or someone having a legal right to claim it.

NOTE: Definitions relative to processing property with the Vehicle Impound Section, as well as provisions attending the impoundment of vehicles, related items, and operation of vehicle impound facilities, are detailed in the directive on vehicle impoundment.

6.10.030 Generally

A. The purpose of this directive is to establish provisions pertaining to the receipt, processing, storage, and disposition of any non-departmental property relative to law enforcement actions in general and crime investigations in particular.

B. It shall be the policy of the Metropolitan Nashville Police Department (MNPD) that any property taken into custody by an employee of the department shall be protected and safeguarded until such time it is properly disposed of in accordance with applicable laws.

C. These policies are intended to protect and insulate the employee and department from claims of impropriety by providing functional and legally sound procedures when taking control of any type of property. Furthermore, these policies enhance the quality of prosecutions by assuring strict adherence to the rules of evidence (i.e. chain of custody and chain of evidence).

6.10.040 General Provisions

A. To ensure the integrity of the department, property of any type coming into the custody or control of department employees will be processed as soon as possible. Employees shall ensure that all property and evidence is accurately counted. **No employee shall retain any type of property past the end of their tour of duty. All** property taken into custody by employees of the department shall be processed by the Evidence Storage Division unless otherwise directed by the supervisor on duty in that component or this order. **The Evidence Storage Division maintains secured evidence drop boxes that are available 24 hours a day, 7 days a week.**

B. All property/evidence shall be submitted to the Evidence Storage Division except for motorized vehicles and equipment, bicycles, trailers, large wagons, and materials/substances which are potentially explosive, flammable, toxic or otherwise hazardous to a person's health or welfare.

C. Any item which has a gasoline/diesel powered engine, (lawn mower, weed trimmer, chainsaw, generator, etc., motorized vehicles and equipment, bicycles, trailers, and large wagons will be submitted to the Vehicle Impound Section.

D. Items should be packaged in appropriately sized evidence bags which can be obtained from the Evidence Storage Division.

E. The Property/Evidence Report, MNPD Form 110, must be legible and attached to the outside of the bag containing the property or evidence. This shall include the full name of the employee submitting the evidence, and the date and time the item was deposited. All fields must be completed with all known information. This includes incident classification, suspect information, and victim/owner information. To maintain proper accounting and reporting statistics, all personnel completing MNPD Form 110, Property/Evidence Report, **MUST** list their precinct/current duty assignment next to their name at the top of the form.

F. Officers are prohibited from placing the following items in the drop boxes or lockers:

1. Any perishable items, such as food, cannot be deposited in the drop boxes or lockers. The Evidence Storage Division does not have a means to store food or other perishable items.

2. Syringes SHALL NOT be deposited in any drop box. Officers should instead use their body worn camera to record the syringe and verbally describe what the camera is recording. The video should be classified as evidentiary using the proper complaint number. To prevent needle stick injuries, needles shall not be recapped, purposely bent, broken by hand, or removed from disposable syringes. The syringe should then be placed in an approved sharps container for disposal. The completion of MNPD Form 100, Incident Report is required, however MNPD Form 110, Property/Evidence Report is not. In the unusual event a needle, or its contents, is needed for evidentiary purposes, CSI personnel shall be contacted to arrange for the safe collection and storage of the evidence.

3. Large items which do **NOT** fit into the drop boxes shall be placed in the evidence lockers located in the Officer Workroom of the Booking Room or Evidence Storage Division. If the items are too large to fit in the lockers, employees shall notify on call personnel from Evidence Storage Division to respond and receive the property, along with any evidence related to the case, at the Evidence Storage facility. (See current policy governing call out procedures for investigative and support units.) Under **NO** circumstances may items be left **outside** of a designated drop box or locker.

4. Biohazard and other Hazardous Substances:

    a. All blood test kits must be refrigerated to prevent deterioration of the evidence. A refrigerator containing a locked security box is provided in the officer's workroom at booking for this purpose. The top left corner of the BAC kit **MUST** be completed to include the officer's name and information, and complaint number, then sealed before it can be placed in the Evidence Storage Division refrigerator.

    b. Items which are contaminated with any form of bio-hazardous material, which have not been properly dried, shall not be placed in drop boxes. These items should be collected by the Forensic Services Division as they have the means to properly dry these items.

    c. Materials/substances, which are potentially explosive, flammable, and toxic or which could otherwise be hazardous to a person's health or welfare due to prolonged exposure to said material/substance, will not be placed in any drop box.

    d. If an item has been contaminated, a biohazard sticker must be attached to the evidence. Additionally, a biohazard sticker must be attached to the paperwork which accompanies any such evidence.

The source/type of the contamination **shall** be written on both stickers.

5. **Drop boxes shall only be used for wet items, which are not of a bio-hazardous nature, when the property room is closed.** Officers shall double bag and /or take precautionary measures to ensure that other evidence is not contaminated by the wet items. The officer placing the wet items in the drop box shall ensure that the Evidence Storage Division is notified as soon as the Evidence Storage Division opens to advise them of the wet items. This must be done to prevent mold and mildew from destroying the property. These items must be dried before they can be placed in permanent storage.

6.10.050 Criminal Evidence

In processing criminal evidence, the following provisions will be observed:

A. To document the evidence **if an arrest is made:**

1. Complete MNPD Form 106, Arrest Report or State Citation;
2. Complete MNPD Form 100, Incident Report;
3. Complete MNPD Form 110, Property/Evidence Report;
4. Attach the appropriate copy of the Property/Evidence Report to the evidence; and
5. Package the items in the appropriate packaging materials supplied by the Evidence Storage Division.

B. To document the evidence **if an arrest is not made:**

1. Complete MNPD Form 100, Incident Report;
2. Complete MNPD Form 110, Property/Evidence Report;
3. Attach the appropriate copy of the Property/Evidence Report to the evidence; and
4. Package the items in the appropriate packaging materials supplied by the Evidence Storage Division.

6.10.060 Found Property and Personal Property

A. To submit found property, adhere to the following procedure:

1. When turning in found property, complete an MNPD Form 100.

2. If there is currently an MNPD Form 100 already on file that relates to the property, an MNPD Form 104, Supplement Report, must be completed (if only a supplement report is to be completed, ensure that the original incident number and an explanation for the property being turned in without a MNPD form 100 is included in the supplement);

3. Complete MNPD Form 110, Property/Evidence Report;

4. Attach the appropriate copy of the Property/Evidence Report to the found property; and

5. Package the items in the appropriate packaging materials supplied by the Evidence Storage Division.

B. <u>To document personal property, adhere to the following procedures:</u>

1. Complete MNPD Form 110, Property/Evidence Report;

2. Complete MNPD Form 104, Supplement Report. Detailing the personal property as well as the reason the personal items are being turned into the Property and Evidence Division for storage; and

3. Package the items in the appropriate packaging materials supplied by the Evidence Storage Division.

C. Issuance of Notice to Claim Property Form:

Whenever an officer retains property for safe keeping and the property owner is present and known, when feasible, you should complete the MNPD Form 110N or 110NS (Spanish Version) **Notice to Claim Property** (Name, Date, and Complaint #) and give it to the owner of the property. Document the issuance of the Notice to Claim Property by checking the appropriate box on MNPD Form 110.

NOTE: Officers must use sound discretion when issuing this notice to ensure the person receiving the notice has the capacity to understand the information contained on the form. Officers should avoid issuing this notice to persons who are unable to care for themselves due to intoxication, mental illness, or other medical condition.

6.10.070 Requesting Evidence to be sent for CSI Processing and Crime Laboratory Testing

A. Physical Evidence – All physical evidence requires completion of MNPD Form 110 at a minimum.

1. **MNPD Form 110** Blood alcohol kits (BAC kits), latent print envelopes, fired cartridge cases and NIBIN eligible guns are

forwarded through ESD to the Crime Laboratory for toxicological testing (BAC Kits) or assessment and entry into the AFIS (latent prints) or NIBIN (cartridge cases/guns) data bases. These types of evidence do not require submission of MNPD Form 282.

2. **MNPD Form 282** Employees who have seized or collected evidence other than the above evidence, and would like to request that the item(s) be

    a. **Processed** by the CSI-Evidence Processing Unit or

    b. **Tested** by the Crime Laboratory, shall complete MNPD Form 282 in the AFR Portal. In order to facilitate proper submission, the MNPD form 282 is linked to a submission guide for each type of Crime Laboratory forensic testing.

3. When evidence is turned in at the Property and Evidence Division facility, completed MNPD Forms 282 **shall not** be attached to the evidence. These forms shall be electronically submitted via AFR portal.

4. The Crime Laboratory approves MNPD Form 282 requests for service which initiates the transfer of evidence for processing or testing. The Crime Laboratory Evidence Receiving Unit will communicate if an MNPD form 282 is rejected or needs modification.

5. Employees who have seized or collected evidence and would like to request that the item(s) be compared to a known suspect and tested by the Crime Laboratory shall follow the steps in Subsection 2 above and document the OCA number, FBI number, or arrange to submit known suspect or elimination standards associated with the case. This applies to requests for latent print comparison (OCA or FBI number) or DNA testing. Employees shall make such request on a MNPD Forms 282 via the AFR portal.

B. Drug Evidence

1. Drugs seized will only be sent to the Crime Laboratory for analysis if the case is requested by the District Attorney's office, if it is being prosecuted federally, or there is an urgent investigative purpose by the case officer. The requesting officer shall complete MNPD Form 282 and describe the case circumstances. If not associated with a criminal case, drugs will not be sent to the Crime Laboratory without supervisor approval.

2. The Evidence Storage Division shall develop a procedure concerning transporting drug/narcotic evidence to the crime laboratory for examination. Such procedure shall include, but not be limited to: a schedule for trips to the crime laboratory, security for the trips, and a documentation procedure to maintain the "chain-of-evidence." This

procedure shall be included in the Standard Operating Procedures (S.O.P.'s) of the Evidence Storage Division.

C. Shell Case and Projectiles Evidence

1. Personnel will attempt to collect shell cases and firearm projectile evidence from reported shooting scenes when victims, suspects, or witnesses cannot be located. Casings will be packaged separately from other evidence and sealed and an MNPD Form 100 Incident Report, MNPD Form 110, Property and Evidence Report will be completed and attached to the packaging. Cartridge cases will be sent from ESD to the Crime Laboratory for NIBIN entry with the MNPD Form 110.

2. MNPD Form 282 Forensics Service Request Form should be completed if testing by the Crime Laboratory is needed in addition to NIBIN entry.

3. The Property/Evidence Report will be securely attached to the sealed evidence container and turned into the Evidence Storage Division. Incident reports will be submitted in the normal manner. Crime Scene personnel will not be called to these shooting incidents unless extenuating circumstances exist.

4. After any fired shell casing(s) is properly submitted to ESD, it will be the responsibility of ESD personnel to maintain the chain of custody and to transport the fired casing(s) to the crime lab for testing. Fired projectiles will only be taken to the Crime Lab upon receipt of an approved 282 Lab Request form. Such cases and firearm projectiles will be for reference and processed by the Crime Lab Section as per their standard operating procedures.

D. Latent Print Evidence

Personnel who develop and lift prints from a scene shall complete all necessary latent print cards and a latent print envelope. The completed latent card(s) shall be placed in a completed latent print envelope. The front of the envelope shall be completed and the flap on the rear of the envelope shall be sealed and initialed by officer who lifted the latent print(s), and the flap on the rear of the envelope shall be sealed and initialed by the submitting officer. If the latent prints are processed and collected by more than one officer for the same case, the latent print cards for each officer will be submitted in separate envelopes and assigned a unique barcode number. Latent prints processed by different officers shall not be submitted in the same envelope.

1. If additional information pertaining to the documentation of any latent prints is needed, a supplement report shall be completed detailing any additional information that may be required in court.

2. If items are processed and no latent prints are developed, notations shall be made in the incident report by the initial officer or on a supplement report, if the prints are attempted at a later time.

3. All latent prints collected using latent print cards are submitted to the Property Room or the Crime Lab Evidence Receiving Unit Lockers on a MNPD Form 110 via established practices as all other evidence.

E. Digital Photographs of Latent Print Evidence

The MNPD Crime Scene Investigations Section (CSI) transfers digital latent print evidence to the Crime Laboratory Latent Print Unit (LPU) through a shared Digital Evidence Management Software (DEMS). These images are not routed through the Evidence Storage Division or Crime Lab Evidence Receiving Unit. **These images are digital photographs taken of latent prints by trained CSI personnel.**

1. Digital latent prints do not require a MNPD Form 110, and images are not submitted to the Property Room.

2. Investigators need to review the Evidence Processing Report, MNPD Form 130, CSI Crime Scene Report, or MNPD Form 104, Supplement Report to determine if any digital photographs of latent prints were obtained.

3. A MNPD Form 282, Forensic Services Request Form, must then be submitted for Forensic Testing (direct comparison requests) by the LPU.

4. To see the Preliminary Latent Status of any incident involving latent evidence, please visit: PDWEB>Quick Links>Reports>Preliminary Latent Status.

F. The Evidence Storage Division shall develop a sign-in and sign-out procedure to document when evidence is removed for examination. Such procedure shall be communicated to the department's investigative components.

6.10.080 Submission of Firearms/Knives and Ammunition Evidence

A. All firearms shall be cleared and made safe. If an officer cannot ensure a firearm is cleared and safe, his/her immediate supervisor shall be notified. If the firearm is still unable to be made safe, the following instructions shall be followed:

1. During Regular business hours: Contact the departmental armorer /gunsmith is available. If so, deliver the weapon to the academy to be

made safe before placing it in a drop box. If the departmental armorer is not available, the firearm shall be delivered to ESD for submission.

2. Outside of regular business hours: Contact the ESD on call personnel and follow the instructions given by ESD personnel.

3. **AT NO TIME SHOULD A FIREARM THAT HAS NOT BEEN MADE SAFE, BE DEPOSITED IN A DROP BOX**.

B. When a firearm is seized during an arrest and a suspect(s) is charged with a weapon offense, the arresting officer shall complete MNPD Form 297, Gun Arrest Questionnaire, for each defendant charged.

C. Revolvers shall be unloaded and the cylinder open. A flex tie will be placed so that the cylinder cannot be closed. Semi-automatic weapons shall be unloaded with a zip tie through the frame via the magazine well and ejection port.

D. Officers shall note, on the firearms package/box and the top of Property/Evidence Report, MNPD Form 110, that the weapon has been rendered safe.

E. The seizing officer must personally transport the weapon to the MNPD Training Academy, to a departmental armorer/gunsmith to clear the weapon and make it safe. During hours when the Training Academy is closed, a departmental armorer/gunsmith will be notified utilizing current call out procedures for MNPD Support Units. In the event a departmental armorer/gunsmith is unavailable, the firearm shall be taken to the Evidence Storage Division. If a member of the ESD staff is not available, the weapon shall be secured inside of one of the evidence submission lockers and NOT PLACED IN A DROPBOX. The weapon will be marked with large notes stating the weapon has not been made safe and that it may be loaded. The seizing officer shall notify the receiving personnel that the weapon has not been rendered safe.

F. If ESD receives a firearm that cannot be rendered safe, it will be the responsibility of ESD personnel to transport the weapon to the departmental armorer/gunsmith to be cleared and/or rendered safe. The receiving member of the Property and Evidence Section shall notify the appropriate member of the firearms training staff to ensure the weapon is properly cleared and/or otherwise rendered safe in the safest possible manner.

G. Firearms shall be packaged and documented individually in sealed bags or appropriate firearm boxes. When submitting firearms in boxes, all flaps must be sealed with tape and initialed by the submitting officer. Any live ammo and loose accessories shall be separated from the firearm and packaged/documented separately. If the firearm being submitted is magazine fed, one (1) empty magazine should be included in the package

with the firearm (when available). All additional magazines shall be submitted separately along with live ammo and any other firearm accessories.

H. Conduct a NCIC check on all firearms for stolen status. If the weapon has been reported stolen, the employee submitting the weapon should contact the MNPD Records Division to request a teletype be sent to the reporting agency, notifying them of the recovery. A notation that the firearm has been reported stolen will be entered in the description field, along with any pertinent information the NCIC hit may have contained to include the reporting agency. The entry in the action field for the firearm should be "recovered..

I. Any fixed blade knives must be packaged in a way that the blade is covered. If the sheath is not available use paper or cardboard to completely cover the blade.

6.10.090 Submission of Drug/Narcotics Evidence

A. To ensure consistency in the recording of drug evidence, Officers shall count and weigh all drugs prior to turning them into the Evidence Storage Division. Appropriate scales are provided inside the Officer Workroom, off of the lobby, at the Property Room. These scales are to be utilized to determine the approximate weight of drug evidence. The Crime Lab will provide the official weights for court purposes.

B. All drugs (including over the counter medications) shall be placed into a sealed tamper proof evidence bag by the submitting officer. All drugs must be contained in a smaller bag, within the tamper proof bag or sealed box to create a double walled container for the drugs. The inner, or proximal, container must be closed in such a manner as to prevent any leakage of material from the inner container. No drugs may be submitted loose inside either a tamper-proof bag or sealed box (including pills or blunts). All evidence bags shall be signed and sealed by the officer prior to submittal.

C. Officers shall complete and attach the Property/Evidence Report (MNPD Form 110).

D. If the drug evidence cannot fit into a tamper proof bag, officers will submit the evidence at the Property Room where larger bags or boxes will be provided.

E. Submitting Officers shall be responsible for counting and labeling all of the evidence prior to sealing the evidence bag.

F. When submitting different types of drugs as evidence at the same time, officers will divide each drug and separately record each count and weight. Each different drug type will then be placed into a smaller

evidence bag. **All of the smaller evidence bags will be placed into one tamper proof evidence bag with the weights listed on the outside of the bag. Each drug will be entered separately on the 110 Form using the "check additional items" feature.**

G. **Drug paraphernalia/Field Test will not be placed in the same bag as drugs.**

H. Officers should use their body worn camera to record the drug paraphernalia and verbally describe what the camera is recording. The video should be classified as evidentiary using the proper complaint number. The drug paraphernalia should then be placed in a plastic bag. The bag will then be dropped in the drop box (not evidence drop box) designated for drug paraphernalia at one of the precincts or headquarters. The completion of MNPD Form 100, Incident Report is required, however MNPD Form 110, Property/Evidence Report is not. The drug paraphernalia will then be disposed of by the Evidence Storage Division. **(Syringe specific procedures are found in 6.10.040 (F)(2).)**

If the drug paraphernalia meets the below exceptions, officers shall follow existing procedures for submitting evidence:

1. The absence of accompanying BWC recording;

2. The paraphernalia is part of an investigation involving a death (ex. A crack pipe is in the hand of a deceased person);

3. The paraphernalia is part of an investigation involving an overdose where the victim was transported to a medical facility (ex. Officers responded to a call of an overdose where the victim was transported, and paraphernalia is on the scene);

4. The paraphernalia led to a search resulting in a felony warrant or arrest (ex. An officer sees a crack pipe in plain view on a traffic stop. Search incident to arrest, a gun is found on a convicted felon leading to a felony gun charge);

5. The paraphernalia led to a warrant arrest not related to the drug paraphernalia (ex. An individual is walking by an officer holding drug paraphernalia in their hand. The officer conducts an investigative stop and finds the subject has an outstanding warrant);

6. The paraphernalia is needed for evidence involving a crime against children; or

7. In the event it is determined by an investigator or a supervisor the drug paraphernalia is needed for evidentiary or testing purposes, personnel shall collect and package the evidence per policy and training for its safe collection and storage.

I. Drug evidence may be turned in utilizing the drop boxes provided by the Evidence Storage Division providing that:

J. The drug evidence shall be packaged so as not to contaminate other drug evidence or any other evidence that may be inside the box.

K. MNPD personnel should consult with their immediate supervisor or a member of the Evidence Storage Division before dropping large amounts of drugs or drugs with an unusually large street value into the evidence storage boxes. If there is a question of value or perceived value, personnel shall contact their immediate supervisor for guidance.

6.10.100 Evidence Money Submission

A. Submitting officers will count all of the currency prior to placing it in the tamper proof evidence bag.

B. If the total amount of the currency exceeds three hundred ($300.00) dollars, then two personnel outside of the Evidence Storage Division will be required to count the money before submitting.

C. Both officers must agree to the currency total prior to the evidence bag being sealed and signed by both officers.

D. Officers shall complete all of the required information on the evidence bag and MNPD Form 110 Property/Evidence Report prior to submission.

E. If the currency was located inside a container or any other property, it shall be removed, and may be submitted into the Property Room separately.

F. Any currency totaling under $1000.00 may be deposited in any drop box. However, currency totaling between $1000.00 and $5000.00 should be placed in the drop box located in the work room located at the Evidence Storage Division.

G. Currency in excess of five thousand ($5000.00) dollars shall not be deposited in the drop boxes or lockers. For those times when personnel are not available at the Evidence Storage Division to receive currency greater than $5000.00, on call personnel shall be contacted to receive the money, along with any evidence related to the case, at the Evidence Storage facility.

H. All currency and drugs shall be individually placed into the appropriately marked tamper proof evidence bags that can be obtained at the precincts or booking room.

I. All currency and drugs shall be individually placed into the appropriately marked tamper proof evidence bags that can be obtained at the precincts or booking room.

J. If the currency is the packaging material, it should be submitted together with the drugs inside the evidence bag and should not be separated. An example would be if a suspect is found to have cocaine wrapped in a five (5) dollar bill. Both the five (5) dollar bill and the cocaine should be placed into one tamperproof evidence bag. “Money” would be the appropriate selection for the “packaging” field on the 110 and it should be noted in the item’s description.

6.10.110 Seized Property and Driver Licenses

A. Discussion

1. Felony Forfeiture

a. State law authorizes law enforcement officers to seize all conveyances (including vehicles, aircraft, and vessels) used to transport, conceal, or store money or goods stolen in a robbery or felony theft as defined in applicable sections of the Tennessee Code Annotated (TCA). Upon final conviction, the conveyance may be awarded by the court to the law enforcement agency which seized it for use as a police vehicle or to be sold at auction, at the agency's discretion.

b. There are three conveyances which are exempted from seizure. They are as follows:

(1) A common carrier as defined by law, unless the owner or operator is a willing victim or co-conspirator in the crime;

(2) A rental vehicle, unless the state can prove that the owner or employee of the rental business knew, or had reason to know that the conveyance was or would be used in the crime; and

(3) A vehicle subject to a secured interest (lien) unless there is probable cause that the secured party (lien holder) had knowledge of or consented to the use of the conveyance in the crime.

c. A vehicle has two interests: The lien holder (if any) and the registered owner. The vehicle can be seized through the registered owner even if there is a lien holder; however, to seize the lien holder's interest, the above must be true.

d. The seizure of such conveyance may be made incident to an arrest or a search incident to a search warrant. If neither is applicable, a

seizure warrant from a Davidson County Criminal Court shall be obtained.

e. Upon seizing a conveyance, the agency shall immediately take custody of it and place it under seal and/or in a place of safety.

f. By seizing a vehicle, the officer doing so sets off a chain of events concerning the conveyance. These events must adhere to statutorily mandated timelines which involve the seizure itself, the litigation of the facts, and the disposition of the conveyance. Provisions concerning each phase of the process are included in this order.

2. Drug Forfeiture

   a. State law authorizes law enforcement officers to seize all raw materials, products, and equipment used or intended for use in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of applicable sections of the TCA. The law also authorizes the seizure of property which is used, or intended for use, as a container for such property. This paragraph generally covers the raw material and tools used to manufacture and/or distribute drugs, except conveyances.

   b. The law also authorizes law enforcement officers to seize all conveyances (including vehicles, aircraft, and vessels) which are used, or intended for use, to transport or in any manner facilitate the transportation, sale, or receipt of a controlled substance or any materials or tools described in the preceding paragraph.

3. There are four conveyances which are exempt from seizure. They include the following:

   a. A common carrier as defined by law, unless the owner or operator is a consenting party or co-conspirator in the crime;

   b. Vehicles whose owner neither consented to, nor had knowledge of, the vehicle's actual or intended use in furtherance of the criminal act;

   c. A vehicle subject to a secured interest (lien) unless the state can prove that the secured party (lien holder) had knowledge of or consented to the use of the conveyance in the crime; and

   d. A vehicle which was used to facilitate a drug transaction is subject to seizure, unless the amount bought/sold constitutes “simple possession”. **There should not be any seizures based upon misdemeanor drug offenses.**

4. A vehicle has two interests: The lien holder (if any) and the registered owner. The vehicle can be seized through the registered owner even if there is a lien holder; however, to seize the lien holder's interest, the above must be true.

5. Other items subject to seizure include books, records, research documents, formulas, microfilm, tapes, and other data which are used, or intended for use, in violation of the drug laws cited above.

6. Everything of value furnished, or intended to be furnished, in exchange for a controlled substance is also subject to seizure as are all proceeds traceable to such an exchange; and all moneys, negotiable instruments, and securities used to facilitate such transaction or other violation of the drug laws cited above.

7. If there are any cell phones, pagers, money, jewelry, electronic items or other valuables which are being seized, **a copy of the State of Tennessee Notice of Seizure Form (SF 0539) must be included.**

8. Finally, all drug paraphernalia as defined in the TCA may be seized.

9. The seizure of such property or item(s) may be made incident to an arrest, a search incident to a search warrant, or an inspection under an administrative search warrant. If none is applicable, a seizure warrant from a Davidson County Criminal Court shall be obtained.

10. Upon seizing property or a conveyance, the agency shall immediately take custody of it and place it under seal and/or in a place of safety.

11. By seizing property or a conveyance, the officer doing so sets off a chain of events concerning the item(s). These events must adhere to statutorily mandated timelines which involve the seizure itself, the litigation of the facts, and the disposition of the property or conveyance. Provisions concerning each phase of the process are included in this order.

B. Drug Forfeiture - Real Property

The provisions for seizing real property in controlled-substance cases are located in applicable sections of the TCA. Personnel involved in investigations which may result in the seizure of real estate are directed to the Davidson County District Attorney's Office and the Specialized Investigations Division for assistance in processing such confiscations.

C. Felony Forfeiture

1. Seizing Officer's Responsibilities

Vehicles may be seized pursuant to the felony forfeiture statute. When a vehicle is seized, the member shall complete the following documents and distribute them as indicated.

a. MNPD Form 008, "Vehicle Towing Report" - Process consistent with current mail transfer practices, marked "Hold for CID/felony forfeiture."

b. MNPD Form 234, "Vehicle Hold Report" - With vehicle to Vehicle Impound Section, marked "Hold for CID/felony forfeiture per Officer/Detective xxxxxxx."

c. "Notice of Seizure of Conveyance" - Distribute as indicated on form. If the person in possession of the conveyance refuses to sign, the officer shall enter "refused."

2. Forfeiture Supervisor's Responsibilities

When seizure documents come to the office of the forfeiture supervisor in the Criminal Investigations Division, he/she shall abide by the provisions of the CID Standard Operating Procedures (S.O.P.'s). Such procedures will be structured to ensure compliance with time deadlines mandated by statute.

D. Drug Forfeiture

1. Seizing Officer's Responsibilities

a. When an arrest is made involving a felony drug case, such as selling or possessing large quantities of drugs for the purpose of resale, and a vehicle is involved; or in cases, regardless of the amount of controlled substances where a vehicle is used to facilitate an illegal drug transaction, the officer involved will have the vehicle towed to the Vehicle Impound Section by a zone wrecker and write "Hold for Specialized Investigations/Seizure and Equipment Section" on the MNPD Form 008, "Vehicle Towing Report" (VTR). Process the VTR consistent with current mail transfer practices.

b. If a vehicle is seized, complete MNPD Form 234, "Vehicle Hold Report," and send it with the vehicle to the Vehicle Impound Section, marked "Hold for Specialized Investigations/Seizure and Equipment Section."

c. When currency or other types of property are seized, they shall be turned in to the Evidence Storage Division. **The officer shall complete all forms that are required by current policy or practice concerning the storage of evidence.**

d. ALL seized evidence, whether currency or property, must be accompanied by a state seizure form, State of Tennessee “Notice of Property Seizure and Forfeiture of Conveyance".

e. If the amount of narcotics seized meets the criteria under Unauthorized Substance Tax Law, (more than 42.5 grams of Marijuana, more than 7 grams of any other controlled substance, more than 10 dosage units of any controlled substance) the officer should complete the unauthorized substance tax form, which is provided by the Property and Evidence Division and available at the property room, all precincts and Warrants. This form should also accompany the evidence being deposited.

f. After the suspect has been taken before a judge or magistrate and is in prisoner processing, the officer shall complete the state "Notice of Property Seizure and Forfeiture of Conveyance" form. The person in possession of the vehicle or other property shall be asked to sign the notice, and if he/she refuses the officer shall enter "refused."

g. The state seizure form shall be distributed in the following manner:

   (1) Court copy (original) - To judge to whom application is made for forfeiture warrant;

   (2) D.O.S. Legal Office (white copy) – Immediately drop (along with other paperwork) in the box provided in the commissioner’s office;

   (3) Perpetrator (green copy) - Give to person in possession of vehicle or other property. Leave with person even if he/she refuses to accept;

   (4) Officer (yellow copy) - For seizing officer's files; and

   (5) Seizing Agency (pink copy) - Immediately drop (along with other paperwork) in the box provided in the commissioner’s office along with copy marked D.O.S. Legal Office.

h. Within five working days of the seizure, (Monday-Friday, excluding holidays), the officer involved shall go before the commissioner to obtain a forfeiture warrant. Note: (See Section D) Two copies of the Forfeiture Warrant and Affidavit in Support of the Forfeiture Warrant shall be included in the packet of forms which is immediately dropped in the box provided in the commissioner’s office. This packet will also contain the two state seizure forms and copies of any other paperwork (e.g. arrest report, incident report, property sheet, etc.). **This packet shall be immediately** dropped in the box provided in the commissioner’s office.

i. It is necessary to complete only one state seizure form per seized vehicle. One defendant may have multiple seizure forms and Forfeiture warrants. The property on the Forfeiture Warrant must match the property on the seizure form. This is true even if the seized property is kept at separate locations (e.g., a drug suspect's money at the Evidence Storage Division and vehicle at the Vehicle Impound Section).

2. Specialized Investigations Division Responsibilities

When forfeiture documents come to the Specialized Investigations Division/Seizure and Equipment Section, personnel assigned there shall abide by the provisions of the Specialized Investigations Division Standard Operating Procedures. Such procedures will be structured to ensure compliance with the deadlines mandated by statute.

E. Obtaining Forfeiture Warrants

1. Seizing officers shall make every effort possible to identify the owners of seized property or conveyances. A copy of the state registration or a computer printout from the Tennessee Information Enforcement System (TIES) shall be attached to the forfeiture warrant.

2. Seizing officers shall go to the commissioner to make application for a forfeiture warrant within five (5) working days of the date of seizure. (Working days exclude state holidays.)

3. Blank forms (affidavit and warrant) are available from the Inventory Supply Unit. The form has the affidavit on one side and the warrant on the other.

4. If the commissioner refuses to issue the forfeiture warrant, the property must be immediately returned to the owner. The commissioner will sign the Denial Order located on the Forfeiture Warrant. **The seizing officer shall immediately notify the Specialized Investigations Division/Seizure and Equipment Section by telephone of the refusal, so that the property or conveyance may be returned. Further, the officer shall hand deliver the refused warrant to the Specialized Investigations Division/Seizure and Equipment Section or drop in the box provided in the commissioner's office.**

5. If the commissioner issues the forfeiture warrant, it shall be processed as follows:

a. Original - Left with commissioner (with the "COURT" copy of the seizure form);

b. Two copies – Immediately dropped in the box provided in the commissioner's office along with the copies of the seizure forms marked "D.O.S. Legal Office" and "Seizing Agency";

c. Other copies - As needed for case file, Court Appearance Section, etc.

6. The Specialized Investigations Division/Seizure and Equipment Section shall make notifications to the Evidence Storage Division and/or Vehicle Impound Section that the forfeiture warrant has been obtained or refused.

7. Forfeiture Warrants are available in the Inventory Supply Unit. For assistance in completing the forfeiture warrants, contact the Case Preparation Division or the Specialized Investigations Division/Seizure and Equipment Section.

F. Hearings

1. Felony Forfeiture

Once a conveyance has been seized, the seizing officer will be subpoenaed to attend a hearing if the CID Forfeiture Supervisor and/or Office of the District Attorney is unable to arrange for a disposition with the defendant's or owner's attorney.

2. Drug Forfeiture

Once property or a conveyance has been seized, the seizing officer will be subpoenaed to attend a hearing if the department's Legal Advisor is unable to arrange for a disposition with the defendant/attorney or owner/owner's attorney.

G. Driver License and License Plate Confiscation

1. The Tennessee Code Annotated authorizes local law enforcement agencies to confiscate Tennessee driver licenses that are currently revoked, suspended or canceled.

2. The statute applies **only** to Tennessee driver licenses, **not** licenses issued by other states, and **not** to "identification only" licenses, even though they may be revoked, suspended, or canceled. More specifically, licenses that are valid, restricted, expired, medical, eligible for reinstatement, valid photo card mailed, moved from Tennessee, or expired-medical, will **not** be confiscated.

3. Should the person having the license in question provide information that the reported status of the license may be incorrect; the confiscating officer should make an effort to contact the Financial

Responsibility Records Section of the Tennessee Department of Safety during regular business hours, to verify that the license should be confiscated.

4. For each driver license or license plate confiscated, the confiscating officer must complete and process a Receipt for driver license/license plates/registrations, State of Tennessee form SF-0826, so that the license is forwarded to the Tennessee Department of Safety **immediately.**

5. The "receipt" form used to expedite this procedure will not be used when submitting altered licenses, found licenses, expired licenses etc. In those instances, the license shall be handled as any other item of evidence using the procedures described in this order. If a person is found to be operating a vehicle fraudulently, for any reason, officers may also complete a FRAUDULENT LICENSE REPORT, State of Tennessee form SF-0894 and submit it along with the other paperwork. Upon receipt of this form, the Evidence Storage Division will forward it to the Driver Control Division of the Tennessee Department of Safety.

6. When completing the "receipt" form, State of Tennessee form SF-0826, the confiscating officer will use black ink, print legibly (except where signatures are required), and ensure that the following entries are correct:

    a. The Agency Code is – 19062

    b. The Agency Address is – P.O. Box 196339, Nashville, Tennessee 37219-6399

    c. Under the receipt number (e.g., A-700104, B-801040, etc.), enter the complaint number assigned to the incident involved, or any citation number applicable to the incident involved.

    d. **Do not abbreviate the agency name and address. The proper code must be listed to assure receipt of the fee involved.**

7. In the space provided on the "receipt" form, directly below the printed words "Financial Responsibility, Tennessee Department of Safety, Nashville, Tennessee", attach to the confiscated license.

8. Distribute copies of the "receipt" form accordingly:

    a. The first copy (white) and the second copy (yellow) will be forwarded to the Records Division if a driver license was confiscated and to the Evidence Storage Division if a license plate was confiscated, who will forward the first copy (white) to the Department of Safety, Financial Responsibility Records Section,

1150 Foster Avenue, Nashville Tennessee, 37249-2000, with the confiscated license attached, and retain the second copy (yellow) as a matter of record.

b. The third copy (pink) will be given to the person surrendering the license as a receipt for the license.

6.10.120 Review/Removal of Property for Court and Other Purposes

A. Any review or removal of property categorized as evidence in a criminal prosecution will be limited to those persons directly involved in the investigation or prosecution effort. No other review of the property will be permitted without the presence or written authorization of someone directly involved in the investigation or prosecution. Any request for property to be taken to court must be accompanied by a subpoena or a request from the prosecuting ADA requesting the property.

B. Any property/evidence removed for court or other authorized purpose shall be documented on a sign-in/sign-out form maintained by the Evidence Storage Division. The property/evidence shall be returned to the Evidence Storage Division as soon as its removal/presentation has served its purpose.

C. If the court or other authority retains possession of the property, a receipt must be obtained and presented to the Evidence Storage Division without undue delay, in order to account for the whereabouts of the property. Failure to present such receipt will be grounds for corrective or disciplinary action.

D. Evidence will be signed out the day of court **only**. No evidence will be signed out prior to the day of court that would cause the evidence to be stored overnight unless being retained by the court for storage. Employees must submit the property to the court or take the property back to the Evidence Storage Division once court is over for the day. The officer must check out and return the property each day it is needed for court purposes.

E. The officer shall request the court clerk to provide a written document stating that the evidence was kept as part of the trial record. If the property is retained by the court, the employee must take the property receipt, given by the court, back to the property room so as to maintain the appropriate chain of custody documentation.

6.10.130 DNA Evidence

A. DNA is contained in blood, semen, skin cells, tissue, organs, muscle, brain cells, bone, teeth, hair, saliva, mucus, perspiration, fingernails, urine, feces, etc., and can be collected from virtually anywhere. However, several factors can affect the DNA left at a crime scene, including

environmental factors such as heat, sunlight, moisture, bacteria, and mold, as well as contamination from another source. Therefore, it is important that officers be aware of issues involved in the identification, collection, transportation, and storage of DNA evidence. These issues are as important for the first responding officer as they are for the experienced detective and the crime scene specialist.

B. A few cells can be sufficient to obtain useful DNA information to help a case, so it is important to identify items of evidence that may need to be collected, the possible location of the DNA on the evidence, and the biological source containing the cells. Remember that just because you cannot see a stain does not mean there are not enough cells for DNA typing. The more officers know how about how to use DNA, the more powerful a tool it becomes.

C. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary when identifying, collecting, and preserving DNA evidence. DNA evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose, or other part of the face and then touches the area that may contain the DNA to be tested. Therefore, officers shall avoid touching any area where it is believed DNA may exist, and avoid talking, sneezing, and/or coughing over any evidence. Once the emergency is over, officers shall exit the crime scene to prevent contamination of and preserve evidence.

D. Given the sensitive nature of DNA evidence, officers should always contact a technical investigations officer when questions arise. Given the fragile nature of DNA, any evidence that is suspected to contain DNA evidence that may be developed, shall be submitted in paper bag(s) or other breathable containers. DO NOT submit suspected DNA evidence in plastic or non-breathable containers.

6.10.140 Blood Samples and Sex Crime Kit Evidence

A. Procedure for Storing Blood Sample Evidence

Any member taking possession of blood sample evidence shall transport the sample to the Evidence Storage Division office for processing as any other item of evidence.

B. Procedure for Storing and Maintaining Sex Crimes Kit Evidence

Any investigator causing a sex crime kit to be prepared from a victim or suspect shall, **within 48 hours of the preparation of the kit**, transport it to the Evidence Storage Division.

C. Exigent Circumstances – Immediate Analysis Needed

1. In exigent circumstances, officers and investigators may arrange for items of evidence to be transported immediately to the MNPD Crime Lab.

2. The officer or investigator, after completing all appropriate processing paperwork, shall then document removal of evidence from the Evidence Storage Division with Supplement Reports as required above.

3. It is the policy of the MNPD Crime Lab and the TBI Crime Lab to not accept property for analysis from the MNPD unless it has first been properly entered into the MNPD Evidence Storage Division.

6.10.150 Audio and Video Recordings

A. All audio and video recordings utilized by personnel will be limited to one incident per medium of recording. Multiple statements can be recorded on the same medium of recording if the statements are related to the same incident. Example: Armed robbery; multiple witnesses; one complaint number; all can be put on one medium of recording.

B. Statements of victims and witnesses to a crime can be recorded on one (1) audio or video medium of recording, provided the incident has the same complaint number.

C. All recordings shall be made on new, unused medium of recording.

D. Any audio or video recording of a defendant or suspect's statement will be limited to one recording or statement per medium of recording.

E. Upon completion of an audio or video medium of recording, personnel making the medium of recording will immediately punch out any stops on the tape to prevent additional recordings.

F. All medium of recording shall be labeled as follows:

1. Complaint number;

2. Type of medium of recording, (i.e., witness statement, defendant statement, crime scene video, etc.);

3. Date and time made;

4. Name of witness, defendant, or suspect;

5. Name of officer making the medium of recording;

6. Charge or offense; and

7. Original or copy.

G. Exceptions to Policy

1. This policy will not apply to any recordings whether audio or audio/video made by personnel assigned to the Specialized Investigations Division, SWAT / Negotiations Unit, and the Office of Professional Accountability.

2. It shall be permissible for officers with vehicle mounted audio/video recording equipment to record multiple incidents on one medium of recording as outlined in current policy governing vehicle mounted audio/video recording equipment.

H. Storage of Recorded Media

1. All original recordings, regardless of media, made pursuant to a criminal investigation that are to be transcribed will be turned over to the transcriber by the officer making the tape. The chain of evidence will be documented on an MNPD Form 104, "Supplement Report."

2. Once the original recordings, regardless of media, have been transcribed, it will be returned to the officer/detective in charge of the case for delivery to the Evidence Storage Division. It is the responsibility of the officer/investigator in charge of the investigation to deliver the medium of recording to the Evidence Storage Division for storage.

3. Original recordings, regardless of media, which are not transcribed will be delivered, without undue delay, to the Evidence Storage Division as any other evidence in a case. This delivery will be made while on duty so as no overtime will be incurred, but in no instance should the delivery be made more than three (3) working days from the date recorded.

4. Whenever an officer is required to turn over an original recording to other personnel during the course of an investigation, said officer shall document the transfer on an MNPD Form 104, "Supplement Form" filed under the same complaint number as on the media of recording. It is the responsibility of the officer/investigator taking possession of the recording to adhere to all of the provisions contained herein to include turning the same over to the Evidence Storage Division.

I. Storage of Still Photographs or Video Taken by Officers

1. On occasion, officers may need to preserve evidence in the form of photographs or video that is not collected by the Crime Scene Investigations Section, but by the officer him/herself. It is permissible

for an officer to take digital photos for minor or non-fatal incident that include, but are not limited to:

a. Minor or non-fatal accidents;

b. Misdemeanor simple assaults;

c. Minor domestic violence related injuries;

d. Vandalisms;

e. Recovered evidence; and

f. Seized property

g. Officer citizen encounters or responses to calls for service

2. Any photographic or video evidence from major crime scenes, of serious injuries, or that may be required for prosecution of a felony offense relating to a personal crime or traffic related fatality should be collected by the Crime Scene Investigations Section. Based on the severity of the offense, as well as the complexity of the scene, should dictate whether an officer should utilize an MDC, a Precinct Issued Camera or request a member of the Crime Scene Investigations Section or the Domestic Violence Division. Officers should correspond with their supervisor for determination. This shall not preclude officers from taking photographic evidence, prior to the arrival of Crime Scene Investigations Section or DVD, to augment pictures taken by such specialized units. It is realized that certain evidence may be lost as other elements arrive on the scene (Emergency Medical Personnel, Fire Dept., Public Works, etc.). Nor shall it preclude an officer from collecting video evidence of an incident or event

3. MNPD Form 113, “Patrol Photographic Evidence Information Card”, shall be photographed <u>first</u>, when it is realized that photos will be taken at the scene and kept for evidence. A separate MNPD Form 113 must be completed and photographed for each scene documented. The MNPD Form 113 shall be kept by the investigating officer, in his/her case files.

4. The MNPD Form 113 is to include the general information of the incident that is necessary to distinguish it from other crime scenes and shall include the following:

a. Record the date and time;

b. Record the complaint number and proper Ten Code/Type Call designation;

c. List the name of the victim and the address of the call;

d. Description of the photos taken; and

e. Put the name and employee number of the person taking the photos.

5. Regarding video evidence, where practical, the officer will identify his or herself, the date and time, and nature of the event.

6. Evidentiary photographic images shall be downloaded prior to the end of the officer's tour of duty. Failure to do so shall be grounds for disciplinary action.

7. Evidentiary photographs taken by patrol officers shall not be retained on any device, whether personally or departmentally owned, past the end of their tour of duty.

8. Only personnel that have been properly trained shall be authorized to download photographic or video evidence into the proper secure server folder.

9. MNPD personnel downloading photo/video images shall follow instructions outlined in Appendix 1 at the end of this policy.

10. All photographs taken at an incident shall be stored in a single file as indicated above. If there are more than one image to be downloaded, all images shall be downloaded in the same file folder.

11. Downloading evidentiary photographic images shall be accomplished via card readers placed at each precinct. Card readers located at police precinct locations shall be secured to prevent unauthorized access and shall be available to all supervisory personnel.

12. A notation that photos were taken and downloaded onto the appropriate drive shall be made on all reports completed, to include but not limited to the incident, supplement, and arrest reports as well as the affidavit.

13. Additional instruction and/or procedures contained in the Patrol-Standard Operating Procedure manual shall be followed.

J. Copying of Audio and Video Recordings

1. The District Attorney's office may obtain a copy of the audio or video recordings stored by the Evidence Storage Division for the purpose of responding to pre-trial discovery motions and for trial preparation. The Assistant District Attorney making a request for a copy of a recording will do so by presenting MNPD Form 385, "Medium of Recording Copy

Request Form" to the Evidence Storage Division which identifies the recording by complaint number, the officer/investigator; and the type of media requested, (e.g., crime scene, witness statement, defendant's interview, etc.).

2. The Evidence Storage Division will make copies of audio and video recordings requested by the District Attorney's office and release the copies to the Assistant District Attorney, or his/her designee. All micro-cassette recordings will be transferred to standard cassette tapes prior to releasing them to the District Attorney's office. A notation will be made on the Property and Evidence log of the copy and the recipient will sign the log. The District Attorney's office will periodically provide the Evidence Storage Division with an adequate supply of tapes or the means to replace tapes supplied to that office.

3. Audio and video recordings will be treated as all other items of evidence with access restricted to personnel who have the authority to review these items.

4. All original audio and video recordings, regardless of media, made by police personnel will be marked "Original" on the label and any copy will be marked "Copy."

K. Recommended Recording Procedure

1. At the beginning of the recording, the interviewer shall identify himself or herself, those present, and the purpose for which the recording is made.

2. Should it become necessary to stop the recording prior to termination of the interview or statement, personnel will announce the reason for the pause or stop; and when the recording is started again, the interviewer will record the date and time before proceeding.

3. When recording on an audio tape, personnel shall record on one side of the tape to prevent confusion and destruction of information recorded on the other track.

L. Releasing Media to the Public

1. Any release of media to the public or other law enforcement agencies for the purpose of identification or apprehension of criminals, or for public safety shall be done in accordance with the established standard operating procedures of the Surveillance and Investigative Support Unit.

2. This provision applies to the publication of media for those purposes stated above by the Metropolitan Nashville Police Department only. Requests for media from any outside source, agency or entity shall be

processed as any request for information or evidence in accordance with current policy and procedure governing the security of law enforcement files and records.

3. The District Attorney's Office can authorize the release of media to citizens by approving MNPD Form 720, Request for Administrative Services (see current policy governing the security of law enforcement files and records).

    a. A copy of the completed form with the approving signature from the District Attorney's office will be returned to the Evidence Storage Division.

    b. Fees for duplication of media shall be charged in accordance with applicable Metro Ordinances.

6.10.160 Alcohol and Tobacco Products

A. Occasionally, sworn personnel will encounter contraband alcoholic beverages or tobacco products. Most commonly this will occur during a search warrant service or other enforcement activity, but might occur during other police functions. When such contraband is located, the applicable statutes **require** police officers to seize the items. The following procedures will assist personnel in complying with these statutes. **When a question arises concerning enforcement of these statutes, personnel are directed to contact the Case Preparation Division, the Tennessee Department of Revenue, and/or the Tennessee Alcoholic Beverage Commission ("ABC").**

B. Procedures

1. Personnel shall make a determination if the item(s) will be seized as evidence or contraband. Procedurally, there is no difference. However, should the officer's actions ever be questioned, this determination will provide the officer the opportunity to explain for which purpose the item(s) were seized.

2. Contraband will be seized whether or not an employee of this department will be prosecuting. The provisions contained herein will be followed.

C. Disposal of Unclaimed Property

1. In disposing of "unclaimed" property stored by any component of the department property accumulated within storage facilities which no longer has evidentiary value (as determined by judicial or prosecuting authority), or which has not been claimed by someone having legal entitlement to possess or claim it, **applicable laws of this state will be strictly observed.**

2. Each component of the department involved in the storage of property shall develop and maintain its own Standard Operating Procedures Manual detailing provisions attending the disposition, or destruction, of unclaimed properties, based on laws and/or policies of the department and the Metropolitan Government.

3. Unless other disposition is authorized by law and/or required by policy of the department and Metropolitan Government, unclaimed property of any type may be disposed of by means of a public sale (auction) held by, or on behalf of, the component having custody of the unclaimed property.

4. **Employees of the department are <u>prohibited</u> from buying or bidding, or directing or causing any bid, on any item being sold at a public sale or auction held by, or on behalf of, any entity of the Metropolitan Government.**

5. Furthermore, no agent or designee of any employee, or any member of an employee's "immediate family" (as defined by Civil Service Rules) will buy or bid on any property on behalf of the employee. (See current departmental policy governing employee deportment)

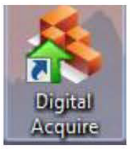
6. Items placed for public sale shall be cataloged and delivered to the appropriate Metropolitan Governmental office for proper disposal. Such items shall be documented and recorded in accordance to current MNPD standard operating procedures for the disposal of property at public sale.

Appendix 1

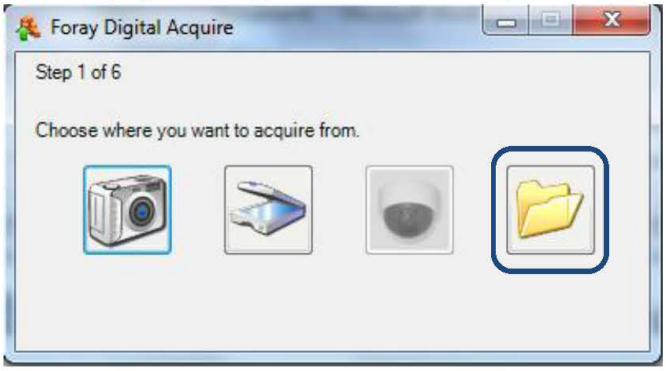
Uploading Crime Scene Photos

To secure the photos from MNPD Crime Scenes, the following procedure shall be used to upload Crime Scene Photos from MNPD officers.

1. Plug the Digital Camera or Memory Card into your computer.
2. Click on the Digital Acquire icon on your desktop.



3. When the program starts, press the folder icon to upload from a folder.

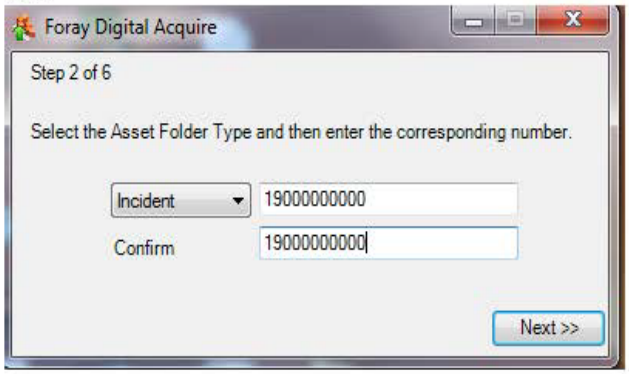


4. A dialog box will appear asking you to select the files to upload. Navigate to the Digital Camera/Memory Card device to select the photos for upload.
    a. To select all files, press CTRL+A.
    b. To select multiple files hold down CTRL and click the files you want to select.

Press "Open" when complete.



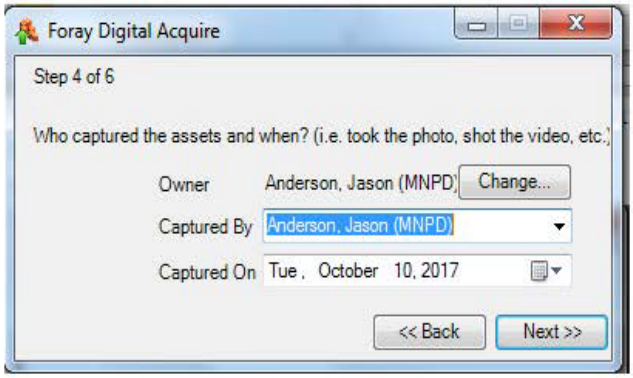
5. The next step requires an identifying number. Use the incident number associated with the case.



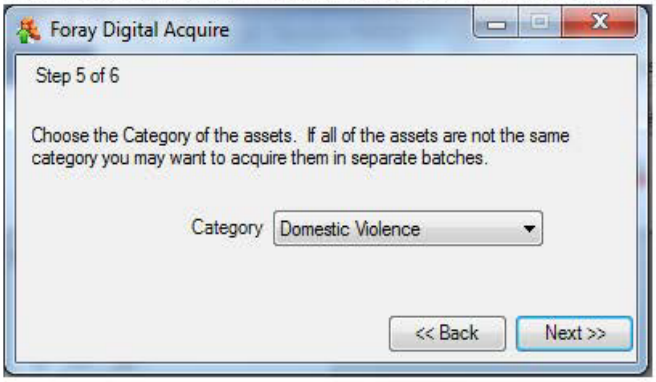
6. If you are the first person to add photos to this incident number, you will need to supply a Crime Code and the Date of Crime. Use the closest crime code to your incident. If this box does not appear, move on to the next step.



7. The next step identifies the owner of the videos, who captured the video, and when the video was captured. The Owner and Captured By fields need to be the officer that uploads the photos. Complete all fields appropriately and press Next.



8. In the next step, we will categorize the photos. Please see the guidelines below for categorizing photos. Categorization is important to ensure the proper security of Crime Scene Photos.



Categories:

- **Auto Theft**
  - Any incident being investigated by the Auto Theft Division.
- **BWC Pilot Video**
  - ONLY for Body Worn Camera Pilot Video
- **Domestic Violence**
  - Any incident being investigated by the Domestic Violence Division.
- **Forensic Services – CSIS**
  - This category for CSI use only.
- **Forensic Services – EPU**
  - This category for CSI use only.
- **Hazardous Devices**
  - Any incident being investigated by the Hazardous Device Unit (HDU)
- **Homicide / Cold Case**
  - Any incident being investigated by the Homicide / Cold Case Division
- **Latent (envelope)**
- **Latent (known exemplar)**
- **Latent (latent impression)**
- **Latent (lift card)**
- **Latent (Misc)**
- **Latent (photograph)**
- **Latent (Worksheet)**

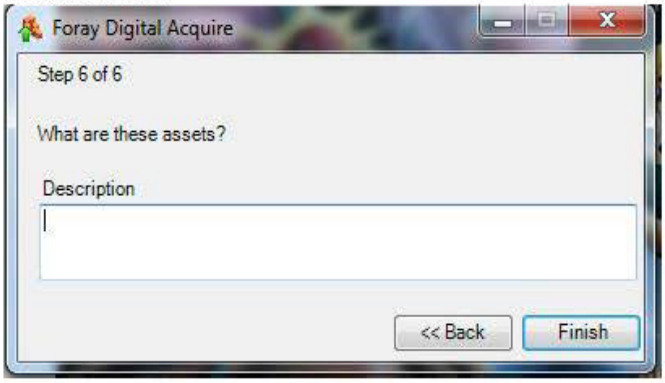
For Latent Print use ONLY!

- **OPA**
  - Any incident being investigated by the Office of Professional Accountability.
- **Patrol – Crime Scene**
  - This category is to be used when there is not a specialized unit involved in investigating an incident.
- **Sex Crimes**
  - Any Sex Crime involving Juvenile or Adult victims.

- **SID**
  - Any incident being investigated by SID.
- **Traffic Fatality**
  - Any incident being investigated by the Traffic Division.
- **Youth Services**
  - Any incident being investigated by Youth Services.

****Important: Please make sure to place any sensitive photos in the appropriate categories so they are secured properly. If unsure, please seek guidance from CSI before upload.**

9. In the last step you may add a description to this batch of photos. If desired, add a description and press Finish.



10. Wait for the upload to finish.
11. Delete the original photos from the digital camera/memory card device.

6.20 Vehicle Impoundment

It shall be the policy of the Metropolitan Nashville Police Department that any employee involved in the impoundment process shall observe these and any subsequent provisions which may be enacted regarding the vehicle impound process. Each employee shall exercise every precaution to safeguard the vehicle, as well as its contents, and otherwise assure that the owner's or operator's personal and property rights are observed.

(Category: Unless otherwise noted or provided for in a provision of a separate policy, any violation of this policy varies with severity of offense.)

6.20.010 General Provisions

A. Vehicle impoundment amounts to the seizure of a person's property, either temporarily or, when authorized by due process of law, permanently. Therefore, each impoundment of a vehicle must be imposed in accordance with all applicable laws, legal pronouncements, and regulatory provisions.

B. Before any vehicle can be legally removed and impounded, it must be in lawful custody; and its impoundment aimed toward securing and protecting both the vehicle and its contents.

C. For the purposes of this order, a vehicle is considered in lawful custody and subject to lawful seizure when the owner or operator no longer has control of the vehicle, either because he/she is not present or because he/she is unable to make his/her own arrangement for the vehicle at the time.

D. The impounding officer must be able to show that the impoundment is reasonable and necessary under the existing circumstances and that there was no other reasonable alternative.

6.20.020 Definitions

A. **Abandoned Motor Vehicle:** A motor vehicle that is:

1. Over four (4) years old and is left unattended on public property for more than ten (10) days; or

2. In an obvious state of disrepair and is left unattended on public property for more than three (3) days.

B. **Alternate Action:** When an owner or operator of a vehicle, even though arrested, is able to make his/her arrangement for the custody of the vehicle, or if the vehicle can be parked or locked without endangering the public or obstructing traffic.

C. **Forfeiture:** (For the purposes of this policy) Taking possession of property with the intent to permanently take possession of the property through proper court proceedings.

D. **Immobile Motor Vehicle:** Any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer that is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or emergency situation.

E. **Unattended Motor Vehicle:** Any motor vehicle, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer, that is:

1. On public or private property, unattended by the owner or authorized driver, and that interferes with or impedes the orderly flow of traffic; or

2. Unattended due to the arrest of the driver.

F. **Vehicle:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

G. **Vehicle Impoundment:** Removing a vehicle from a street, alley, highway or thoroughfare to the nearest garage, or other place of safety, or to a facility designated or maintained by the department and/or the Metropolitan Government.

6.20.030 Impoundment Authority

A. The Motor Vehicle Traffic Codes of the Metropolitan Government specifically authorize employees of the department to impound any vehicle parked, stopped, or standing upon any alley, street, highway, or thoroughfare within this jurisdiction when the vehicle is:

1. In violation of any regulation or ordinance of the Metropolitan Government, except overtime parking violation;

2. Parked as to obstruct the orderly flow of traffic;

3. Parked for a period of forty-eight (48) hours without current registration. Towing under section requires supervisory approval.

4. Before any vehicle is towed solely for an expired registration violation, the towing employee's supervisor must be called and respond to the scene to approve impounding the vehicle and to ensure arrangements are made for the safety of the occupants. The approving supervisor's name shall be noted on the Vehicle Towing Report (MNPD Form 008);

5. Disabled to the extent that it constitutes an obstruction to traffic and the person in charge of the vehicle does not provide for its custody and removal.

6. The amount of time given is a matter of individual judgment based on location, type or condition of roadway, time of day, traffic conditions, and the degree of hazard presented.

7. When the driver or operator of such vehicle has been arrested for driving under the influence of an intoxicating liquor in violation of Tennessee Code Annotated.

B. Employees of the department are authorized to seize and remove any vehicle that constitutes the instrumentality or fruit of a crime, provided:

1. There is sufficient probable cause to support identification of the vehicle and/or its contents relative to its involvement in the crime; and

2. Impoundment is justified under the circumstances to collect/preserve evidence of that crime; or seizure of said vehicle is clearly authorized by virtue of the offense charged, or

3. If impoundment of the vehicle is otherwise absolutely necessary to expedite an enforcement or investigative action.

4. Vehicles shall not be towed to a MNPD crime lab facility without the approval of the on-duty Crime Scene Investigations Section (CSI) Supervisor.

C. If the circumstances which brought the vehicle to the attention of the officer in the first place are such that the owner or operator, even though arrested, is able to make his/her own arrangement for custody of the vehicle; or if the vehicle can be parked and locked without endangering the public or obstructing traffic, such "alternative action" will be permitted rather than impounding the vehicle.

1. Whenever the owner or operator is present and capable of making decisions, whether he/she is under arrest or not, and the circumstances do not otherwise justify impoundment of his/her vehicle, he/she must be advised of the aforementioned alternatives. Arrest of the owner or operator is not in and of itself sufficient; there must be reasonable cause to take the vehicle into custody.

2. If the person designated to take custody is not licensed, or is incapable, or if the vehicle cannot be legally parked in a location that affords reasonable security, alternative action will not be allowed. Also, if the owner/operator refuses to sign MNPD Form 233, Vehicle No Tow Request and Liability Release Report, no alternative action will be allowed.

3. Juveniles are not authorized to sign MNPD Form 233, Vehicle No Tow Request and Liability Release Report.

D. Any unnecessary impoundment or misuse of this authority may be cause for the owner or operator of a vehicle to appeal any towing and/or storage charge paid, thus resulting in a direct financial loss to the Metropolitan Government.

6.20.040 Circumstances of Vehicle Towing and Impoundment

In determining what is reasonable and necessary to assure personal safety and Property rights of those affected by a decision to impound a vehicle, an employee shall observe the following provisions regarding:

A. Occupants and Perishable, Volatile, or Hazardous Contents

Whenever it becomes necessary to impound a vehicle having an occupant who, because of age, disability or other reason, cannot be left unattended (e.g. small child, handicapped person, animal, etc.) or having contents that, because of value, substance or other reason must be attended or secured as soon as possible in the interest of the owner or the general public (e.g. large quantity of perishable goods, etc.), the officer initiating impoundment, or his/her supervisor, shall also initiate efforts to protect/safeguard such occupants and/or contents prior to towing the vehicle. These efforts include:

1. In the case of occupants (person or animal), attempts will be made to contact other persons/agencies capable of assuming responsibility (e.g., relatives, friends, etc.). If such persons/agencies cannot come to the scene or the Vehicle Impound Section within a reasonable time, the occupant may be transported to the person/agency, subject to supervisory approval.

2. In the case of contents, attempts will be made to contact persons/agencies having a vested interest in same (e.g. receiving/shipping agent). If such persons/agencies cannot be contacted or come to the scene, the vehicle will be taken to the Vehicle Impound Section where the shift supervisor will assume responsibility and take reasonable measures to protect/safeguard the contents. Should alternative arrangements be made by an "authorized" person/agent, the shift supervisor will coordinate efforts with the person/agency designated by the authorizing person/agent.

3. For vehicles containing VOLATILE or HAZARDOUS MATERIALS (e.g., explosives, toxic chemicals, flammable substances, etc.) the officer in charge of the scene shall make all reasonable efforts to have the interested party take possession of the vehicle and contents. The officer in charge of the scene will also contact the

MNPD Hazardous Device Unit, or any MNPD investigative unit that has expertise with the materials and request assistance with any resources they may be able to provide to render the vehicle safe. If the vehicle and contents must be towed to the Vehicle Impound Section, the officer in charge of the scene will notify impound lot manager/supervisor/personnel prior to the vehicle arriving at the lot so the vehicle/contents can be stored at a safe location on the lot.

NOTE: If hazardous contents need to be off-loaded, it is the responsibility of the investigative unit to utilize a Metro authorized company specializing in such removal to schedule and monitor the offloading of the materials. The investigative unit conducting the investigation will accrue the expense for the off-loading of the material process.

4. When a vehicle is in lawful custody, any sensitive, valuable, high-risk items (e.g., firearms, jewelry, money, laptops, cameras, IPODs, GPS systems, etc.), or evidence of a crime in an impounded vehicle shall be noted on the Vehicle Towing Report (MNPD Form 008), Incident Report (MNPD Form 100), and then transported to the Evidence Storage Division following current departmental guidelines on property and evidence.

5. The aforementioned items shall be taken to the Evidence Storage Division, by the impounding officer, for safe keeping. If it is determined that such items were inadvertently left in a vehicle, the impounding officer or appropriate supervisor will be notified and shall be responsible for taking immediate measures to secure those items.

B. Traffic Crashes

Under circumstances where a vehicle is disabled due to a traffic crash and must be removed from the location, the vehicle will not be removed to the Vehicle Impound Section unless other provisions of this section are applicable (e.g., hit and run or stolen vehicle, vehicle involved in crime, etc.). Instead, when time and circumstance permit, the owner/operator of the vehicle will make his/her own arrangements, specifying the towing service and location where he/she wishes the vehicle to be towed; a Vehicle Towing Report (VTR) will **not** be completed in this situation.

A MNPD Form 008, Vehicle Towing Report (VTR) shall be completed, and the vehicle remanded to the custody of the “zone” wrecker service in the following situations:

1. When the officer determines that the “zone” wrecker service will resolve an emergency circumstance (e.g., major traffic congestion, hazardous condition, etc.) in a more efficient and safe manner, and the owner/operator will not sign the wrecker service form authorizing the tow;

2. The owner/operator on the scene does not specify a wrecker service, or will not sign the wrecker service form authorizing the tow; or

3. The owner/operator, or his/her agent, is not on the scene (e.g. transported to the hospital, etc.), and the vehicle must be towed.

NOTE: In addition to provisions out lined in B, 1, 2 and 3 above and pursuant to current policy, officers shall complete a MNPD Form 008, Vehicle Tow Report (VTR), anytime a vehicle is towed pursuant to an arrest, criminal investigation, seizure or other such circumstances where the vehicle is remanded to the custody of the private wrecker service or Vehicle Impound Section.

C. Parking Violations

1. If a vehicle is subject to impoundment under provisions herein outlining impoundment authority the applicable traffic parking citation will be issued at the time impoundment is initiated.

2. If the owner/operator is not present, the defendant's copy of the citation, along with designated copies of the towing report form, will be left with the vehicle.

3. If the owner/operator arrives and requests custody of the vehicle, officers should follow the provisions on Towing Procedure set out in this order. The citation shall be issued to the owner/operator requesting custody of the vehicle.

4. All vehicles towed by departmental employees for parking violations only will be sent to a private wrecker service lot.

D. Registration Violations

1. Generally, vehicles stopped during traffic enforcement with an expired registration should not be impounded. However, if the registration has been expired for an unusually long time, and there is evidence the owner/operator has routinely operated the vehicle with knowledge of the expired registration (e.g. previous warning, citation, arrest, etc.), and the owner/operator has no reasonable explanation for failing to renew the registration, the vehicle should be impounded in order to prevent the offense from continuing.

2. Vehicles parked on any alley, street, highway, or thoroughfare for a period of forty-eight (48) hours without current registration may be impounded. Towing under this section requires supervisory approval.

3. Before any vehicle is towed solely for an expired registration violation, the towing employee's supervisor must be called and respond to the scene to approve impounding the vehicle and to ensure arrangements are made for the safety of the occupants. The approving supervisor's name shall be noted on the Vehicle Towing Report (MNPD Form 008).

4. Vehicles towed for registration violations shall be taken to the Vehicle Impound Section.

E. Abandoned Vehicles

1. The towing of abandoned vehicles in the public right of way is generally the responsibility of the Nashville Department of Transportation (NDOT). The towing of abandoned vehicles located on private property is generally the responsibility of the Department of Codes Administration. If an officer determines that an abandoned vehicle is not a safety hazard or wanted by a law enforcement agency and the vehicle has been abandoned, notification to NDOT should be made utilizing the "hubNashville" application on the officer's department issued cell phone. NDOT will be responsible for following procedures for notice and removal of the vehicle.

2. If, however, the Department of Codes Administration has attached any form of an abandoned vehicle notice to the vehicle, that department shall be advised if removal of the vehicle is deemed necessary. The Department of Codes should be advised of the location to which the vehicle was removed, and the basis upon which the vehicle was towed/impounded.

F. Hit and Run and/or Stolen Vehicles

Under circumstances involving hit and run vehicles and/or stolen vehicles, the following provisions will be observed:

1. If it is determined that the vehicle has been involved in a hit and run, and the identity of the owner is not known, or the vehicle itself may be needed as evidence, it may be impounded pursuant to provisions herein governing vehicle holds. The vehicle shall only be impounded if it is of evidentiary value. However, should a custodial arrest be made, and sufficient evidence gathered/secured from the vehicle and/or its owner/operator at the location where it is seized, provisions attending custodial arrest may then become applicable. These vehicles will be towed to the Vehicle Impound Section.

2. If it is determined that a vehicle is stolen, but not involved in another crime, it may be released to the rightful owner after it has been processed for evidence, provided the owner is present and signs the MNPD Form 100, Incident Report, indicating receipt of the vehicle.

3. When a stolen vehicle and/or license plate is released to the rightful owner at the scene of the recovery, officers shall adhere to the following provisions:

    a. Prior to releasing vehicle, send a teletype (free form message) on the MDC, with vehicle information, to ensure the vehicle is taken out of NCIC. Include in the teletype that the vehicle is being immediately released. This will expedite the removal of vehicle from NCIC.

        NOTE: If a license plate is not recovered with the stolen vehicle, the officer shall document that information in the Incident Report for entry into NCIC. Similarly, it should also be documented in the incident report if a stolen license plate is recovered but the stolen vehicle is not.

    b. Contact NCIC via phone or radio to confirm the vehicle has been removed from NCIC prior to owner/operator leaving the scene of the incident.

4. When reporting systems are not operational (ARMS, AFR, or NCIC) officers shall:

    a. Transmit recovery information over MDC's to all police personnel, as well as the Department of Emergency Communications (DEC) MSV Unit;

    b. Print a copy (or complete hardcopy) of Incident Report, MNPD Form 100, and hand deliver it to Central Records, to ensure vehicle and/or license plate can be removed from NCIC with undue delay; and

    c. Officer's will inform citizens their vehicle and/or license plate may be shown as stolen in police computers until such time as it can be removed from NCIC, which could result in a felony stop and detention to confirm its recovery.

5. Immediately upon receipt of teletype or hand delivered Incident Report, it shall be the responsibility of the NCIC/Teletype Unit to remove stolen vehicles and/or license plates from NCIC. NCIC/Teletype Unit Personnel shall give confirmation of NCIC removal to the submitting officers without delay.

6. Any vehicle not processed where it is seized will be towed to the Vehicle Impound Section and processed prior to release. The officer causing the vehicle to be impounded shall inform CSI as soon as possible (through DEC), and complete MNPD Form 234, Vehicle Hold Report.

NOTE: Any person examining the vehicle for evidence, regardless of the location, will sign the tow report form or other applicable report form(s), taking every precaution to preserve all evidence.

7. Any officer that recovers a vehicle bearing a stolen license plate not registered to the recovered vehicle will remove that license plate. The license plate will be submitted to the Evidence Storage Division along with any required reports.

G. Damaged, Burned, and Submerged Vehicles

1. Under circumstances involving a vehicle that has been damaged beyond repair (e.g., burned, submerged in water, etc.), the vehicle will not be impounded. If the vehicle is not a safety or traffic hazard, it shall be left at its current location.

2. If it can be identified and/or confirmed as stolen, a MNPD Form 100, Incident Report, will be completed, as well as a Vehicle Tow Report (MNPD Form 008) and a Vehicle Hold form (MNPD Form 234). The vehicle shall be towed to Vehicle Impound, and the incident will be followed up by Vehicle Crimes upon receipt in Records Management System (RMS).

3. If a vehicle cannot be identified as a stolen vehicle, including due to damage to the areas where a VIN number can be read by officers; the reporting officer shall complete a MNPD Form 100, under the classification “Found Property”, complete a Vehicle Tow Report (MNPD #008), and a Vehicle Hold form (MNPD# 234), and have the vehicle towed to Vehicle Impound. This process allows proper forensic analysis to be completed on the car to locate secondary VIN’s or derivative VINs located in other areas.

4. If the vehicle has been removed from the water for a rescue attempt, complete MNPD Form 008, Vehicle Towing Report and have the vehicle towed to a private wrecker service lot. If the vehicle is not a safety hazard or does not need to be removed from the water for a rescue attempt, follow the provisions in above sections 2 or 3. If circumstances necessitate a hold on the vehicle refer to provisions within this policy governing vehicle holds.

5. Whenever possible, the commander of the Vehicle Crimes Unit shall cause such vehicles to be removed by the owner and/or insurance company at their expense.

NOTE: To avoid unnecessary towing costs in circumstances involving a submerged vehicle, the investigating officer will not request towing services until such time as the vehicle is actually ready to be removed from the location.

H. Custodial Arrest

The officer making an arrest shall allow the arrested person to:

1. Leave the vehicle within the immediate area of the arrest in a legal parking location.

2. Turn over the custody of their vehicle to another person present and not placed under arrest that is capable of providing for the custody and removal of the vehicle.

   NOTE: This will require completion of MNPD Form 233, Vehicle No-Tow Request and Liability Release Report. Any question as to the security afforded by the parking location or capability of a person designated to take custody of the vehicle is left to the discretion of the officer and/or his/her supervisor.

3. Refer to provisions herein governing Storage Locations of Towed and Impounded Vehicles for guidance on the appropriate locations for the towing of vehicles involved in arrest situations.

I. Mass Towing Operations

1. During times of snow, icy roadway conditions, or other disaster type situations where large numbers of vehicles have to be towed, officers will complete MNPD Form 008, Vehicle Towing Report; and the vehicle will be transported to a private wrecker service lot.

2. In non-disaster situations, when towing numerous vehicles, permission of the shift supervisor at the Vehicle Impound Section is required before sending the vehicles to the Vehicle Impound Section. If the vehicles are abandoned, follow the above procedure for abandoned vehicles.

J. Private Property Towing

If a vehicle is not wanted by a law enforcement agency, vehicle towing on private property is the responsibility of the property owner.

K. Property

1. Bicycles will be transported to the Vehicle Impound Section by police vehicles. Bicycles will not be towed by a wrecker. If an officer cannot place a bicycle in their vehicle, the officer should attempt to locate on-duty personnel using a truck/van, or a bicycle patrol officer with a bicycle transporting rack on their vehicle for assistance.

2. Gas powered lawn equipment and tools will be transported to the vehicle Impound Section by police vehicle unless the item is too

large (such as a riding mower, large generator) to fit in a police vehicle.

3. All Other Property: When possible, found property items, debris, or other recovered items (newspaper racks, manhole covers, grocery shopping carts, safes, lawnmowers, etc.) will not be towed by wrecker to the Vehicle Impound Section. An attempt should be made to locate the property owner and have them make provisions for recovering the property. If property has to be transported, when possible, the property should be transported by police vehicle or notify the Department of Public Works for assistance.

L. Crime Lab Processing

1. All requests for vehicles requiring evidence processing at an MNPD crime lab facility require authorization from the on-duty Crime Scene Investigations Section (CSI) Supervisor.

2. Personnel requesting a vehicle to be towed to an MNPD crime lab will document the justification for such on a MNPD Form 234, Vehicle Hold Report, and shall follow the provisions within this policy governing vehicle holds.

3. Personnel initiating the tow shall be responsible for maintaining a chain of custody with the vehicle and shall ensure it is escorted by MNPD personnel to an appropriate location for the processing of evidence.

6.20.050 Towing Procedure

A. Any Officer initiating impoundment of a vehicle shall:

1. Advise the Department of Emergency Communications (DEC) of their location, and request a towing service detailing any circumstances affecting the action taken such as emergencies, additional equipment needed to tow the vehicle, etc. Considering the location, the DEC will notify the privately contracted "zone" wrecker, relaying all pertinent information. Only those services approved by the Transportation and Licensing Commission will be used. A current list of "approved" services and the geographic area for which each is contracted will be maintained by the DEC.

NOTE: To avoid unnecessary towing costs, towing services will not be requested until the vehicle in question is actually ready to be towed.

2. Complete all applicable sections and sign MNPD Form 008, Vehicle Towing Report. The timeline should reflect the time the towing service arrives on the scene. The officer will then advise the wrecker driver of the condition and contents of the vehicle, allowing the

attendant to conduct their own inventory and/or inspection of the vehicle.

3. When the keys to the vehicle are available, the officer shall give the key(s) needed for operation and inventory, and remote if available, to the wrecker driver. All other keys shall be retained by the arrestee/owner. The keys will then be transferred by the wrecker driver to either the Vehicle Impound Section or the private wrecker lot, whichever is applicable.

   NOTE: Officers shall note on MNPD Form 008, Vehicle Towing Report (VTR), the number of keys and/or remotes given to the wrecker driver.

4. Have the wrecker driver sign the towing report form when the vehicle is ready to be transported. Upon signing the form, the wrecker driver will assume full responsibility for the vehicle, its condition, and its contents, until such time as it is accepted at the Vehicle Impound Section or other authorized disposition occurs.

   NOTE: Wrecker services are authorized by the Metropolitan Transportation and Licensing Commission to charge additional fees for services such as time on scene over an hour, winching performed over 50' off the roadway, or use of multiple and/or larger wreckers. Any additional fees should be notated on Line 19 of the electronic Vehicle Towing Report. Wrecker services have the opportunity to make a notation on MNPD Form 008, Vehicle Towing Report (VTR), for services rendered, when they sign the document. These notations should be done in the officer's presence and initialed by the officer.

5. When completing the electronic Vehicle Towing Report (MNPD Form 008), ensure the correct wrecker service is selected on line 3.

   NOTE: Upon submission of the electronic Vehicle Towing Report (MNPD Form 008), copies will be automatically emailed to the Vehicle Impound Section, Auto Theft Unit, Central Records Division, and the selected zone wrecker service (line 3).

6. Print a copy of the MNPD Form 008 for the vehicle owner, if present, and wrecker driver when requested.

7. Give a copy of any traffic or parking citation that may have been issued to the wrecker driver as well.

8. When completing a hardcopy, distribute the Vehicle Towing Report (VTR), MNPD Form 008, as follows:

   a. When a vehicle is towed to the Vehicle Impound Section:

(1) The pink copy of the VTR shall be retained by the impounding officer and processed in accordance with standard departmental mail procedures.

(2) If the owner/operator of the vehicle is present, he/she will be given the cardboard copy. If the owner/operator is not present, the cardboard copy shall be given to the wrecker driver.

(3) Give all other copies, as well as any traffic parking citation that may have been issued, to the wrecker driver to accompany the vehicle.

(4) The wrecker driver will retain the wrecker company copy (yellow VTR copy) and will submit the remaining forms of the VTR to the Vehicle Impound Section.

b. When a vehicle is being towed to a location other than the MNPD Vehicle Impound Section (i.e., a private wrecker service lot):

(1) The officer shall only give the service attendant the wrecker company copy (yellow copy) and owner copy (cardboard copy) of MNPD Form 008 (Vehicle Towing Report).

(2) All other copies shall be retained by the impounding officer and processed in accordance with standard departmental mail procedures.

9. Remain at the location until the vehicle is actually removed by the towing service.

a. If an owner arrives prior to the wrecker driver *completely* attaching the vehicle to the wrecker, he must drop the vehicle with no charge.

b. If the owner arrives after the vehicle is *completely* attached, to include the safety chains (which is usually the last step in the process) then the owner is subject to a fee as established by Metro ordinance. (A vehicle shall be deemed completely attached if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.)

c. If, on the other hand, the vehicle is actually in motion and terminating the process would disrupt the orderly flow of traffic, or would seem “unreasonable” under existing circumstances, the officer will proceed with the impoundment.

NOTE: When a vehicle is released during the towing process, the officer will obtain the owner/operator's signature and driver license number on the towing report form, and submit all copies of the form to their supervisor at the end of their shift. Should the owner/operator refuse to sign for release, the officer will impound the vehicle.

B. Whenever a vehicle is towed at the request of a MNPD officer and the vehicle is towed to a wrecker service's lot, an AM message must be sent to the Records Division NCIC Teletype Unit. This should occur automatically upon submission of the electronic MNPD Form 008. If this does not occur, or the officer completes a hard copy MNPD Form 008, the officer shall immediately send an AM Message on the Free Form Query page of the ARMS Portal to the Records Division's NCIC Teletype Unit. The message shall contain the Make, Model, Color, License Number, VIN, the location from which the vehicle was towed, and the location where the vehicle was taken.

   In the event the officer does not have access to an MDC the officer shall call the Records Division's NCIC Teletype Unit by phone or radio on the Records Channel and inform them of the tow and all required information stated above. The officer can reach the Records Division's NCIC Teletype Unit at 615-862-7146.

6.20.060 Storage Locations of Towed and Impounded Vehicles

Different situations will dictate whether a vehicle shall go to the Vehicle Impound Section or private wrecker service lot. This section identifies appropriate locations for vehicles to be towed when initiated by members of the MNPD. This section should only be used for guidance on where to tow vehicles, the decision to tow a vehicle shall be made in accordance with the specific provisions herein this policy. Provisions for "alternate action" as governed by this policy and the use of MNPD Form 233, Vehicle No- Tow and Liability Release Report shall also be followed prior to the towing of a vehicle. A vehicle that is part of a criminal investigation shall not be towed unless it is of evidentiary value.

A. Unless circumstances dictate otherwise, vehicles involved in the following situations should generally be towed to the Vehicle Impound Section:

   1. Arrests for driving without a valid driver's license.

   2. Arrests for driving under the influence (DUI).

   3. All other custodial arrests.

   4. Registration violations.

5. Hit and Run vehicles.

6. Stolen vehicles.

7. Any vehicle with a Hold and/or being Seized.

B. Unless circumstances dictate otherwise, vehicles involved in the following situations should generally be towed to the private wrecker service lot:

1. Vehicle involved in crashes.

2. Parking Violations.

3. Abandoned Vehicles.

4. Mass towing during times of inclement weather or disaster.

5. Submerged vehicles subsequent to a water rescue only.

NOTE: Any question as to the appropriate location to tow a vehicle should be referred to the Vehicle Impound Section.

6.20.070 Inventory

A. When a vehicle is in lawful custody, and prior to impoundment, an officer shall inventory the contents of that vehicle so as to protect:

1. The owner/operator’s property; and

2. The officer and the department from unfounded claims that may result in liability to owners/operators who say property was taken or damaged while their vehicle was in custody; and

3. The officer and others present from dangerous materials.

B. To that purpose, a vehicle inventory is permitted without a warrant or consent of the owner/operator of the vehicle. The extent of the inventory depends upon the circumstances that caused the vehicle to be in custody whereas:

1. If due to a parking violation, or other circumstances where authority to enter into the interior of the vehicle is limited, a cursory survey will be made of the areas exposed to "plain view" or accessible to a thief (e.g., over sun visors, under front seat, unlocked glove box, other "unlocked" areas and containers); and items of apparent value will be itemized on applicable reports and protected as each item demands and circumstances permit.

2. If incidental to an arrest or criminal investigation, and keys to the

vehicle are present, the inventory will be extended to areas made accessible by said keys (e.g., locked glove box and trunk) and any "unlocked" container(s) located therein.

3. With or without keys, an inventory should be limited to areas where personal items could be stored.

C. Any contraband and/or fruit or instrumentality of a crime discovered during a vehicle inventory may be seized and the person in possession of the vehicle charged accordingly.

D. When a vehicle is in lawful custody, any sensitive, valuable, high risk items (e.g., firearms, jewelry, money, laptops, cameras, IPODs, GPS systems, etc.), or evidence of a crime in an impounded vehicle shall be noted on the Vehicle Towing Report (MNPD Form 008), Incident Report (MNPD Form 100), and then transported to the Evidence Storage Division following current departmental guidelines on property and evidence.

E. The aforementioned items shall be taken to the Evidence Storage Division, by the impounding officer, for safe keeping. If it is determined that such items were inadvertently left in a vehicle, the impounding officer or appropriate supervisor will be notified and shall be responsible for taking immediate measures to secure those items.

F. If the vehicle is towed, the actual inventory, including an inspection for damages and missing accessories or parts, will usually be conducted at the time the vehicle is taken into custody, so as to establish a record of accountability prior to other persons handling the vehicle. Such findings shall be noted on the towing report form and presented to the towing service attendant so that he/she might conduct their own inventory and inspection prior to signing the form and assuming responsibility for the vehicle and its contents.

G. Upon arrival at the Vehicle Impound Section, and prior to being accepted from the towing service, the vehicle will be inventoried again and inspected by the receiving employee so as to confirm the condition of the vehicle and its contents. Should any discrepancy arise, it will be brought to the attention of the towing service personnel. If the discrepancy cannot be resolved then and there, applicable complaint provisions will be observed.

H. If the vehicle is not towed or an alternative action is taken (i.e., vehicle parked or given to custody of another person, with a MNPD Form 233 Vehicle No-Tow Request and Liability Release Report completed), no inventory will be made.

6.20.080 Vehicle Holds

A. An officer causing a vehicle to be impounded may also cause the

Vehicle Impound Section to "hold" that vehicle for further investigation/examination by:

1. Indicating the purpose and/or source of further investigation or examination on the towing report form MNPD Form 008; **and**

2. Completing MNPD Form 234, Vehicle Hold Report including the notation of an approving supervisor's name and employee number.

NOTE: A copy of the "Notice of Property Seizure and Forfeiture of Conveyances" shall be sent to the Vehicle Impound Section upon completion.

B. Such detention, or "holds", will usually be initiated at the time the vehicle is towed, with both forms, Vehicle Tow Report Form 008 and Vehicle Hold Report Form 234, forwarded with the vehicle to the Vehicle Impound Section. When completing electronic versions of the MNPD Form 008 and the MNPD Form 234, copies of these forms will be automatically emailed to the Vehicle Impound Section upon submission.

NOTE: It is plausible a vehicle which had been previously towed to Vehicle Impound without a hold form will need to be held for further investigation. A Vehicle Hold Report 234 will need to be completed, and delivered to Vehicle Impound without delay.

C. Vehicles may be detained or held for up to ten (10) calendar days and will not be released without authorization from either:

1. The officer causing the hold to be placed on the vehicle; or

2. The officer-in charge of the investigative element to which the hold is directed.

D. To determine how long the vehicle should be held, the officer/investigator assigned the incident will cause the circumstances surrounding the vehicle to be investigated as soon as possible. Follow up notification will be made to the Vehicle Impound Section to either extend or release the hold. An extended hold may be authorized for up to thirty (30) calendar days with the approval of the Investigative Lieutenant of the officer/investigator causing the hold. If no further information is received by the Vehicle Impound Section after~~;~~ ten (10) calendar days of the time the vehicle is received at the impound lot, the vehicle may then be released. Prior to any release the Vehicle Impound Section will contact the appropriate investigating unit.

E. Vehicles held for any criminal offense that are subject to the seizure/forfeiture process will not be held for more than five (5) business days, unless a "Notice of Property Seizure and Forfeiture of

Conveyances" (NOS) or other formal notice is received by the Vehicle Impound Section. When such notice is received, the vehicle will be held pending notice to release by the Specialized Investigations Division's Seizure Unit, or court order. If such notice is not received, the vehicle may be released after five (5) business days from the time it was received. Prior to any vehicle hold being released due to lack of notice being received, the Vehicle Impound Section will contact the SID Seizure Unit and/or investigating unit who initiated the hold.

Note: A copy of the "Notice of Property Seizure and Forfeiture of Conveyances" shall be forwarded to the Vehicle Impound Section upon completion and without delay.

F. Unless a vehicle is held pursuant to statutory authority or court order, or at the request an investigative lieutenant or above, it will not be held in excess of thirty (30) days.

G. Vehicle Impound Section will follow up on Vehicle Hold status updates at a minimum of once a quarter.

6.20.090 Vehicle Release

When a vehicle is no longer needed for investigation and/or the case has been adjudicated, a copy of the Vehicle Release Report, MNPD Form 236 shall be sent by the investigating personnel to the Vehicle Impound Section to release the vehicle hold.

NOTE: When a vehicle has multiple active holds, it is the responsibility of each investigative entity to submit a Vehicle Release Report, MNPD Form 236, to release their respective hold.

6.20.100 Control Provisions

A. To ensure that vehicle impoundments imposed by the department are justified or that alternative actions allowed are clearly adequate for the protection of all property involved, each decision in that regard will be based upon these and other applicable provisions. Should there be any doubts as to the proper course of action; the initiating officer will request assistance from their supervisor. If further evaluation of the situation is necessary to make a proper decision, the supervisor will respond to the location.

B. Causing or allowing a vehicle impoundment or any alternative action which cannot be justified, or failure to observe these and other provisions applicable to vehicle impoundment, shall be grounds for corrective or disciplinary action.

C. At no time will any employee convert to their personal use any vehicle or property that has been impounded or is being stored at the Vehicle Impound Section. Only property which has been properly and legally

transferred to the department will be used for official purposes. No employee of the department shall buy or bid on any item being sold at a departmental public sale (auction) except as authorized by a government policy.

Title 7: Fiscal and Grants

7.10 Grants, Donations and Legislation

7.10.010 Purpose

From time to time, additional funds become available for departmental projects by way of grants. These funds usually come from public sources (federal, state, or local agencies). At times, funds may become available through private sources (foundations, corporations, professional associations, etc.).

Additionally, pursuant to the Metropolitan Code, all departments, boards and commissions may accept and expend gifts/donations (Unconditional or unrestricted, from the perspective of the donor, transfer of assets) valued at $7,500 or less.

The purpose of this order is to explain the procedures that are necessary to carry out the grant process as well as the processing of legislation that concerns the department.

7.10.020 Definitions

A. **Deliverables**: A tangible or intangible object or outcome produced as a result of the project. A deliverable could be a report, a document, a reduction in crime statistics, and increase in services delivered, or any other building block of an overall project.

B. **Donation:** For the purposes of this order; an act of presenting something of value (funds, services, new or used goods, livestock, etc.) to be utilized by the recipient to benefit the recipient organization. Donations may be given without stipulation or requirements may be made by the donor as to how/when donations must be utilized.

C. **Grant:** An award to the department of personnel, equipment, support, or information, by an agency or individual for a specific purpose.

D. **Grantee:** The agency or organization receiving the grant award.

E. **Grantor:** The agency or organization supplying the grant funds.

F. **Indirect Costs:** Indirect costs are organizational costs that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. Also known as

"Administrative Costs". An approved indirect cost rate must be on file with the requesting agency before any such costs can be recovered.

G. **Legislation:** Any ordinance or resolution to be presented to the council or the state legislature by a police employee on behalf of the department, regardless of fiscal impact.

H. **Matching Costs:** The portion of project costs not paid by Federal funds. Matching requirements and calculations vary across the different grant programs and are usually stated as a percentage of the grant award amount supplied by the grantor.

I. **Solicitation:** Formal notification of available grant funding by the grantor agency. The grant solicitation will contain all grant related information and required documentation for the submission of the requesting agency's grant application.

7.10.030 General Provisions Regarding Grants and Legislation

A. Any component or employee acting on behalf of the department seeking council action on a grant, resolution, ordinance, or any other type of legislation that requires council action must complete a Legislation Tracking Form before the request may be submitted.

B. The form is available from the Strategic Development Division, Grants Unit personnel, Metro Legal Department, or the Supply Section. The form must be completed **regardless** of the fiscal impact on the department.

C. After completion, the form must be submitted to the Strategic Development Division for review. Once approved, it will be forwarded to the Chief of Police, Metro Finance Department, Metro Legal Department, and the Office of the Mayor for final approval.

D. Any component or employee acting on behalf of the department seeking legislative action on any issue shall present a proposal, via the chain of command for submission to the **Strategic Development Division** for review.

7.10.040 Specific Provisions

A. In order to allow the Grants Unit to consider all factors, it is recommended that all bureau commanders submit a needs assessment to the Strategic Development Section, Grants Unit of the Strategic Development Division semi-annually. When grant funds become available, the Grants Unit shall utilize this and all other available data in order to make a determination as to where the grant funds will be best utilized.

B. For the purpose of accountability and record keeping, it is necessary that all information pertaining to funds requested from external sources be kept in one location. The Strategic Development Section, Grants Unit is designated as the location where such records and information will be kept.

C. Each application shall be approved by the bureau commander to which the employee is assigned. After approval it **must** be submitted to the Strategic Development Section, Grants Unit, along with a completed Legislative Tracking Form. The Grants Unit of the Strategic Development Division shall forward a copy of the grant request to the Chief of Police. The Legislative Tracking Form will be submitted to the Police Finance Manager by the Grants Unit. The Grants Unit will assist employees wishing to submit grant requests. Prior to submitting a request, employees should:

1. Designate a project director;
2. Identify the problem;
3. Propose a solution to the problem;
4. Provide support and/or statistical data for the proposal;
5. Designate manpower, equipment needs, etc.; and
6. Estimate the cost of proposal.

D. If the request is not grant related, The Grants Unit personnel shall assist in the completion of the Legislative Tracking Form, however, the commander of the component making the request shall be responsible for submitting it to the Police Fiscal Associate Administrator.

7.10.050 Grants Unit

A. Any grant application/proposal requires review and analysis to determine its feasibility. Such review will determine if the proposal is consistent with department goals and, if implemented, what effect it would have on the department's present and/or future budget.

B. The Grants Unit shall be the component designated to review all grant proposals. After completing their review, they shall forward their findings to the commander of the bureau submitting the proposal, the commander of the Executive Services Bureau, the Police Fiscal Associate Administrator, and any other employees deemed necessary to accomplish the review process.

C. The Grants Unit shall evaluate the recommendations of the persons listed above and recommend approval or disapproval to the Chief of Police.

7.10.060 Gifts And Donations

A. Pursuant to the Metropolitan Code, all departments, boards and commissions may accept and expend gifts/donations (Unconditional or unrestricted, from the perspective of the donor, transfer of assets) valued at $7,500 or less.

B. Gifts and donations valued above $7,500 to all departments, except those specifically granted authority to accept gifts/donations as authorized in the Metro Code; may be accepted and authorized for expenditure by Metro Council via a Resolution.

C. Grants or conditional/restricted gifts or gifts requiring formal conditions or contracts may require additional consideration and review. Refer to Metropolitan Government of Nashville and Davidson County, Finance Department Policy: #42 for additional guidance (available at Police Fiscal Affairs offices).

D. An employee of the department requesting to accept an unconditional unrestricted gift to the department or otherwise on behalf of the department shall complete MNPD Form 186 for review and approval prior to formal acceptance of the gift or donation.

7.10.070 Procedure for Requesting Grant Funding Review

MNPD departmental elements may become aware of grant programs and/or solicitations for which that element may wish to apply. In the event any departmental element wishes a grant solicitation to be considered for application, the following procedure must be followed:

A. Review the solicitation in its entirety.

1. Ensure the program funding meets a MNPD Departmental need and/or addresses a crime/community concern issue.

2. Note the application deadline. Generally, a minimum of 30 days is required to process any grant application and obtain proper Mayoral and/or Council approval to submit. This timeline may be greatly increased depending on documentation, data, and/or certifications required by the solicitation.

3. Note any match funding requirements. These may vary by amount and type and are critical in the evaluation of the grant program feasibility. If possible, identify the funding source of any match requirements.

B. The submitting departmental element must describe the general plan on how the MNPD will utilize the funding and how required grant deliverables will be satisfied.

C. The proposed request should be approved through the requesting element's bureau commander prior to submission to the Strategic Development Division, Grants Unit for review.

D. The Strategic Development Division, Grants Unit shall review the request to determine feasibility of the program/grant and make a recommendation based upon, but not limited to, the following factors:

1. Does the proposed grant project meet a specific crime and/or community concern or need? If so, does it align with the goals and objectives of the MNPD and/or the Metropolitan Government and Davidson County?

2. Cost/Benefit ratio of the requested grant/program.

    a. Availability of match funds

    b. Indirect costs

    c. Retention requirements

    d. Other operational costs to satisfy grant deliverables and/or maintain the program as required.

3. Can the program or issue be addressed without utilization of grant funding?

4. Other operational or administrative issues.

E. If approved for application, the Strategic Development Division, Grants Unit is available to assist the requesting element with the application competition and reporting guidelines.

F. The Strategic Development Division, Grants Unit shall be the only authorized MNPD element to oversee the application and approval process through the Metro Division of Grants Coordination and Metro Council.

G. The Chief of Police or designee shall have final approval on any grant application submission and/or award acceptance.

H. All documentation and records for grant submissions (applications) and awards shall be retained for review or audit for a minimum of 7 years.

7.20 Fiscal Affairs Procedures

The purpose of this order is to establish guidelines for the handling of all fiscal matters concerning the department. Included are responsibility for fiscal management, budget preparation procedures, accounting procedures, position control procedures, cash management, non-cash fiscal management, audits, purchasing, emergency purchasing and emergency appropriation of fund transfers.

7.20.010 Responsibility

A. In accordance with Section 34-1-7 of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, the Chief of Police shall have the ultimate authority and accountability over all fiscal matters of the department.

B. The Chief of Police has designated the Police Finance Associate Administrator as the person responsible for the proper administration and general management and control of all fiscal matters of the department.

7.20.020 Budget Preparation

A. It shall be the responsibility of each bureau, division, and section commander to develop a proposed budget for their component on an annual basis. The planning process will begin with the development of goals and objectives for your specific area of responsibility. The Office of Fiscal Affairs will email each program the necessary forms required to prepare their budget and give deadlines by which the materials will need to be returned to the Fiscal Office. The forms needed to prepare each program's budget will be Revenue-Form A, Improvements-Form B, Non-Salary Requests-Form C, Reductions-Form E, Operating Capital-Form H, and Capital Improvement Requests-Form F.

B. These budget form proposals shall be submitted through the chain of command. The Bureau Deputy Chief will ultimately review and present them to the Police Finance Associate Administrator who will submit to the Chief of Police for consideration and final budget submission to the Office of Management and Budget.

C. The MNPD Budget manual has been developed to provide guidance and instruction in developing the current budget requests for each program within the Metropolitan Nashville Police Department (MNPD). All programs are to submit the required forms (General Fund and all other Funds) for all expenditures and revenues collected. Questions about this process or clarification of the information provided should be directed to the Office of Fiscal Affairs at 862-7363.

D. In general, the Metropolitan Nashville Police Department is made up of

over 40 programs from Executive Leadership to each Precinct. Funding is allocated and managed for these programs through over 100 business units not including capital projects. There are over 20 different revenues included in the development of the annual budget including grant awards.

E. A budget is a description of a financial plan. It is a list of estimates of revenues to and expenditures for a stated period of time.

F. The budget is a policy document that outlines how the MNPD plans to use its resources (positions/FTE and funds) to provide services to the community. It represents what the MNPD sees as the costs for providing services by program area to accomplish department goals and to meet results matter performance measures. The approved budget is a Metro Ordinance that provides the funding allocations which enable departments/agencies to accept revenue and expend funds as applicable. It generally represents the policies and goals of the city and county for a fiscal year. The fiscal year begins July 1st and ends June 30th.

G. Generally, allocations are based on need for services and the costs to deliver those services. All requests are limited by available revenue and certified projections of those revenues. The Police Department is highly reliant on the General Fund for the funding allocations for its services. As such, when additional funding is requested, our needs have to be weighted with the needs of the city and other departments. The Mayor must propose a balanced budget (i.e. revenue estimates equal expenditure estimates) to the Metro Council. Metro Council then has an opportunity to review and make revisions to the budget and then must approve a balanced budget by June 30th.

H. For MNPD, each budget is to be evaluated by the Program Manager. The need for each program is to be articulated to include level of funding needed to support the program and how each cost is estimated.

7.20.030 Preparing Program Budget For Submission

A. Operating requests are for the support of the general operations of each program to include people and non-salary items such as supplies. There are several items that need to be completed in preparing each program's budget request. The following is a list of the six forms/documents:

1. Revenue – Only if your program is responsible for managing a revenue account(s): Revenue projections – Form A

2. Improvement - Only if additional resources are requested:

    a. Requests for changes in personnel allocation funding – Form B

    b. Non-Salary detail budget form – Form C

3. Reduction 5% – Required: Reduction Plan - Form E

4. Operating Capital (or 4%) – Optional: Operating Capital Requests – Form H

5. Capital – Optional: Capital Requests – Form F

B. Please note that there is no requirement for program narratives.

C. These forms are in Excel format and are emailed to each Program Manager.

D. Detailed information on the FTE allocation of positions in each program and the non-salary detail budget form is emailed in a separate Excel file. The non-salary budget information file reflects the current year final approved budget information in the baseline amounts.

E. In anticipation and preparation of the submission of the Department's annual budget to the Mayor's Office and Metro Finance, Fiscal must have an internal process and deadlines for program requests to be reviewed and analyzed. As such, each program should begin preparing for their annual Fiscal Year budget request and submit all forms to Fiscal Affairs Division by the deadline date set by the Office of Fiscal Affairs.

F. Once the Program Manager has obtained approval from their respective chain of command, all information and forms should be submitted via email as an attachment to Police-Budget Submission mailbox. Once received, each submission will be reviewed and analyzed for clarification and accuracy. Any information to support requests should be included in the submission. Current year and prior year expenditures will be reviewed as well.

G. The Department will submit the requested budget (including capital projects and operating) to the Mayor's Office and Metro Finance for review and approval by the deadline imposed by Metro Finance (January/February). At this time, specific dates are not yet published. Once there, the Department's requested budget is reviewed, and the Mayor's Recommended Budget is prepared and submitted to Metro

Council by late April for the operating budget.

H. Operating Capital and the Capital Projects budgets are reviewed in a different timeline:

1. Operating Capital budget requests are approved based on the ability of the City to fund the requested projects.

2. Capital Projects budget requests are submitted on forms to General Services-Real Property for review/approval and must be included in the Capital Spending Plan to be considered for funding. Funding for projects is appropriated separately in the Capital Budget Plan. Depending upon the available revenue, these requests can be funded at any time in total or in part.

I. Below is an example timeline of events pertaining to the submission of the Operating Budget by the Department based on the prior year's schedule. The actual deadlines are anticipated to be received by the Department from Metro Finance in December or January.

Date	Event
January	Budget Kick-Off Meeting
January	Operating Budget Instructions Released
February	All Budget Request Forms Due from Department to Metro Finance
February	Revenue Estimates Due from Department to Metro Finance
February	Program Performance Targets for FY Due
Late March-Apr	Mayor's Departmental Budget Hearings
May	Mayor's Recommended Budget Presented to Metro Council
May-June	Departmental Budget Hearings with Metro Council
June 30	Deadline for Budget Approval

7.20.040 Revenue Projections – Form A

A. The following programs are required to submit the Revenue Projection Form A:

1. Training Program

2. Records Program

3. Special Investigations Program (Task Forces, Special Revenue)

4. Secondary Employment Program (SEU)

5. Vehicle Impound Program

6. Property and Evidence Program

7. Investigative Task Force Program (SID-ATF, DEA, Drug Enforcement, ICE, OCDETF; CID-Violent Crimes; Warrants – Fugitives Task Force;)

8. MDHA Task Force Program

9. Traffic Program

10. Crime Lab Program

11. Crime Analysis Program (TN Funded Programs – Internet Crimes Against Children)

12. Warrants Program

13. Domestic Violence Program

B. Form A includes a summary sheet with attached detail by each revenue account. Programs are to provide the detailed information for each source of revenue under their command. The form needs to include TCA, Ordinance or Resolution number that establish the revenue and start date. In addition, a copy of the TCA, Ordinance or Resolution needs to be submitted with the package. All of the detail sheets link to the summary sheet.

C. To propose changes to a fee schedule, contact the Associate Administrator in the Fiscal Affairs Division immediately. These types of changes require additional analysis and review prior to being submitted as part of the Department's budget submission.

D. To help in completing detail information on Form A, the following information was gathered to aid in the current budget and in the preparation of Form A. It has been sorted by Program responsibility.

7.20.050 Accounting Procedures

A. The Metropolitan Police Department uses an accounting system that includes provisions for monthly status reports that show:

1. Initial appropriation for each account;

2. Balances at the beginning and end of the monthly period;

3. Expenditures and encumbrances made during the period; and

4. Unencumbered balance.

B. It shall be the responsibility of the Fiscal Affairs Division to examine the transaction ledger and determine what portion of funds was spent or encumbered for each appropriation account on a monthly basis. After completing this examination, the Police Finance Associate Administrator will project what portion of the funds will be spent over the course of the fiscal year for each appropriation using the current and previous month's expenditures and encumbrances. Also, the Fiscal Affairs Division will calculate the percentage of funds that remain for each appropriation. To ensure that appropriation accounts are kept accurate and up to date, the Fiscal Affairs Division will compare their figures with those of the Metropolitan Department of Finance on a monthly basis.

7.20.060 Position Control

A. Position Control is used to establish, monitor, and control budgets for employee position assignments. Position Budgeting is one process within the overall Human Resources Management process. Each position is managed by four components:

1. Expenditures

2. Full-time equivalents (FTE'S)

3. Hours Worked

4. Headcount

B. All employees must be in an authorized, assigned position. The allocated positions (or head count) and allocated FTE's are authorized by the Metro Council. If a position is not properly budgeted and not available in the class and business unit where it is needed, the new position must be created and funded through the existing available budget. The Metropolitan Police Department is responsible for maintaining its own position budget and position budget activities. The position budget system must be kept up to date in order to hire, promote, move, transfer or reclassify staff. The department must not exceed the authorized FTE's, headcount, or the total budgeted salary amount in the financial system.

1. The FTE count is equal to or less than the current authorized FTE count.

2. The headcount is equal to or less than the current authorized headcount.

3. Filling any and all proposed requisitions will not cause the financial regular pay budget, total salary budget, or effective position budget to be exceeded.

C. The Metropolitan Nashville Police Department must have prior approval from the Office of Budget Management to increase the FTE counts, headcounts, or make changes that result in increased future FTE's or headcounts. Only one employee is allowed to occupy one position at any given time. The Police Department can change a position status, budgeted FTE, effective date, and other information on an ongoing basis.

D. The Fiscal Division maintains a current listing of vacancies within each component of the police department by total authorized employees, total current employees, and by position/job classification. These totals are continuously updated and verified with the Metropolitan Government Department of Personnel to ensure that all personnel on the payroll are legally employed and that position totals are in accordance with budget authorizations.

   Position (FTE) changes (Payroll Status Changes) i.e. transfers, promotions, new hires, terminations, resignations, pensions occur on the 1st or 16th of each month; or as otherwise approved by the Chief of Police, or authorized designee. The Fiscal Affairs Division prepares the Payroll Status Change Report based on information provided and approved by each Bureau Chief and the Chief of Police.

7.20.070 Human Resource/Fiscal Affairs Position Request Procedures

A. Requests for position changes such as promotions, upgrades, filling vacancies and requesting additional FTE or demotions will be handled as follows:

B. The Chief of Police, Deputy Chiefs of Police of the Bureau or program managers in which the action will take place initiates the request to the MNPD Human Resource Section.

C. In order to ensure Fiscal responsibility, the Human Resource Section contacts Fiscal Affairs Position Control by email to verify that a vacancy exists (Promotions, Transfers, New Hires) and that funding is available to fill, upgrade or request an additional FTE. In order to upgrade a position, the current position must be a "Targeted Position" and the upgrade will be the next level in this targeted series. The employee must have received a 2.25 or higher on the most recent evaluation and meet all requirements necessary for the higher level. A reclassification is defined as the assignment of a position to a more appropriate classification in order to properly reflect the function of the position. Employees are reclassified as a result of a general reclassification study or an individual position audit independent of the reclassification study. In order to promote an employee, a position must be available at the classification needed to promote the employee or a position(s) must be downgraded to create

permanent funding, otherwise a reclassification audit must be done, and the employee will be reclassified based on the findings of the audit. When a position is reclassified/upgraded to a higher classification another position must be downgraded (with the exception of targeted classifications) in order to create the funding necessary for the higher classification. Once the proper steps have been completed, Fiscal Affairs will respond by email indicating the availability of the funding, the funding source and confirming the vacancy.

D. Human Resources will present the request to the Chief of Police along with the verification of funding for his approval.

E. Human Resources, and/or Fiscal Affairs, will send a Position Request to Metro Human Resources and the Office of Management of Budget. The Office of Management and Budget will approve/disapprove the request(s) and then forward to the Metro Human Resources for final approval/disapproval. MNPD Human Resources is advised of the action taken.

F. Metro Human Resources notifies MNPD Human Resources to Post the position.

MNPD HR will notify the Program Manager/Deputy Chief/MNPD Fiscal Affairs (MNPD will provide anticipated hire date to Fiscal Affairs) and the Chief of Police of OMB and Metro HR's decision.

7.20.080 Overtime

A. Weekly Overtime Tracking Procedures

Overtime Tracking is used to monitor overtime usage and enable programs to be aware of their overtime spending in an effort to control overtime budgets within the MNPD. Reports for all General Fund Programs are run on a weekly basis and are presented at Compstat. The information on the weekly report provides the following information:

1. Total Discretionary and Court Overtime expended thru the previous month

2. Total Discretionary and Court Overtime expended thru the current month and week the report is presented

3. Total Court Overtime Expended by Court type (Criminal, General Sessions, Traffic, etc.)

4. Daily Overtime Allocation and the total Allocation thru the last date reported

5. Percentage of Overtime expended and the amount that each program is over/under the allocated amount

B. The information is provided by the Workbrain Time and Accounting Software that is used by the Metropolitan Nashville Police Department for timekeeping.

C. The Department pays the half-time associated with Sworn Personnel's overtime on a 28-day cycle. Therefore, during the period between the close of one twenty-eight-day cycle and the next closing the half-time is estimated for all sworn personnel because it will not appear on the Workbrain Report until approximately 3-5 days after the close of the twenty-eight-day cycle. This manual calculation makes the assumption that all officers working overtime receive their half-time. This is not always the case; half-time is lost in the event that an officer is sick during the twenty-eight-day cycle.

D. The Fiscal Affairs Division prepares Bureau Overtime Summary Reports and submits those summaries to the Chief of Police and the Deputy Chiefs of Police. The summaries contain the following information organized by bureau:

1. Program Name
2. Available FY Overtime Budget
3. Allocated amount through the month reported
4. Discretionary expended through the month reported
5. Court Overtime expended through the month reported
6. Year to date overtime expended for the current Fiscal Year
7. Amount over/under the allocated amount

E. The weekly overtime report presented at Compstat is done with the goal of keeping MNPD management updated on the overtime spending, in order for the department to remain within budget. This also enables management to plan more pro-active policing special initiatives.

7.20.090 Cash Management

A. The Metropolitan Police Department uses formal fiscal control procedures to establish accountability to comply with funding authorizations and restrictions to ensure that disbursements are for designated and approved recipients and to alert management to possible problems requiring remedial action.

B. This order specifies procedures used for collecting, safeguarding, and disbursing cash which includes:

   1. The maintenance of an allotment system & records of appreciation among components;

   2. Preparation of financial statements;

   3. Conducting internal audits; and

   4. Persons or positions authorized to accept or disburse funds.

C. All cash received by the Metropolitan Police Department shall be handled in accordance with policy established by the Metropolitan Department of Finance. Cash Deposits by bank deposit slips are to be immediately deposited into the bank. Cash deposit receipts are to be entered into R12 Standard Receipts with appropriate bank documentation obtained via online bank transactions of the deposit being entered. At the end of each month a report reflecting the total number of receipts and disbursements is prepared by the Metropolitan Department of Finance, Division of Accounts. A copy of this report is submitted to the Fiscal Affairs Division to ensure account balance.

D. The Fiscal Affairs Division adjudicates financial transactions of the Metropolitan Police Department on a continuing basis. All accounts are reconciled monthly.

E. Persons authorized to accept or disburse funds in the Metropolitan Police Department are limited to the Chief of Police, Police Associate Administrator, and others as designated for the efficient operation of the department.

7.20.100 Cash Receipts

A. Bank deposits must be completed for all payments made to the Fiscal Affairs Office with checks, money orders, currency, and coins.

B. Cash will be deposited into the depository bank within one business day of receiving the payment at the point of collection.

   1. Log cash and checks into the Cash/check log on the Fiscal Cash log tracking sheet.

   2. Complete Bank Deposit Ticket - enter date, check numbers, cash. Enter your name, employee number, department name Police and Fiscal Division.

   3. Make copy of completed deposit receipt and checks. Write on the copy of the check the Business Unit/Object Code

accounting information to enter in R12

4. Stamp checks on back “For Deposit Only.”

5. Take Original Deposit receipt – white and carbon copy, the check(s), and cash then put it in an envelope. Write on front of the envelope “Deposit <Bank Name>” and ask the mail courier to take the deposit to the bank.

6. The Mail Courier will return Deposit Receipts with a stamped transaction date.

7. Enter Deposit Receipt transaction into R12. Metro Task View, Financials, Accounts Receivable, AR & Service Billing Processing, Receipt Processing, Standard Receipts.

8. Enter Batch Report number, Submit and print.

9. Go to corresponding bank’s website to locate Image of Deposit Slip, save to excel K: Drive by entering RC #000000 F(for front) and RC000000 B(Back). Next save both as attachment in R12 to the Receipt number.

10. Attach copies of the check, documents, and deposit ticket to Batch Report.

11. Submit the batch report to the Associate Administrator for approval.

12. File by Fund Numbers under Deposits.

NOTE: Deposits for Travel Refunds are filed in separate file

7.20.110 Independent Audit

In accordance with Section 18.01 of the Standard Procedure Instruction Manual of the Metropolitan Department of Finance, it shall be the responsibility of the Internal Audit Section of the Metropolitan Government to periodically perform an independent examination and appraisal of the systems, procedures, operations and financial accounts and transactions of all departments of the government.

7.20.120 Metropolitan Nashville Police Department Form 184 Processing

A. MNPD Form 184 must be completed in order to purchase necessary items for the Metropolitan Nashville Police Department. These procedures ensure that all invoices and supporting documentation are reviewed and processed promptly and that all vendors are paid in a timely manner according to existing Metro Prompt Pay Policy #9, dated July 2006.

1. 184, 184a, 209a, Sole Source and Sole Brand Justification forms can be found on the intranet at http://pdweb/forms/default.htm.

2. 184's are received by Fiscal Division staff, timed stamped, and entered into tracking where they are assigned a PDR number. The location of the tracking spreadsheet is shared on Microsoft One Drive and routinely backed-up at K:\FISCAL\Finance\Tracking 184 & Journal Entry Request\Tracking 184\current Fiscal year.

3. After the PDR number is assigned, the 184 is forwarded to the Budget Analyst responsible for the specific program. The analyst will review the request for budget availability, accuracy, and approval.

4. Any 184 that comes to the Fiscal Office requesting the purchase of food or beverages or any items used for the preparation or serving of food or drink (i.e., cutlery, plates, cups, microwave, toaster, coffee, or tea makers, etc.) for a planned office event must first be pre-approved by the Chief of Police. This should be done before submitted to Fiscal and any purchases are made. A list containing the names of the persons attending the function and justification for the event including the benefit to the department must be attached to the 184.

B. The Budget Analyst will review the Form 184 and ensure the accuracy of the information listed within or attached to the form.

1. Header information: Fund, Bureau/Division, Business Unit, Object Account, Grant Number, Contract Number. Ensure that contract number is accurate, if applicable. Contracts are kept on file and can also be found on http://www.nashville.gov

2. Item Information: Each line should be completed according to the information quoted by the vendor and shipping cost should be included and accurate.

3. Attachments: Check for necessary attachments in accordance with the total cost of the requisition including additional forms and justification, if applicable.

4. Vendor: Make sure that all pertinent information has been recorded in order to efficiently process the request if questions were to arise.

5. The Budget Analyst will verify that the vendor is registered in iProcurement. If the vendor is not registered, the Budget Analyst will notify the program that will then contact the company and assist them in registering as a vendor of the Metropolitan Government. This can be done on the iSupplier website. Forms for registration are available on the iSupplier website and include

ACH form and tax verification.

6. The Budget Analyst will work with the program and supply to ensure registration is complete and approved for purchase orders and invoice processing.

7. Comment:

    a. This section should be used for any special instructions, i.e., if the purchase will be funded through savings from another Object Account, or if there is any other miscellaneous information. The Budget Analyst will also add any notes related to the ledger balance during review.

8. The form must have Approval Signatures from the designated personnel:

    a. Program representative making the request

    b. Division Program Manager

    c. Bureau: Chief of Police or Deputy Chief

    d. Fiscal Associate Administrator

    e. If the issued 184 is from a Special Revenue account, then the Chief of Police needs to approve.

9. The Budget Analyst will compare the amount of the request against the available funds in the program's non-salary budget and initial to signify the request has officially been reviewed.

10. After they have verified available funds and accuracy of the 184, the Budget Analyst will forward the 184 to the Fiscal Associate Administrator for final review and approval.

11. The designated fiscal representative will scan the approved 184 into a historical file located in K:\FISCAL\Finance\SCANNED ITEMS\184's\appropriate fiscal year.

C. Once the 184 is scanned, it will be sent to Supply for ordering via iProcurement or Direct Order. The designated fiscal representative will update the tracker with the date sent to supply and the procurement supervisor or designee will initial and mark the receipt date of the 184.

D. Supply/ Procurement will order goods and/or services based off the information from the 184. If an order is placed by credit card, Procurement will send confirmation to the program and appropriate analyst. This procedure will ensure that if an item is not received,

the program has the information and can contact the vendor with any questions. This also ensures that the analyst has the information needed to update the appropriate tracking sheet.

1. If a 184 is a rush item, it should be brought to the attention of Procurement to ensure the order is placed quickly.

2. Orders placed in iProcurement will be sent to the Budget Analyst and Fiscal Associate Administrator for review and approval prior to the purchase order being issued.

3. When the order is placed in iProcurement, the purchase order will be approved by Metro Purchasing and the company will be sent approved purchase order through iSupplier portal. No program should contact the company about the order until the purchase order is approved. Any contact with Metro Purchasing should be referred to the Department Buyer and the appropriate Budget Analyst.

E. When a 184 is received with an invoice attached, the invoice will be scanned and sent to Metro Payment Services by the designated fiscal representative. The invoice attached to the 184 will be vouchered by Supply and the original paperwork sent to the Budget Analyst for payment approval. The Budget Analyst will approve invoices through the R12 voucher approval workflow.

F. When merchandise is received by the program, the program will email confirmation to Supply/Procurement and the item will be received in iProcurement (if entered). The packing slip will be sent through Mail to supply to be placed with the 184, when applicable.

G. All invoices will be scanned by a designated fiscal representative and entered into the fiscal tracking spreadsheet for invoices. All invoices should be emailed to Metro Payment Services and supply email MNPD-Supply-MPS for the vouchering process. In addition to the invoice tracking number that is placed on the invoice, the date that the invoice was sent to MPS should also be included. This will give Procurement a sent date to reference when there are invoice population issues. The Budget Analyst will verify vendor number used to ensure payment is correctly processed. AP section of Procurement will also verify vendor number used does not have a hold code and any issues will be directed to the appropriate Budget Analyst. The Budget Analyst should provide AP the original PDR, PO, and Vendor Number and whether or not the invoice was sent to MPS.

H. If a credit card is used for a purchase, a copy of the 184 will be submitted with the invoice along with the monthly procurement card report as per current credit card procedures.

I. When an invoice is approved for payment the final information will be entered into tracking by fiscal division staff and filed into vendor files.

J. Procurement will run a daily scan doc report in order to clarify any outstanding invoices. The scan doc report will be updated on the K-Drive with comments by Procurement and the Budget Analyst in order to identify and resolve any issues with the outstanding invoices that would prohibit vendors from being paid in a timely fashion.

K. If an emergency purchase needs to be made, the program will contact their Budget Analyst, which will forward the Metro Purchasing Departments Emergency purchase justification form to be filled out and approved by the Chief of Police and the Metro Purchasing Department. This form will also accompany a 184. If emergency takes place during regular business hours requisition will be entered into iProcurement for EP purchase order.

L. Programs can also submit orders through iProcurement on contract orders only. These orders are not logged into 184 tracking but are reviewed by the Budget Analyst and approved by the Fiscal Associate Administrator as well and then tracked in the non-salary spreadsheet for that program. The orders then follow the same process as the 184 for purchasing, receiving, and invoicing.

M. The Chief of Police must approve any cash disbursements in excess of $10,000.00 dollars before such purchases can be processed.

7.20.130 Petty Cash

The Metropolitan Police Department terminated the petty cash program, ceasing the use of petty cash funds per directive of the Metropolitan Finance Department, in April 2022.

7.20.140 Emergency Purchases

A. Before making an emergency purchase, permission must be obtained from the purchaser's Bureau Commander. Upon receiving permission, the purchaser will follow the procedure set out in Bill No. 75-1199 which reads as follows:

"If, in an emergency, there is an immediate necessity for any using department or agency to have a commodity and/or service not available from stock or staff personnel, for the protection, safety, or welfare of the public, persons in the custody of the Metropolitan Government or its agents and Metropolitan Government employees, such using department or agency shall (1) endeavor to contact the Purchasing Agent and secure his approval and get direction where such commodity can be purchased or by whom such service can be

performed; and (2) within forty eight hours, or the following workday after such emergency purchase or service, make an explanation in writing to the Purchasing Agent reporting in detail the full facts that made the emergency purchase or service essential. Such written explanation shall be attached to a regular requisition to the Purchasing Agent. All invoices or delivery tickets shall be filed with the Purchasing Division as soon as possible. In the event that the written explanation, requisition and invoices or delivery tickets are not submitted to the Purchasing Agent, the department head shall be held personally liable for such purchase or service."

B. The purchaser will see that the invoice is processed through the proper chain of command as set out in Article VIII, "Procedure for Paying Bills".

7.20.150 Agreements and Contracts

A. All agreements and contracts will be processed according to the purchasing procedure in Article IX of this order. All requests for agreements, maintenance contracts, and lease purchases must be accompanied by a requisition. These agreements/contracts must be signed by an authorized contracting representative of the agency, vendor, company or individual conducting business with the Police Department, Metropolitan Government Purchasing Agent, and any other duly authorized government official. All agreements/contracts must be between the Metropolitan Government of Nashville Davidson County and the vendor. The agreement/contract must include all pertinent information, such as: length of contract, coverage, price, description of service, or item involved.

B. The MPD Form 184 and agreement/contract will be sent to the Fiscal Affairs Division. The Fiscal Affairs Division will then forward it to Procurement section to enter into iProcurement to the Purchasing Department to be executed and then the Metropolitan Department of Finance, to be processed with the approval of the Director of Law.

7.20.160 Capital Outlay

Any capital expenditure item where the cost is in excess of $10,000 and with a life expectancy of more than one year should be requested as a Capital Outlay purchase. The requisitioner’s Bureau Deputy Chief must notify the Fiscal Affairs Division, using the Request for Procurement of Goods and Services Form, (MPD 184). Once prepared, the Fiscal Affairs Division will forward the request to the Chief of Police for approval. If approved, it will be forwarded to procurement section to enter into iProcurement. Once approved, bids are taken by the Metropolitan Department of Finance, Division of Purchasing. After the bids are evaluated an award will be made. If purchase is over $250,000, a resolution is filed by the Metropolitan Department of Law with the

Metropolitan Council for its approval or rejection. The Bureau Deputy Chief will be responsible for sending a representative to the council meeting to justify the request. After council approval, a purchase order will be issued by the Metropolitan Department of Finance, Purchasing Division.

7.20.170 Travel Authorization

A. Processing Travel Authorizations consistent with Metro Travel Rules and Regulation:

1. Review all information on Form 445-Request for Travel and/or Training.

2. Verify all required documents are attached.

3. Verify funding source.

   a. Program Budget (General Fund): In-state travel will be charged to the program's budget.

   b. Special Fund

   c. Grant Fund: Only enter essential training/travel for certification, recertification, and licenses, as well as mandatory, required, and necessary out of town travel to interview suspects or witnesses.

4. Verify home address to R12 if not correct or listed, have employee complete a Short Vendor Form, Fax to Div. of Accounts.

5. Verify lodging, per diem to GSA CONUS rates. (note: rates change on October 1st each year). Any overage of the GSA CONUS rate will be the responsibility of the Employee.

6. Verify Mode of Transportation: Airline, Personal or Metro vehicle. Metro vehicle: Except for transporting prisoners, the use of Metro owned vehicles for out-of-county travel will generally be limited to a surrounding county without an overnight stay. For longer distances or for overnight travel when air travel is not available or appropriate, a midsize car should be rented. The department or agency head can request exceptions to this policy from the Director of General Services.

7. Verify the Employee, Supervisor, Division Command, Director of Training (Training related travel only), Bureau Commander, Fiscal Associate Administrator, and Chief of Police (out of state request only) approved signatures are entered.

8. Post travel expense to Travel and Training records on K Drive. Print record to include with travel package when submitting for Fiscal

approval.

9. Receive Fiscal Approvals from the Budget Analyst and Associate Administrator.

10. Send to Chief of Police (COP) for approval signature.

11. If travel request is approved:

    a. Register employee for training. Pay through R12 Metro Payment Services. If vendor is not listed with R12 email a short vendor application to Vendor to complete and return by fax to R12 number on Vendor form.

    b. If a vendor will not accept check or, if timely payment is an issue, then make the payment with Metro Credit Card from Fiscal section only.

       NOTE: PayPal is not authorized for payment.

12. Upon confirmation of training, order airline ticket online. Pay airfare cost with Metro Credit Card from Fiscal section only.

B. Travel Expenses Provided by Travel Advance Check or Metro Credit Card.

1. Travel Advance for travel expense

    a. Process travel advance by creating invoice using the employee approved 445.

    b. Include this message: MPS, this invoice is for travel advance request for (employee name) travel to (destination city, state) on (departure date). Budget to (Business Unit number. Object Code. Subledger, subledger type) example: 3112XXXX.502456.40XXXX.A). If any questions, please contact Fiscal Affairs.

2. Email invoice to MPS then print a copy for Fiscal division.

3. MPS will scan invoice into R12 scanned docs. Fiscal employees will go into R12 Scan Docs to complete voucher in R12. Other Fiscal employees will approve voucher for travel advance in R12.

4. Metro Finance will approve for payment and issue check to be mailed to employee home address or ACH wire.

    a. Request for check must be entered 3 weeks prior to departure date.

b. Metro Finance requires all advance expense checks be mailed to home address or deposited via ACH wire to employee's personal bank account

c. **Metro Finance will not hold check for pick up.**

C. Metro Credit Card for travel expense

1. If employee has a Metro Credit Card previously assigned, he/she may use Metro credit card for travel expenses.

2. An additional credit card may not be requested for Travel purposes only per Metro Finance/Treasury Department.

3. Credit cards may be used for expenses included with email of approved travel authorization, i.e., lodging, meals, auto rentals, taxi and other travel related expenses.

4. All Original Itemized Receipts are required for any purchases by Metro credit card.

Per Cardholder Responsibility Acknowledgement, the card issued to me must not be used by anyone other than myself. (This includes other Metro employees)

D. Claim for Reimbursement of Travel Expenses

1. Claim form submitted by employee to Fiscal section upon return of trip,

2. Verify signature approval from employee, supervisor and Deputy Chief.

3. Verify all itemized receipts required are attached.

4. Review all expenses and compare to receipts.

5. Review/calculate daily meal allowance for each day. If over the GSA CONUS maximum daily meal allowance on any day deduct the overage. (Overage on one day may not be added to other day that is under the daily meal allowance).

6. Review is complete, deliver claim form to Budget Analyst and Associate Administrator for approval, date is required.

7. Original Claim reimbursement form and receipts are maintained in Fiscal files.

8. Claim form with "balance due claimants" scan original receipts/documents to MPS. MPS will scan documents to R12

Scanned Docs for Fiscal employee to enter voucher for reimbursement to employee. Another Fiscal employee will approve. Metro Finance will approve and issue check or ACH.

9. Claim form with “For Deposit with Metro Treasurer” for expenses not used-Complete deposit for bank. Send by MNPD Mail Courier to bank. When deposit is returned enter stamped deposits by bank in R12 Standard Receipts to issue RC. Enter and Print batch report. Scan the original bank deposit receipt. Go back to R12 Standard Receipts and enter receipt number, click Find and attach the saved image of deposit slip and cash receipt.

10. Print report and attach to claim before submitting to Fiscal for approval Signature. The Original claim with receipts includes copy of Batch report and receipts for Fiscal Travel Authorization File. Make copy of RC batch report, receipts, and claim form to file in Fiscal Deposit RC file.

11. For Claims with no deposit or reimbursement post update of final expenses to travel and training records on K- drive. Maintain originals in Fiscal division.

12. Journal Entry (JE) for Travel Advance. Transfer from BU number.502456 to same BU number 502451. This will clear the advance account and charge to the expense account. JE will be done monthly for all travel advances.

    EXCEPTION: Does not apply to travel for the purpose of transporting prisoners. The commander of the Criminal Investigative Division will continue to handle transportation of prisoners under object code 215.

7.20.180 BAR Reporting Procedures

A. BARs (Budget Accountability Reports) are run for the General Service District (GSD), Urban Service District (USD), Metropolitan Development and Housing Agency (MDHA), Task Force Funds, Secondary Employment Unit (SEU), Special Purpose Funds, Education Foundation, and Grants. These reports ensure that the Metropolitan Nashville Police Department will meet all of its fiscal responsibilities and obligations without exceeding its approved budget.

B. Instructions for each report can be found in the BARS Report folder located at J:\FISCAL\Finance\BARS Reports.

C. Location of BAR Reports

   The physical copies of BAR reports will be located in the Budget Analyst Office responsible for submitting these reports to the Office of Management and Budget (OMB). The spreadsheet version of this

report will be located at J:\FISCAL\Finance\BARS Reports\current fiscal year. At this location, the BARS reports are separated by Fiscal Year and Month.

D. BAR Reports Process & Approval

1. The Office of Management and Budget will provide the current month BAR report to the department for review and comments.

2. Once the BAR reports are provided, the designated Budget Analyst will put together supporting documentation and then submit the BAR reports along with the supporting documentation to the Fiscal Associate Administrator for approval. After this documentation is approved by the Fiscal Associate Administrator, the reports, with documentation, will be emailed to OMB.

3. The approved report is to be filed by the Budget Analyst.

E. BAR Reports Schedule

Monthly BAR reports are run monthly and are due to the Office of Management and Budget around the 20th of each month with the exception of the months of July and August. Reports are not run for these months due to the new Fiscal Year implementation. OMB will provide Budget Analyst with schedule for these reports.

7.20.190 Grant Accounting and Reporting Procedures

A. Establishes the guidelines for the monitoring and reporting of all grant related expenditures.

B. After the grant has been accepted by the Metro Council and the resolution signed a completed Business Unit request form shall be submitted to the Division of Grants Coordination.

1. After the new Grant Business Unit is approved and created by the Division of Accounts, the Grant Manager or a designee should complete a BX Authorization form. The BX Authorization Form must then be verified by the Associate Administrator or a designee and sent via R12 with copies of all the grant related documentation (Grant Contract, Metro Council's Resolution, BX R12 Report etc.) to the Division of Grants Coordination, Finance – OMB, and the Division of Accounts for an approval. The Grant Manager should scan the BX and save it on the K-Drive under K:\FISCAL\Finance\SCANNED ITEMS\BX Authorizations, as well as maintain the hard copy of the submitted BX Authorization form in the binder/file created for the new grant award.

2. A copy of the signed grant agreement and any other grant related documentation (approved council resolutions, etc.) shall be

placed in a binder for quick reference purposes and updated as needed (budget modifications, etc.)

3. Once a completed 184 is received in the Fiscal Affairs Office, the Grant Manager or designee shall confirm that the request is within the grant budget and has all needed documentation per the procurement guidelines. Once confirmed, the Grant Manager or designee will initial the 184 and forward it to the Associate Administrator or designee for approval and processing.

4. The Grant Manager or designee shall maintain an internal detailed spreadsheet that lists all expenditures and anticipated expenditures in order to ensure the grant budget is not exceeded.

5. On a monthly basis, the Grant Manager will complete a Journal Entry in order to cover all grant non-allowable fringe expenses.

6. Grant reports (Financial Status Reports) for Federal grants are due 30 days following the close of the previous quarter as follows:

   a. January 31

   b. April 30

   c. July 31

   d. October 31

7. State grant reports are due based on the individual grant agreements. Some will be quarterly (Tennessee Highway Safety Grant) which is due 30 days following close of quarter and some are monthly (Victims of Crime Act-VOCA and Internet Crimes Against Children- ICAC).

8. As part of the grant reporting process the Grant Manager or designee shall confirm the existence of documentation to support the total amount claimed on the Financial Status Reports. This documentation shall include purchase orders, invoices, payment vouchers, etc. This is important in the event of an audit.

9. Once the individual grant reports are completed, they shall go to the Associate Administrator or designee for review and approval. Once the signed report is received back, it shall then be submitted electronically to the US Department of Justice (DOJ) through the Just Grants.

   In order to actually complete the reimbursement process, you should wait at least 2-3 business days in order for the financial status report to be logged in at the Federal level. Until this happens

the reimbursement will not be complete. After this 2-3 day you will then submit the reimbursement request for the US Department of Justice through the Automated Standard Application for Payments (ASAP).

7.20.200 Task Force Funds

Task Forces are federally funded programs that require generating invoices for reimbursement.

A. Certain Task Forces have non-allowable fringe. Every month a R12 report should be run to prepare a journal entry to cover the non-allowable fringe to the correct business unit for the corresponding month. Each Task Force journal entry for non-allowable fringe should be completed by the 15th of the month.

B. A Workbrain report should be run to determine the overtime amount that needs to be billed. The overtime report will be used to generate an invoice and the Workbrain report will be attached as backup and sent to the Federal Department responsible for the reimbursement.

C. Upon receipt of reimbursement, a journal entry will be prepared for the ACH wire transfer to move to the appropriate business unit.

D. Additional detailed procedures are located J:\FISCAL\Finance\Procedures

7.20.210 Journal Entry- Secondary Employment Unit

To create a monthly process for submission of the journal entries done by SEU for customer invoices, monthly transfers, LOCAP, and indirect cost to be reviewed by the Program Manager, Fiscal Budget Analyst and approved by the Fiscal Associate Administrator.

A. Review and Approval

1. At the end of every billing period, the designated representative for SEU will perform journal entries to prepare monthly transfer and receivable amounts for customers for that month.

2. After the journal entry is completed in R12, it is then sent through workflow to Metro Finance for review and posting into R12.

7.20.220 Journal Entry- Supply Charges

To create a monthly process for submission of the supply charges journal entry to Fiscal Budget Analyst for approval.

A. At the end of every billing period, the designated representative for supply will perform a journal entry to move charges to the

appropriate program for that month.

B. After the journal entry is completed in R12, the appropriate documentation will be attached to the JE and submitted for approval to the Associate Administrator in the Fiscal Office for approval, by no later than 9th of that month.

C. After the Associate Administrator approves journal entry, it will be forwarded to Division of Accounts for review and posting in R12.

7.20.230 Credit Card Procedures

A. Reporting

1. At the end of every billing period, the cardholder will purge completed transactions. A Credit Card Summary Form shall be submitted along with the receipts and 184's to Police Fiscal. Failure to comply with the timely requirement of submittal can result in the card being suspended.

2. The credit card transactions/documentations will be reviewed by the Program Manager and the Credit Card Summary Form will be signed by both the cardholder and the Program Manager.

3. The Credit Card Summary will be sorted by business unit in order for each Program Analyst to review the documentation again once submitted to the Fiscal Affairs Office.

B. Discrepancies

Program Managers finding discrepancies in the use of credit cards are required to take one of two actions:

1. If the purchase was not made by the cardholder, it must be investigated and disputed in the system.

2. If the purchase was made by the cardholder but did not follow proper policy and procedure, then the program manager shall take the appropriate disciplinary and fiscal recovery action.

C. Review and Approval

1. Program Managers shall conduct an online review and approval of cardholder activity under their command no later than the 5th business day of the month. This review can be on going throughout the month. The review requires that the business unit and object account be added in the description field to reflect the appropriate expenditure classification. If you have any questions, then please call the Fiscal Office.

2. The analyst will then submit the document to the Finance Associate Administrator for review and approval.

3. After the Finance Associate Administrator approves the documents, they will be filed in the Fiscal Affairs Office.

7.20.240 Monthly Journal Entry for Credit Cards

MNPD Fiscal monitors Credit Card Transactions Monthly. This is a monthly process for the submission of the Fiscal credit card transactions journal entry to transfer balances from the Clearing Account to the appropriate Police Account for each program.

A. Transactions default to a home business unit (31161000) and the procurement card clearing object account (503999). If Cardholders do not code transactions before the Metro Finance monthly journal entry is processed, transactions will be recorded to the default coding and need to be reclassified to the correct coding with a separate department journal entry.

B. MNPD Fiscal will prepare a Journal Entry to reclass incorrect accounting codes. The following shows details the necessary steps:

   1. At the end of billing period Metro Finance will create a master Journal Entry in R12 to move all credit card clearing account transactions for all Metro Finance credit card holders from credit card site to R12. The designated representative for Fiscal will create a report from this journal entry by retrieving all police transactions to issue a police journal entry to move transactions in R12 from clearing account to the appropriate police program.

   2. Fiscal will go to government credit card site to create an extract report for required information on all transactions in billing period. The report will be sent for review to Supply and Budget Analyst. If any changes are necessary, the Budget Analyst will communicate with the program involved. Corrections will be returned to correct in credit card extract report before submitting Journal Entry.

   3. With the information from the Metro Finance R12 report and the Credit Card extract report, a Journal Entry will be issued in R12 to reclass police transactions from the Metro Finance credit card clearing account to the appropriate police program account. When the Journal Entry is complete, it is then sent through the workflow to Metro Finance for review and posting in R12. The journal entry must be completed before the close of the corresponding month to ensure 503999 credit card clearing object account is zeroed.

7.30 Fiscal Procedures for Processing Fees & Requests for Services

The purpose of this order is to establish procedures for the public to request certain administrative services of the department, and to process the fees associated with those services.

7.30.010 Vehicle Impound Section - Fiscal Procedures

A. The fees, charges, disbursements, and record-keeping requirements applicable to this section are identified in another written directive that specifically addresses vehicle impoundment.

B. Should the current directive be rescinded or superseded, the new directive shall include the financial procedure provisions unique to this section.

7.30.020 Special Commissions Unit - Fiscal Procedures

A. The fees, charges, disbursements, and record-keeping requirements applicable to this unit are identified in another written directive that specifically addresses special commissions.

B. Should the current directive be rescinded or superseded, the new directive shall include the financial procedure provisions unique to this unit.

7.30.030 Records Division - Fiscal Procedures

The Records Division shall handle all funds and issue receipts to citizens for all indicated organizations elements. All Records Division employees may conduct transactions unless specifically prohibited from doing so by the commander of the division.

A. The Records Division shall obtain from the Treasurer's Office of the Metropolitan Government a sum of $200.00, to be maintained as a ready cash fund, solely for the purpose of making change. A detail maintains a ready cash fund of $100.00 solely for the purpose for making change. B detail also maintains a ready cash fund of $100.00 solely for the purpose for making change.

B. The Records Division utilizes a point-of-sale system. With each transaction, a receipt is distributed from the cash register detailing the item purchased and amount for the customer’s cash or check payment(s). Close out totals are printed daily for cash and check payments. Transactions are recorded within the point-of-sale system and can be researched upon need. Credit card payments are completed through the Link2Gov credit card terminal via link

https://paydirect.link2gov.com/MetroCentralRecords/ItemSearch, a receipt is given to the customer, and the signed copy is maintained in the Records Division.

C. Anytime an employee causes or discovers a shortage or overage in the cash fund, he/she will report it immediately, in writing, to their shift commander or the supervisor of the Records Section, who will determine the cause for the discrepancy and report their findings to the division commander. The cash fund will be audited regularly by the division commander or their designee, to see that it contains the required balance.

D. At the end of their tour of duty, the daily sales totals for that shift are run on the register. The daily sales printout is then taken, and cash and checks are totaled by the employees working the counter or a supervisor. A reconciliation sheet is then completed listing the total money value and checks that were received for that shift. Each check is then copied. The daily sales printout, reconciliation sheet, copies of checks, and the correct amount of cash and checks from the fund will be placed inside an envelope and sealed. On the outside of the envelope will be written:

1. RECORDS DIVISION;

2. The date and shift;

3. The amount of cash and checks enclosed; and

4. The signature of the employee completing the deposit.

The envelope will then be placed in the office safe, or other secure location within the division, and held for further disposition. The balance of the cash fund shall be $100.00 per shift.

E. At the beginning of each tour of duty the oncoming employee assigned to the counter will check to see that the cash fund has a balance of $100.00.

F. The division secretary on duty when regular administrative hours begin (0730 hours) will collect all the envelopes accumulated during the previous twenty-four (24) hours. The envelopes from each day will then be totaled and a deposit slip will be completed. The secretary, escorted by armed security guard or officer, then takes the deposit to the bank to be deposited.

G. Once the deposit has been made into the bank, the secretary is to

login to the bank's online website and save a copy of the bank deposit receipt. Once the bank deposit slips are saved to the computer, he/she is to login to the R12 system and create a Standard Receipt Entry for each deposit. After completing the Standard Receipt entry attach a copy of the bank deposit slip. Once the entry is complete, a journal report is submitted and then printed from R12. The credit card deposits are also entered into R12 under the same guidelines.

H. After the deposits have been entered into the R12 system, the printout is attached to the daily deposit slips kept by the secretary for the cash/checks and credit cards.

I. In addition to the audits conducted at each shift change, the Inspections Section shall audit the fund at least every six (6) months.

7.30.040 Administrative Services Available

The following services are available from the components indicated. Current prices are posted in the Records Division.

A. Records Division

1. Incident Report;
2. Traffic Accident Report;
3. Non-Investigative Traffic Accident Report;
4. Solicitation Application;
5. Visa Letter Application; and
6. Record Check Report
7. Mug Shot;

B. Technical Investigations Section

1. Fingerprinting;
2. Photograph;
3. History Sheet; and
4. Reproduction of Tape.

C. Data Processing Division Computer Report

D. Department of Emergency Communications Reproduction of Tape

7.30.050 Fiscal Procedures for Elements Providing Administrative Services

A. Records Division

1. The Records Division, as a financial receiving point, shall handle money and provide receipts for most services rendered by **any** component of the Police Department.

2. The Records Division shall also provide fiscal control over audio tapes reproduced by the Department of Emergency Communications.

B. Requests for Fingerprinting Services

The Records Division receives payment of fees in the form of cash, check, or credit card. The citizen seeking services should call 615-862-7421 to schedule an appointment.

C. Data Processing Division

1. The requested report shall be retained by the Help Desk until the citizen arrives to pick it up.

2. Help Desk personnel shall deliver the report to the Records Division and communicate the amount to collect.

3. Upon making payment, the report shall be given to the citizen.

D. Department of Emergency Communications/DEC

1. Upon receiving a completed DEC Form 004, "Citizen Recording Request / CAD Review Report", DEC personnel shall copy the requested information from the original tape.

2. After completing the reproduction, the original DEC Form 004 shall be forwarded to the Records Division along with the citizen's copy of the tape.

3. Upon making payment, the tape shall be given to the citizen and the signed DEC Form 004 returned to the Department of Emergency Communications.

Title 8: Equipment and Uniforms

8.10 Firearms: Policy and Procedure

8.10.010 Policy

It shall be the policy of the Metropolitan Police Department that all personnel adhere to the policy and control provisions herein.

8.10.020 Definitions

A. **Alternate Firearm:** A sidearm, other than standard issue, authorized by the Chief of Police for on-duty use. Prior to any sworn officer carrying an alternate firearm the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned as well as department issued firearms.

NOTE: If an officer has qualified with and is authorized to carry an alternate firearm on-duty, the officer is also authorized to carry the alternate firearm as a secondary/back-up firearm, and/or as an off-duty firearm.

B. **Authorized Firearm:** A firearm authorized for use by this or other established departmental policy and procedure.

C. **Firearm:** Any weapon from which a projectile may be propelled by means of gunpowder or explosive force.

D. **Firearm Modification:** Alterations made to a firearm, either aesthetic or in order to enhance various aspects of the performance of the firearm.

E. **Off-Duty Firearm:** A firearm authorized for off-duty use only. Prior to any sworn officer carrying an off-duty firearm the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned firearms.

F. **Armed Property Guard:** A property guard of the Metropolitan Police Department who complies with the requirements of Tennessee Code Annotated, Private Protective Services Act, or any exemptions to the act that may be authorized by the Chief of Police, to carry firearms.

G. **Revolver:** A handgun with a cylinder of chambers brought successively into line with the barrel and, as the cylinder is rotated, a

separate round of ammunition may be fired.

H. **Semi-Automatic:** A handgun, utilizing a magazine of cartridges that, once fired, automatically reloads and prepares itself to fire again.

I. **Rifle/Carbine:** A shoulder fired weapon with a rifled bore designed to fire a single projectile with each pull of the trigger.

J. **Secondary/Back-Up Firearm:** A secondary/backup weapon is a sidearm, authorized by the Chief of Police for on-duty use that is carried in a concealed manner as a backup firearm to be utilized in deadly force situations when the primary firearm is unavailable, or circumstances make the tactical use of the backup weapon more feasible. Prior to any sworn officer carrying a secondary/back-up sidearm the officer must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned as well as department issued firearms.

   NOTE: If an officer has qualified with and is authorized to carry a secondary/back-up firearm on-duty, the officer is also authorized to carry the secondary/back-up firearm as an off-duty firearm.

K. **Shotgun:** A weapon usually designed to fire a form of shot, pellets, or slug. A shotgun may be smooth-bored or have a rifled bore.

L. **Sidearm:** Any handgun (revolver or semi-automatic) which an employee authorized under this policy may carry on or off-duty.

M. **Suppressor/Sound Moderation Device:** A muzzle device that suppresses the blast created when a firearm is discharged, thereby reducing the acoustic intensity of the muzzle report (sound of a gunshot) and recoil, by modulating the speed and pressure of the propellant gas released from the muzzle.

N. **Training Division SharePoint Page**: Departmental intranet page maintained by the Training Division providing a centralized location for departmental approved firearm and firearm equipment lists. The Strategic Development Division will be consulted prior to any modifications to these lists.

8.10.030 Authorization to Carry Firearms

A. Sworn personnel shall carry a department approved sidearm subject to these and other departmental provisions:

   1. **In Uniform:** Any officer who is wearing the prescribed uniform of the

department shall at all times carry the authorized sidearm and loaded with authorized type and amount of ammunition in a manner suitable for their duty assignment and consistent with this policy.

EXCEPTION: Sworn employees having the rank of Captain and above are authorized to carry an alternate weapon when in uniform.

2. **Non-Uniform:** Any officer who is on-duty wearing non-uniform apparel shall at all times carry an authorized sidearm and authorized ammunition in a manner suitable for their duty assignment. The firearm shall be concealed from public view.

   NOTE: Any officer who is on-duty in a secured area (i.e., private offices in police department buildings) may remove the sidearm and related accessories and secure them. However, if the officer leaves the secured area the authorized sidearm and ammunition shall be worn. An employee's bureau commander may authorize a subordinate to not carry a weapon in circumstances where the carrying of a firearm would be inappropriate or detrimental to the employee's assignment.

3. **Dress Uniform:** Command level personnel attired in the approved Dress Uniform shall carry the authorized duty or approved alternate weapon. The weapon must be carried in an approved holster.

4. **Off-Duty:** Any officer authorized to carry firearms who is off-duty in civilian clothing may carry an authorized firearm and ammunition at any time not otherwise prohibited by law. The firearm shall be concealed from public view.

5. When carrying a firearm, officers shall have in their possession an authorized badge and departmental issued identification.

6. Officers on light or restricted duty may be restricted from carrying a firearm by the Chief of Police or designee.

B. Armed Property Guards

An armed property guard of the Metropolitan Police Department who complies with the requirements of Tennessee Code Annotated, Private Protective Services Act, or any exemptions to the act may be authorized by the Chief of Police to carry a department issued firearm while on duty or while traveling in uniform immediately to or from home or immediately to or from the assigned worksite.

C. Statutory Authority

Pursuant to the authority vested in the Chief of Police by the Charter of the Metropolitan Government of Nashville and the Tennessee Code Annotated, sworn employees of the MNPD, consistent with departmental policy, are authorized to engage in the prevention, detection, investigation, or prosecution of any person for any violation of the law, have statutory powers of arrest and are authorized to carry their weapons at all times, regardless of regular duty hours or assignment, and is in compliance with the provisions of 18 USCA 926B (HR218).

D. Exceptions to Authorized Carry

Any employee who is decommissioned, or who is otherwise prohibited by the Chief of Police or designee, shall lose the authority to carry firearms as members of the Metropolitan Police Department.

8.10.040 Authorized Firearms and Accessories

A. Semi-Automatic Handgun

1. The issued semi-automatic (autoloader) handgun, or approved alternate, shall be the authorized firearm. The make, model, and caliber of the issued semi-auto handgun shall be authorized by the Chief of Police. The semi-automatic handgun shall be carried with a round chambered, and if applicable, the hammer down or locked, and magazine inserted. The inserted magazine shall be filled to capacity, with a round chambered. All other magazines carried for duty use shall be filled to capacity, consistent with current departmental firearms training and as directed on the Training Division's SharePoint page. Any deviation regarding magazine capacity shall be approved by the Firearms Unit. Semi-automatic handguns with safeties shall be carried according to department firearms training.

2. Approved Departmental Issue Handgun:

   a. The approved issued duty handgun is the Glock, model 17, 9mm caliber, or the Glock, model 47, 9mm caliber.

   b. The department, upon request and subject to availability, may issue a departmentally approved smaller frame Glock to those sworn employees with a full-time plain clothes assignment, full-time administrative assignment, or sworn pilots/flight crew, for the duration of such assignments.

B. Revolver

A revolver may be utilized as an off-duty or secondary/back-up firearm. The make, model, and caliber of the revolver are to be recommended by the

staff of the Training Division and approved by the Chief of Police. The revolver shall be carried with the cylinder fully loaded to capacity with authorized ammunition.

C. Shotgun

1. The issued service shotgun shall be an authorized firearm. The shotgun shall be a twelve-gauge shotgun with a rifled or smooth bore. The make and model of the issued shotgun shall be authorized by the Chief of Police. The shotgun shall be carried cruiser ready (magazine filled with authorized/approved ammunition, the chamber empty, and the safety on.)

2. Upon a demonstrated need or necessity, as determined by the Training Academy firearms staff, and approved by the Director of Training, an alternate shotgun platform which minimizes the overall length of pull as well as felt recoil may be approved for use.

3. Approved Issued Duty Shotgun: Remington Model 870 or Beretta A300

D. Rifle/Carbine

1. The department may issue or approve a semi-automatic rifle or carbine to authorized employees who have met and maintain established standards to replace or supplement the issued or approved shotgun. The rifle or carbine shall be carried cruiser ready (with the chamber empty, safety on, and magazine to capacity; or as otherwise directed by department firearms training and the Training Division's SharePoint page).

2. Personally owned rifle/carbines shall meet the specifications found on the Training Division's SharePoint page and have its configuration approved and documented by Training Academy staff.~~:~~

   a. Caliber: 5.56mm (Rifle/carbine manufacturer's standards and markings can vary. To promote consistency, reliability, and safety, rifle/carbine barrels chambered exclusively for .223 Remington or .223 Wylde calibers are prohibited).

   b. Stock: Standard or Collapsible, no pistol braces.

   c. Barrel: Chrome lined, chrome moly or matte stainless

   d. Lengths: barrel 10.3" to 16.5". Barrel and overall lengths must comply with applicable state and federal law.

   e. Rifling Twist: 1/7", 1/8" or 1/9"

   f. Flash hider: conventional style, no muzzle brake/compensator which is designed to increase the rifle's

report

g. Upper Receiver: Standard A1/A2 configuration or flat top with detachable carry handle or electronic sights with appropriate back-up sighting system

h. Fore end: Standard, railed, or modular

i. Frame/Lower Receiver: standard lower receiver and trigger group with ergonomic style pistol grip, ambidextrous lowers are allowed. Non-standard receivers are not acceptable for duty use (e.g., polymer, novelty marked (zombie, calico jack, etc.)).

j. Color: metal parts should be black anodized, phosphate or other non-glare black finish. Hand guards, pistol grips, rail covers, etc. shall also be black in color.

k. Recommended Accessories: Lockable storage case, individual cleaning kit, 1 – 20 round & 2 – 30 round magazines. Sling appropriate for duty use. Forearm mounted light (500 lumens at minimum).

l. Once approved and documented by Training Academy staff, no firearm modifications shall be made without the subsequent approval and documentation of the revised configuration of the Training Academy staff. The Training Division shall also maintain documentation of any NFA approved forms as may be necessary to ensure compliance with applicable law.

3. Prior to carrying rifle/carbine, officers shall:

   a. Successfully complete any required training; and

   b. Successfully meet departmental approved qualification standards.

4. The Training Academy shall maintain a roster of those officers who have successfully completed required training and maintain qualification standards. Such roster shall also include appropriate identifying information on the approved rifle/carbine and the configuration of the rifle/carbine at the time of approval.

5. The approval to carry a weapon may be revoked at any time by the Chief of Police, his/her designee, or by the Training Division if an employee violates any department policy or guideline regarding firearms and their use (i.e., qualification, safety, etc.).

6. Training Division personnel shall have the continuing duty to inspect any firearm for its suitability for approved carry.

7. Deployment

    a. Ammunition & Magazines

        Only the department issued, or approved ammunition and magazines are authorized for use on duty.

    b. Storage and Readiness

        Officers are responsible for the safe and secure storage of their issued rifles at all times. While on duty, officers should have available a minimum of sixty (60) rounds of issued or approved ammunition in issued or approved magazines.

    c. Patrol Rifles/Carbines shall be deployed only in situations that the officer may reasonably believe that the tactical advantage afforded by the use of a shoulder arm (shotgun or rifle) may be necessary. They are not to be used for routine calls where the deployment of a shoulder arm might otherwise be inappropriate. This order does not seek to articulate the only situations where rifle deployment is appropriate. Officer/supervisor judgment, based upon training and experience, is the first indicator of appropriate deployment.

E. Special Weapons

1. The department may issue or make available "special weapons" (i.e., fully automatic firearms, counter sniper rifles, gas guns, etc.) to **authorized employees** who have successfully completed specialized training and qualification in the operation and use of these weapons. **These weapons shall only be used, as authorized by the Chief of Police, under the direction or authorization of the commander of the Special Weapons and Tactics Team or his/her designee.**

2. Approved Special Weapons

    The commander of the Special Weapons and Tactics Team/Special Response Team (SWAT/SRT), in conjunction with the Deputy Chief of the Support Services Bureau and with the approval of the Chief of Police shall maintain and post a roster of all approved SWAT/SRT weapons on the PDWEB.

    Prior to any sworn officer carrying a SWAT/SRT weapon, the employee must successfully complete an authorized course of instruction as determined and provided by the SWAT/SRT commander. Lesson plans for such course shall be approved by Training Division.

F. Alternate Firearms

1. Upon a demonstrated need or necessity, as determined by the Training

Academy firearms staff, and approved by the Director of Training, an alternate weapon, with a smaller stock width and/or back strap to trigger distance, may be approved for carry in uniform attire. Approval shall be granted only where it is determined that the use of a smaller weapon would create an appreciable advantage in the use and operation of the weapon by the requesting employee. Such alternate weapons approved for these circumstances shall be limited to a 9mm with the same or similar operating system as the issued service weapon. In the alternative, and if appropriate, in order to accommodate these circumstances, the Director of Training may authorize modification of the issued service weapon by the Training Academy Armorer. The approval of any alternate weapon shall be documented on MNPD Form 051, Alternate/Additional Carry Weapons Form.

NOTE: Due to the specific duty requirements for patrol operations, employees must display (to training staff) adequate officer safety considerations for the new weapon (i.e., proper holster, retention, magazine holster, etc.). These considerations are to be displayed during the employee's alternative carry qualification course.

2. Officers assigned to plainclothes duty may carry a department approved compact semiautomatic alternate weapon if:

   a. It conforms to department specifications; and

   b. The officer completes any required training and successfully qualifies with the handgun; and

   c. Prior to any sworn officer carrying an alternate handgun on- duty, an officer must apply in writing, on MNPD Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from the Director of Training before carrying the handgun; and

   d. Officers will only carry department issued ammunition in an alternate handgun.

3. Exceptions may be made for specialty assignments.

   a. With prior written permission by a bureau commander, exceptions may be made for specialty assignments. A bureau commander may approve the use of an alternate special exception handgun for a particular assignment (i.e., if an employee is on an assignment where they may be searched for a weapon the use of an alternate special exception handgun may be approved). Officers will cease carrying the alternate handgun when the specific assignment or specific need no longer exists. Special exceptions end when the assignment requiring the exception is completed. Approval to carry a particular special exemption handgun is not transferable to

another handgun.

b. Prior to carrying an alternate handgun during a special exception, officers shall:

(1) Successfully complete any required training; and

(2) Successfully meet departmental approved qualification standards; and

(3) Prior to any sworn officer carrying an alternate handgun during a special exception on-duty assignment, an officer must apply in writing, on MNPD Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from the Director of Training before carrying the handgun.

4. Approved Alternate Weapons

The Training Division shall maintain and post a roster of all approved alternate weapons on their SharePoint page. Should a weapon be removed from the list for any reason, any previously approved MNPD Form 051, Weapons Carry Form, is rescinded.

Prior to any sworn officer carrying an alternate weapon, the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Weapons Carry Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned firearms.

NOTE: If an officer has qualified and is authorized to carry an alternate firearm on-duty, then the officer is also authorized to carry the alternate firearm as a secondary/back-up firearm, and/or as an off-duty firearm.

5. All approved Alternate/Additional Carry Weapons Forms shall be maintained by the Training Division. An employee shall carry the alternate firearm only after training requirements are met and the Alternate/Additional Carry Weapons Form has been approved.

6. The approval to carry an alternate weapon may be revoked at any time by the Chief of Police, his/her designee, or by the Training Division if an employee violates any department policy or guideline regarding firearms and their use (i.e., qualification, safety, etc.).

7. Training Division personnel shall inspect any firearm for off-duty/non-uniform use for its suitability.

G. Approved Secondary/Back-Up Weapons

1. Officers may carry one secondary/back-up handgun provided:

    a. That the weapon is concealed; and

    b. The weapon conforms to department specifications; and

    c. The officer successfully meets departmental training and qualification standards; and

    d. Prior to carrying the secondary/back-up handgun, the officer shall apply in writing, on MNPD Form 051, Alternate/ Additional Carry Weapons Form, and must receive authorization from the Director of Training.

2. The secondary/back-up firearm may be a department issued or personally owned handgun.

3. Officers who carry a secondary/back-up firearm must:

    a. Meet established departmental qualification standards; and

    b. Carry only department issued ammunition.

4. The department does not assume any obligation for the repair or maintenance of personally owned weapons. In the event an academy firearms instructor or department armorer determines a personally owned firearm unsafe, the firearm will not be carried under any circumstances until successfully repaired. After repair, an academy firearms instructor or armorer must approve the firearm.

5. The Training Division shall maintain and post a roster of all approved secondary/back-up weapons on their SharePoint page. Should a weapon be removed from the list for any reason, any previously approved MNPD Form 051, Weapons Carry Form, is rescinded.

6. Prior to any sworn officer carrying a secondary/back-up weapon, the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Weapons Carry Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned firearms.

H. Off-Duty Weapons

1. Off-duty officers who carry a concealed handgun pursuant to their employment as a Metropolitan Nashville Police Department police officer shall carry only firearms and ammunition that have been authorized by the department for off-duty use.

2. The departmentally issued duty handgun is automatically approved as an off-duty weapon without completing an MNPD Form 051, Weapons Carry Form.

3. Prior to any sworn officer carrying an off-duty handgun other than the departmentally issued duty handgun, pursuant to authority of their employment as a Metropolitan Nashville Police Department police officer, an officer must have an approved MNPD Form 051, Weapons Carry Form.

4. All approved off-duty handguns will be inspected by a Training Academy firearms instructor or the department armorer prior to qualification. The scheduling of the inspection will be the responsibility of the officer.

5. The department does not assume any obligation for the repair or maintenance of personally owned weapons. In the event an academy firearms instructor or department armorer determines a personally owned firearm unsafe, the firearm will not be carried under any circumstances until the weapon is repaired. After repair, an academy firearms instructor or armorer must approve the firearm.

6. Approved Off-Duty Weapons

   The Training Division shall maintain and post a roster of all approved off-duty weapons on their SharePoint page. Should a weapon be removed from the list for any reason, any previously approved MNPD Form 051, Weapons Carry Form, is rescinded.

   Prior to any sworn officer carrying an off-duty weapon, handgun pursuant to their employment as a Metropolitan Nashville Police Department police officer, the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPD Form 051, Weapons Carry Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned firearms.

I. Ammunition

1. General Provisions

   a. An employee shall carry and use only the ammunition that has been issued by the Training Division for use in an authorized or alternate firearm.

   b. The ammunition to be issued shall be authorized by the Chief of Police, under direction of the commander of the Training Division.

2. Off-Duty and Secondary/Back-Up Firearms

An employee off-duty shall only carry and use the ammunition that has been issued or approved by the Training Division and the Chief of Police or his/her designee for use in an approved off-duty firearm.

3. Approved Ammunition

   The Training Division shall maintain a roster of the ammunition, which has been approved for issue/duty use.

NOTE: Consistent with technological advances and other considerations, the Chief of Police, upon recommendation of the Training Division, may approve other firearms and ammunition.

J. Holsters

1. On-Duty

   a. An employee shall carry the authorized firearm in a holster, suitable in design for duty use, at all times when not being utilized.

   b. The Training Division staff shall inspect holsters annually during In-Service Training for overall quality and suitability for duty use.

2. Off-Duty

   An employee shall carry the authorized firearm in a holster or other approved device of appropriate quality designed to safely carry the firearm. The Training Division firearms staff maintains recommendations of criteria for suitable off-duty holsters/devices on their SharePoint page.

K. Weapon Mounted Optics

1. Officers may elect to equip authorized optic ready duty handguns with an approved Micro Red Dot Sight (MRDS). Officers may elect to equip authorized patrol rifles with an authorized Red Dot Sight (RDS) or Low Powered Variable Optic (LPVO). Officers may elect to equip authorized shotguns with an authorized Red Dot Sight (RDS). Unless issued to them by the department, officers will be responsible for the personal purchase of the following:

   a. For duty handgun: approved MRDS, appropriate co-witness height sights, MRDS adaptor plate, and holster(s);

   b. For patrol rifle: approved RDS, appropriate height mount, back-up sight system, magnifier (optional), and LPVO;

   c. For shotguns: approved RDS, appropriate co-witness height sights, RDS adaptor plate.

2. The Training Division shall maintain and post a list of all RDS, MRDS, LPVO, magnifiers, sights, adapter plates, and holsters that are approved for duty use~~,~~ on their SharePoint page.

3. Carbine Mounted Optics

   a. Red Dot or Low Power Variable Optics (LPVO)

      (1) RDS – A rifle/carbine equipped with an RDS shall be accompanied by an approved back-up sight system. Mounts for the RDS can be a tool-less quick release/quick detach style if so desired, but the backup sight system must be functional without removal of the RDS. Examples of approved back-up sight systems to be utilized with an RDS include back-up iron sights which are mounted with an absolute or lower one-third co-witness in relation to the RDS. An authorized magnifier may be used in conjunction with an RDS.

      (2) LPVO – A rifle/carbine equipped with an LPVO shall be accompanied by an approved back-up sight system. Mounts for the LPVO can be a tool-less quick release/quick detach style if so desired, but the backup sight system must be functional without removal of the LPVO. Examples of approved back-up sight systems to be utilized with an LPVO include offset iron sights or offset/saddle(top) mount MRDS.

      A rifle/carbine requiring the removal of the RDS or LPVO from the weapon to employ the backup sight system is **NOT** authorized.

4. Training, Qualification, and Maintenance

   a. Training & Qualification

      Any employee authorized to deploy a weapon mounted optic shall, prior to installation and deployment, submit the firearm for inspection by authorized MNPD training personnel and successfully complete an authorized training and qualification program for the appropriate optic type.

   b. Maintenance

      (1) Employees shall follow manufacturer recommendations for maintenance and battery replacement.

      (2) Any removal of a weapon mounted sight requires confirmation of zero prior to deployment with that sight. Employees shall use back-up sight system until such confirmation of zero with the primary weapon mounted sight, consistent with Training Division recommendations.

(3) On electronic sights, batteries should be replaced no less than once per year and requires confirmation of zero, consistent with Training Division recommendations.

(4) If any sighting system sustains damage or impact which could affect zero, the weapon must be tested for accuracy as soon as possible.

c. Non-standard colors or logos on sights, covers, mounts are prohibited.

L. Suppressor/Sound Moderation Device

1. The department may issue or approve a suppressor/sound moderation device for deployment on a rifle/carbine to authorized employees who have met and maintain established standards for deployment of a rifle/carbine with a suppressor/sound moderation device.

2. Personally owned suppressor/sound moderation devices shall be in compliance with NFA requirements and have their configuration approved and documented by Training Academy staff. Officers shall provide documentation of NFA compliance.

3. All Department authorized suppressors will be installed and inspected by MNPD Armory personnel and installed onto department approved patrol rifles.

NOTE: Personnel **SHALL** consult with MNPD Armory personnel regarding their proposed rifle/suppressor configuration prior to purchase/installation.

4. The Training Division shall maintain and post a roster of all approved suppressor/sound moderation devices on their SharePoint page.

5. The Training Academy, in conjunction with SWAT/SRT, shall develop and obtain necessary lesson plans and approvals for a course of training for suppressor/sound moderation device deployment.

6. Prior to carrying a rifle/carbine with a suppressor/sound moderation device, officers shall:

a. Successfully complete any required training; and

b. Successfully meet departmental approved qualification standards.

7. The Training Academy shall maintain a roster of those officers who have successfully completed required training and maintain qualification standards. Such roster shall also include appropriate

identifying information on the approved suppressor/sound moderation device and the configuration of the suppressor/sound moderation device at the time of approval.

8. The approval to carry a weapon with a suppressor/sound moderation device may be revoked at any time by the Chief of Police, his/her designee, or by the Training Division if an employee violates any department policy or guideline regarding firearms and their use (i.e., qualification, safety, etc.).

9. Training Division personnel shall have the continuing duty to inspect any firearm with a suppressor/sound moderation device for its suitability for approved carry.

10. Deployment of a suppressor/sound moderation device shall be consistent with established policy on deployment of authorized rifle/carbines.

11. Rifle operators with a suppressor/sound moderation device will be required to utilize the rifle with the suppressor **attached at *all* times** other than for maintenance and cleaning.

12. Rifle operators with a suppressor/sound moderation device will only remove the suppressor when they clean their weapon after use. The operator must then immediately re-attach the suppressor prior to carrying the rifle on-duty.

13. It will be the responsibility of the operator to clean and maintain the suppressor/sound moderation device. It is recommended by the armory staff that a suppressor/sound moderation device be cleaned at a minimum of twice yearly or biannually. Suppressors/sound moderation devices will be inspected yearly during in-service when weapons inventory is conducted.

14. **Any removal of a suppressor/sound moderation device requires confirmation of zero prior to deployment with that suppressor/sound moderation device.**

15. The Training Division shall also maintain documentation of any NFA approved forms as may be necessary to ensure compliance with applicable law.

M. Loss or Theft

1. An employee whose authorized firearm or issued firearm accessories or equipment have been stolen, lost, or damaged shall immediately notify their supervisor and document the event consistent with department report writing and administrative policy.

2. The employee shall be placed on restrictive duty until a suitable replacement has been provided or authorized by the Training Division.

N. Safety and Handling

1. Safety

a. General Provisions

(1) To ensure the safety of all citizens and personnel, employees shall treat **all** firearms as if they are loaded.

(2) Any loading or unloading of a firearm should be accomplished with the muzzle pointed in a safe direction (a direction in which that if an accidental discharge occurs, only minor property damage will result).

(3) The actual discharge of a firearm by an employee performing law enforcement duties shall be limited to:

(a) firearms training and/or qualification requirements, and

(b) circumstances where the use of deadly force is authorized.

(4) An employee shall obey all applicable rules while at the firing range, either as posted notices or provided by a firearms instructor/range master.

(5) An employee shall unload, in a safe manner, any firearm that is to be cleaned, serviced, or inspected.

(6) Storage

(a) An employee storing a loaded firearm, for an extended period, shall keep the firearm in a locked case, rack, drawer or other "secure" device until its removal is authorized.

(b) An employee storing a firearm shall be responsible for the safety and security of the firearm unless another employee assumes the responsibility.

(c) An employee shall keep **all** firearms and ammunition out of reach of children in a secure manner.

2. Handling

a. Employees shall only draw a firearm in a safe manner and in the proper performance of their duty, consistent with established policy

and training.

b. Employees using a firearm, for an authorized purpose, should observe all safety precautions necessary to avoid unintentional injury or damage.

c. Employees shall adhere to department approved procedures, training, and tactics.

d. Supervisors are charged with the continuing duty to monitor all employees regarding the judgmental use in handling and deployment of firearms. Any employee found to be deficient in firearms handling or maintenance by any sworn supervisor or departmental firearms training staff shall be subject to immediate corrective action (e.g., remove an employee's authority to possess a departmental weapon or removal of authority to carry a weapon on duty) until an appropriate command level review under established policy on decommission, corrective/disciplinary action and/or remedial training can be conducted.

8.10.050 Inspection and Maintenance

A. Inspections of Firearms

1. An employee carrying a firearm on-duty shall be subject to have any firearm inspected by supervisory or training personnel or other authorized personnel.

2. The firearm shall be inspected by the employee's immediate supervisor or a designee. The Inspections Section may inspect any employee's firearm at any time deemed necessary.

3. Each firearm shall be inspected for an odor of gun powder, overall cleanliness, residue buildup, rust, pitting, barrel obstructions, and general function. The inspector shall also inspect the ammunition to ensure it is in good condition and is the authorized ammunition.

4. Any weapon mounted optic (RDS, MRDS, magnifier, or LPVO) should be inspected for overall cleanliness and battery function prior to each shift. Suppressors/sound moderation devices should be cleaned per manufacturers specifications or immediately after any incident that could have created a blockage. After cleaning, the suppressor shall be re-installed by an Academy Armorer or a member of the firearms staff that has been trained. The weapon shall then be zeroed for accuracy and function.

5. An employee relinquishing a firearm shall ensure that the firearm is unloaded. An employee with a semi-automatic shall remove the magazine from the weapon with the weapon holstered. The weapon shall be drawn from the holster, pointed in a safe direction, and the

slide locked back, ejecting the chambered round onto a suitable surface (Do not attempt to catch or eject a chambered round into the hand).

6. An employee with a revolver shall open the cylinder with the firearm pointed in a safe direction, grasp the revolver by the top strap, tilt the revolver, with the barrel pointing upward, and remove all rounds from the cylinder.

7. An employee with a shotgun shall point the shotgun in a safe direction ensuring that the safety is "on", depress the action release, and open the action; allowing the chambered round to fall from the action. Remove all remaining rounds by depressing the shell latch on the inside of the receiver on the ejection port side.

8. A semi-automatic handgun, shotgun, or rifle being relinquished shall be presented with the action open, safety on, and if applicable, any magazine removed.

9. Any employee loading or unloading a firearm shall always point the firearm in a safe direction, keeping fingers out of the trigger guard, and ensuring any safeties are engaged. Any employee accepting or relinquishing a firearm shall check the weapon for any live rounds.

10. Any employee found to be deficient in firearms handling or maintenance by any inspector/supervisor shall be subject to corrective or disciplinary action and/or remedial training.

11. Alternate and secondary/back-up firearms shall be inspected by the employee's immediate supervisor or a designee during routine inspections. The employee’s supervisors or Inspections Section personnel may inspect any employee's alternate, secondary/back- up, or off-duty firearm at any time deemed necessary.

B. Maintenance of Firearms and Records

1. Repairs and Modification

   a. Any necessary repairs or modifications to any authorized firearm shall be made only by a factory authorized technician/department armorer. Members of the Training Division Firearms staff and SWAT Firearms staff may perform basic armorer level maintenance with the approval of the department armorer. Employees relinquishing a firearm for repair shall notify their immediate supervisor and may be placed on restricted duty until a suitable replacement is provided or authorized by the Training Division.

   b. An employee shall not modify any issued or approved firearm without the consent of the Training Division supervising firearms instructor and/or department armorer.

c. Any modification will be noted on the records maintained by the Training Division. Modifications may be made to personally owned/authorized firearms with approval of the Training Division supervising firearms instructor and/or department armorer. Any modification deemed unsafe by the Training Division may be grounds for corrective action or revocation of carry privileges.

C. Firearms Records

1. The Training Division shall maintain records of firearms issued to employees. This record shall include, but not be limited to: serial number, make, model, caliber, any MNPD number, and date issued.

2. The Training Division shall document training and proficiency scores of all employees carrying firearms. The Training Division, via the chain of command, shall make necessary notifications of anyone who fails to meet qualification standards.

D. Test Firing for Ballistic Identification

1. All authorized MNPD firearms may be required to be submitted for test firing. Any firearm authorized by the Metropolitan Nashville Police Department for use, on-duty or off-duty, may be required to be submitted for test firing, per order of the Chief of Police or authorized designee.

2. Personnel of the MNPD Crime Scene Investigation Section shall be responsible for the production, proper documentation and storage of projectiles from any firearm submitted for test firing in their lab.

8.10.060 Training and Qualification

All personnel authorized to carry firearms shall qualify with their authorized duty firearm as well as any other approved shotgun, patrol rifle, off-duty or alternate/back-up firearms.

All personnel at the rank of Lieutenant and below shall maintain and qualify with either a departmentally issued shotgun, a departmentally issued patrol rifle, or an approved personally owned patrol rifle. The Chief of Police or designee may choose to waive this requirement based on the employee's work assignment.

Qualifications shall be conducted each year on a course prescribed by the Training Division. Officers must show competency in weapons maintenance, handling, and firing (to include the successful completion of an MNPD qualification course) prior to any carry approval being issued or recorded.

The Chief of Police or designee, based on the recommendations of the director of the Training Division, shall approve the qualification course(s). Such recommendation shall be consistent with POST Rules and this policy. Such approved courses shall be documented in the training records and/or on the departmentally approved lesson plan.

A. Approved Issued Duty Handgun

1. Personnel will qualify with a duty handgun each calendar year during In-Service Training. The year will be divided into two six-month segments, (January-June; July- December).

2. During the second training segment, which should occur during the opposite six months of the year as scheduled by the Training Division, training will consist of firearms, use of force, and any other training deemed appropriate by the Training Division.

3. Personnel carrying alternate duty handguns shall qualify during annual in-service training.

4. Officers failing to qualify with a duty handgun during their first qualification run shall be required to fire an additional qualification run during the same day or as scheduled by the Training Division. Those participating in an additional qualification run shall be graded on a pass/fail standard and receive a POST firearms test score of 75% for passing firearms, regardless of the number of hits/score. Additionally, officers who fail to qualify after two qualification runs shall be required to attend remedial training classes.

5. If, after two (2) qualification runs, an officer has not met the 75% requirement:

   a. Authorization to carry any firearm in an on-duty capacity is revoked until the officer satisfies one of the provisions in Sub-section 6 below.

   b. The officer may be required to turn in issued handgun(s) or alternate/back-up handgun weapons, if applicable, before leaving the gun range and may be decommissioned at the discretion of the Training Academy. If the Training Academy does not decommission the officer:

   c. The officer has the option of:

      (1) being placed on restrictive duty, then assigned to the Training Division for intensive firearms training;

      (2) retiring, if eligible; or

      (3) resigning.

      Persons failing to elect one of these options shall be terminated.

6. Officers electing to try to qualify while on restrictive duty are to report following their in-service training to the Training Academy. Restrictive duty assignments shall begin immediately following completion of in-

service training.

a. Officers will be given up to one week to receive instruction, practice, and to qualify. No more than two runs for qualification will be allowed per day.

b. To qualify on restrictive duty, a minimum average score of 75% must be attained for two consecutive runs in one day.

c. An officer who fails to qualify after that week must either resign or retire, if eligible. Those doing neither shall be terminated.

d. Officers who do not successfully pass the firearms qualification standards during the first week of in-service training shall not qualify for the in-service supplemental pay.

e. Officers who successfully qualify on restrictive duty will be released back to full duty after completing the firearms training.

B. Shotgun

1. The department may issue a shotgun to authorized employees with a duty assignment which may necessitate the use of a shotgun. Those personnel will qualify with a shotgun each calendar year during In-Service Training. The year will be divided into two six-month segments, (January-June; July-December). Qualification will occur during in-service training.

2. Officers failing to qualify with an approved shotgun will be scheduled to attend remedial shotgun training at the direction of the Training Academy. The issued shotgun will be stored at the training academy until successful completion of the remedial training and qualification.

3. The Chief of Police or designee, based on the recommendations of the director of the Training Division, shall approve the qualification course(s). Such recommendation shall be consistent with POST Rules and this policy. Such approved courses shall be documented in the training records and/or on the departmentally approved lesson plan.

C. Patrol Rifle

1. Patrol rifle authorized employees shall qualify annually with their academy approved firearm at in-service training. The department may issue a patrol rifle to authorized employees with a duty assignment which may necessitate the use of a patrol rifle. Pursuant to established procedures, employees may also opt to deploy with a personally owned patrol rifle. All personnel equipped with a patrol rifle will qualify with the patrol rifle each calendar year during In-Service Training. The year will be divided into two six-month segments, (January-June; July-December). Qualification will occur during in-service training.

2. Employees who fail to qualify will lose their patrol rifle privileges or be given an opportunity to requalify at the discretion of the Training Academy.

3. LPVO certified employees are required to pass the department Patrol Rifle Qual with a 90% of higher to maintain LPVO certification.

D. Back-Up, and Off-Duty Firearms

1. Qualification with an off-duty firearm or back-up firearm shall be done on a course prescribed by the Training Division. Officers must show competency in weapons maintenance, handling, and firing prior to any carry approval being issued or recorded.

2. Qualification with a department issued or personally owned off-duty or back-up firearm may be done on practice days. At a minimum, qualifications with off-duty or other firearms shall be completed annually.

3. Personnel not qualifying with issued off-duty weapons will be required to turn the weapon in to the Training Division.

4. Officers failing to qualify with an approved alternate weapon, off-duty only weapon, or any other weapon, will lose the authority to carry the weapon until any deficiencies are corrected.

E. Medical Exemptions

1. Officers having any type of temporary or permanent medical exemption during their scheduled in-service week must provide a medical waiver signed by a physician stating that they can complete firearms qualifications.

2. Officers unable to participate in firearms qualification during in-service training will have all issued firearms, ammunition, and alternate weapons forms taken up by the Training Division until released to qualify.

8.10.070 Reporting Firearm Display

Personnel shall report the display of a firearm when such display has had the effect of reducing or eliminating the need for additional use of force. Reporting of such displays shall be by the completion of a RTR – Display Only entry (MNPD Form 108F) (if no other force is used, only a RTR – Display Only entry is required). For purposes of this section, display is defined as: drawing and aiming, or similar un-holstered display indicating potential use, without discharge, of a firearm in circumstances where any person perceives the action as a threat of a use of force, whether or not this is accompanied by a verbal warning, aiming at or illuminating a subject with a weapon mounted light.

Reports generated under this section will be submitted through the established chain of command and a copy submitted to the Director of the Training Division.

8.10.080 Retired Employee Gift Gun Award

A. Consistent with Metropolitan Code of Laws, 2.44.110, the department shall make a gift of a gun to all retiring sworn employees who have at least twenty-five (25) years of active service upon their retirement, retire in good standing and be eligible to receive a service pension.

B. At the sole discretion of the Chief of Police, for those employees who retire after thirty (30) years of service and who were eligible for a gift service pistol, an exceptional service gift may be made to a retiring employee of their issued departmental shotgun. If the issued shotgun was an ATF title 2 (NFA) registered weapon, it may be restored to ATF title 1 status prior to issuance or transferred in a manner consistent with applicable law.

C. An employee requesting a retired gift gun must complete the certification request form, MNPD Form 058, Request for Retired Credentials, Badge, and Weapon, available at Police Human Resources and such form be approved as required.

D. Upon acknowledgement of an approved form the Training Academy shall document the permanent issuance and acceptance by the retired employee of the issued duty pistol and/or shotgun being used by the employee at the time of their retirement.

E. No firearm shall be gifted under this section if such gift or transfer would constitute a violation of state or federal law.

F. Firearms issued as authorized gifts under this section shall be documented by the Training Academy and the retiring officer will affix their signature on the required form acknowledging receipt of the retired gift gun(s). The Training Academy shall maintain records of the firearms issued pursuant to this section.

8.20 Clothing and Equipment

8.20.010 Purpose

The purpose of this chapter is to establish guidelines regarding the department's dress code, equipment, and use of insignia.

8.20.020 Policy

It shall be the policy of the Metropolitan Nashville Police Department (MNPD) that all MNPD personnel present a professional appearance at all times while on duty and/or conducting business for the MNPD. All MNPD employees shall adhere to the policies and procedures described herein.

A. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, loose threads or other such imperfections. *(Category D)*

B. Employees shall only wear the departmental uniform while on-duty, en route to or from duty, departmentally approved events, or when authorized by established policy. *(Category D)*

C. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy. *(Category D)*

D. No employee, while in uniform, shall wear on the uniform or display any item (e.g. pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police. *(Category D)*

E. When reporting for jury duty, employees of the MNPD are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s). *(Category D)*

F. Employees who are on light duty or restricted duty shall not be attired in the uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.

8.20.030 Uniform and Equipment Committee

A. The Chief of Police may establish a Uniform and Equipment Committee and appoint a chairperson for the purpose of reviewing and analyzing current needs and problems concerning the uniform, equipment, insignia, and other related materials approved by the

department. The committee should be composed of a broad segment of the department.

B. Any employee of the department having recommendations or complaints involving clothing or equipment shall submit them in writing through their chain of command for review and consideration. Any items recommended, shall be sent to the Chief of Police for final approval.

8.20.040 Clothing Allowance

A. The Chief of Police shall cause a formal contractual agreement with specified requirements to be entered into with a uniform supply vendor. The specifications included in the contract will be maintained by the Fiscal Affairs Division. The vendor will supply the department with uniforms, equipment, and other related materials approved by the department.

B. As part of the department's annual budget, employees may receive a predetermined uniform or clothing allowance to supplement the purchase and maintenance of authorized wearing apparel, equipment, and other items required for the performance of their duties. The allowance shall be used to purchase and maintain only those items authorized by the department. The purchase of any unauthorized wearing apparel, equipment item, or other misuse of the allowance shall be considered grounds for corrective or disciplinary action, and may result in forfeiture of the total allowance. *(A violation of this provision shall generally be a Category F Offense.)*

C. The allowance shall be advanced by the Fiscal Affairs Division according to current policy and procedure for clothing allowance payments to employees. Generally, the clothing allowance is advanced in the following manner:

1. The allowance for an employee assigned to uniform duty shall be advanced directly to the contracted supply vendor. The amount will be credited to an account in the employee's name. The employee shall then obtain approved items during the time period the allowance is in effect.

2. The allowance for an employee assigned to non-uniform duty will be advanced directly to the employee. The employee shall cash the check within the time period it is valid and obtain approved wearing apparel and equipment as needed to maintain established departmental standards.

3. New employees, including Police Officer Trainees, are entitled to only half of the allowance during the fiscal year in which they begin employment.

D. At the time the allowance becomes effective, a notice shall be disseminated to affected employees. This notice will specify the authorized vendor, the availability of a list detailing authorized items, and the time period in which the allowance must be used.

8.20.050 General Provisions

A. The terms uniform and equipment mean those items of wearing apparel (including uniform insignia items) worn or displayed by employees to identify themselves as members of the department, and the tools, implements, and other items authorized for use in performing their official duties.

B. Uniform apparel shall bear approved insignia to clearly identify police officers by their classified ranks or position as employees of the department.

C. Any sworn or uniformed employee, regardless of rank, position, or assignment, will be required to maintain a sufficient number of complete uniforms in a serviceable condition, and must at all times be prepared to respond to emergencies or contingency operations where the wearing of the uniform is required or preferred.

D. An officer shall wear only the uniform items or use the equipment authorized by the department. An officer shall refrain from wearing the uniform at times other than specified hours of work or assignment, unless they are fully prepared to perform law enforcement duties.

E. The uniform shall be maintained in a neat, clean, and serviceable condition. Any time its condition falls below a desirable standard, the deficiency shall be pointed out to the employee by his/her supervisor at the time it is observed. Such action should be considered as a warning, preceding corrective or disciplinary action. Prior to each tour of duty, officers shall be generally observed, if not formally inspected by their supervisor.

F. Any uniform or equipment item issued to, or authorized for use by, an employee shall be used for official purposes only. It shall not be altered in any way or used for any purpose other than that for which it is designed or intended. Any unauthorized use or alteration shall be considered grounds for corrective or disciplinary action.

G. At no time will employees wear only part of the uniform or allow any person outside the department to use any portion of the uniform or equipment issued to them by the department. Such conduct will be considered grounds for corrective or disciplinary action. In order for the uniform to be considered complete it must consist of only those items specified and approved.

H. Professional Support Staff personnel, with the exception of Property Guards or other individuals designated by the Chief of Police, shall not be authorized to wear any departmental insignia, emblem, device, or logo that is usually worn by sworn personnel.

I. Employees shall report immediately to their supervisor, in writing, any damage, loss, or theft of a uniform or equipment issued or made available to them by the department, detailing the circumstances involved.

1. The supervisor shall then determine the cause of the damage or loss. If the occurrence was not due to the employee's negligence, or was caused during the performance of his/her duties, the finding shall be submitted in writing through the chain of command to the bureau commander.

2. The necessary reports and forms shall be submitted to the Fiscal Affairs Division so the appropriate restitutions can be made.

3. If it is determined that such occurrence was due to the employee's negligence or it was not caused during the actual performance of duty, then notwithstanding any corrective or disciplinary action, appropriate restitution will be made by the employee at his/her own expense.

4. When any uniform or equipment item of significant value or importance is lost or stolen, particularly items of authority or weapons (e.g., badge, cap emblem, identification or security card, firearm, etc.), the employee shall complete an **INCIDENT REPORT** [MNPD Form 100] and cause a copy to be forwarded immediately to their division/precinct commander for further investigation. As soon as practical, notice regarding the loss of these items, shall be reported to the command and executive staff.

J. Whenever any damage or loss of a uniform or equipment occurs in the performance of duty, but not due to an employee's negligence, an effort will be made to obtain restitution from the person deemed to be responsible for such damage or loss.

1. The incident involved will be detailed in applicable reports so that the circumstances may be recalled later during official proceedings, whereby the court or other official might consider restitution for such damage or loss in the disposition of the case itself.

2. Should any payment for damaged or lost items be received it shall be remanded to the receiving employee's supervisor who in turn will cause appropriate adjustments to be made to compensate the department's cost of any previous restitution.

K. Upon any leave of absence employees may be required to surrender certain uniform and equipment items. With regard to leaves for disciplinary purposes in particular, employees may be required to surrender their official credentials (badge and identification card), issued firearm(s), and vehicles unless otherwise directed by the Chief of Police. Such items will be turned over to the employee's division commander for the duration of the leave time. However, should the Chief of Police so direct, or an employee be terminated, then such items will be returned to the Supply Section. When an employee is relieved of his/her official credentials and firearm(s), he/she is relieved of his/her police authority for the time period involved.

L. Upon leaving the service of the department, an employee shall be provided a list of any uniform and equipment items issued or made available which shall be surrendered. Any item which cannot be accounted for at the time may result in the employee having to make appropriate restitution; notwithstanding any official action which may have brought about his/her termination or which may occur subsequent to their termination. Failure to comply with this provision may result in the delay or forfeiture of any pay or benefit due the employee. Wearing apparel and other items which have lost considerable value due to wear or use may be exempted from this requirement.

M. The MNPD Training Academy shall provide for the secure disposition of unserviceable uniforms or equipment, which may have MNPD distinguishable emblems, insignia, devices, or logos or equipment or items, by their nature, should be securely discarded.

N. An employee having a unique, undercover or other specific assignment may be exempt from the regulations in this chapter, subject to the approval of the division commander where the employee is assigned.

O. The Chief of Police may direct a change of uniform anytime wearing of an alternative uniform is better suited for a specific assignment, occasion, or event.

P. Stored equipment will be located in designated secure areas and will be inspected at regular intervals by supervisory or other authorized personnel, to ensure that items such as radios, batons, radar, cameras, etc., are maintained in a state of operational readiness by the unit or person to which the property is assigned.

8.20.060 Uniform Styles

A. **General Duty Uniform**

The General Duty Uniform is the uniform generally worn by officers while performing law enforcement duties. Generally, all sworn

personnel will wear the general duty uniform. The general duty uniform has two (2) classifications:

1. Class A Uniform: A uniform generally characterized by a long sleeve shirt worn with a necktie (necktie is optional for the rank of lieutenant and below). The uniform is generally worn during the cooler seasons, and when attending formal events and ceremonies.

Fig. 1 – Class A Uniform Example





2. Class B Uniform: A uniform generally characterized by a short sleeve shirt worn with an open collar. It is generally worn during the warmer seasons. A long sleeve shirt may also be worn with an open collar for the rank of lieutenant and below.

Figs. 2-4 – Class B Uniform Examples





B. **Special Duty Uniform**

The Special Duty uniform is worn by officers responsible for a specific assignment requiring minor variations from the general duty uniform. Special Duty Uniform specifications for employees assigned to specific specialized units or sections shall be maintained in the Standard Operating Procedures Manual of those elements. Such assignments shall include, but are not limited to: Drill and Ceremony Team, Motorcycle Unit(s), Mounted Patrol Unit, Property Guards, SWAT, Aviation, Bicycle, Training Academy (staff and police trainees), and the Crime Lab.

C. **Dress Uniform**

A standard issue uniform for those sworn personnel holding the rank of captain or above and an alternate uniform available for wear by all sworn personnel. The Dress Uniform is standard uniform attire for those holding the rank of captain and above for certain designated ceremonies, public appearances, or when otherwise directed by the Chief of Police. The uniform differs from the standard Class A uniform in that it consists of a white uniform shirt, standard issue tie with tie tack, and a blazer with badge, nameplate assembly, and, where appropriate, gold banding at the wrist to signify rank.

8.20.070 Uniform Components

For the uniform to be considered acceptable, the apparel specified herein must be worn and otherwise be in compliance with these provisions:

A. **Trousers**

Must be tailored to a length no shorter than the top of the shoes when wearing "low cut" shoes, and no longer than the top of the heels of the same type shoes when standing in an upright erect position.

B. **Shirts**

Must be tailored where the sleeves of long sleeve garments (Class A Uniform) will reach the joint of the wrist. The sleeves shall not be rolled up or under at any time. They shall be in a fully button-down condition. The tail of the garment shall be neatly tucked inside the trousers or skirt at the waist. The collar shall not be turned up or under, or otherwise altered from the style or position for which it is designed. All front buttons of a long sleeve shirt shall be buttoned for the rank of Captain and above, unless worn with a turtleneck undershirt. Top buttons may be left unfastened for the ranks of lieutenant and below.

On a short sleeve shirt (Class B Uniform) only the top button shall be left unfastened, so that the collar will be open at the neck. A black crew neck style undershirt shall be worn with a shirt. V-neck style undershirts are prohibited.

C. **Polo Shirts**

As an option to the Class B uniform shirt, the authorized polo style shirt, (Blauer Short and long Sleeve Polyester Armorskin Base Shirt, navy blue in color) worn with the external carrier, may be worn as a regular class "B" shirt option in short or long sleeve without the external carrier. However, it must display departmental patches, "metallic" badge patch, embroidered name, and rank insignia as described:

1. Department patches and rank insignia on the polo style shirts are mandatory.

2. The employee's name must be embroidered over the right side above the hem line. Officers shall be silver in color; supervisors shall be gold in color.

3. The polo shirt must display the metallic badge patch that is rank specific, and rank insignia (Lieutenant, Captain, etc.) embroidered on the collar.

4. A long sleeve polo style shirt is **<u>may not be</u>** substituted for the Class "A" uniform. A tie should not be worn with a polo style shirt.

5. For those not wearing the external carrier with the polo shirt, standard issue body armor shall be worn underneath as with any other approved uniform shirt in a manner consistent with established policy.

6. Approved Polo Shirt: Men

    a. Blauer Short Sleeve Polyester Armorskin Base Shirt: #8372

    b. Blauer Long Sleeve Polyester Armorskin Base Shirt: #8371

7. Approved Polo Shirt: Women

    a. Blauer Short Sleeve Polyester Armorskin Base Shirt: #8372W

    b. Blauer Long Sleeve Polyester Armorskin Base Shirt: #8371W

D. **Turtle Neck Undershirt**

The turtle neck undershirt is optional with the "Class A" general duty uniform. The turtle neck undershirt may only be worn when not wearing a tie. It must be the issued or approved color and should be embroidered with “MNPD” in silver letters for officers and gold letters for sergeants and above.

E. **Tie**

Will be optional with the “Class A” general duty uniform. It shall remain mandatory for certain designated ceremonies, public appearances, or when otherwise directed by the Chief of Police, or when the Dress Uniform is worn.

The approved tie tack shall be attached to the center of the tie and even with the center of the shirt pockets.

F. **Uniform Cap**

1. Must be of a size that fits when properly positioned on the head. The band shall rest approximately one inch above the ear on the sides and one and one-half inches above the eyebrows in the front. The appropriate cap badge for the employee’s rank shall be affixed to the front of the cap at all times the cap is being worn or displayed. The cap for the rank of officer shall have a black plastic band across the front of the headband, secured by two silver buttons on either end, and two blue stripes around the outside of the headband. The cap for the rank of sergeant and above shall have a gold fabric band across the front of the headband, secured by two gold buttons, and a gold cloth stripe around the outside bottom edge of the headband. The ranks of lieutenant and captain shall add gold star(s) to either side of the cap, centered on the headband, and located immediately to the rear of the gold band and button. There shall be one (1) star for the rank of lieutenant, two (2) stars for the rank of captain. (see Fig – 6 A & B below)

2. Wearing of the uniform five point cap is optional, except at funeral services for law enforcement officers, and other such formal type ceremonies as may be directed by the Chief of Police.

3. Alternate Uniform Hat

   The Chief of Police has approved an approved alternate to the uniform cap: felt (Stratton F42) or straw (Stratton S42) for various outdoor conditions; blue for sworn employees and tan for property guards.

This uniform hat provides enhanced protection for the employee in protecting their head from the sun, cold, rain and such while maintaining a professional image. (see Fig – 6, C below)

Fig. 6 – Uniform Cap & Alternate Uniform Hat

A.



B.



C.



G. **Other Headwear**

1. Ball Cap: As an option to the five point uniform cap, the fitted style ball cap, with the issued or approved design centered on the front of the cap, may be worn when outside on fixed post positions for an extended period of time. All lettering will be white or silver for officers and gold for supervisors. The color and fabric of the ball

cap shall be specified with the contract vendor to match the uniform style. The appropriate color/fabric will be worn with the appropriately matched uniform style.

2. Toboggan/Watch Hat or Insulated Cap with ear protection: A wool or similar approved insulating fabric hat bearing an approved design, which may be worn during cold weather months. Certain styles of the insulated cap may require the hat badge to be removed from the 5 point hat and installed in the appropriate location. All lettering will be white or silver for officers and gold for supervisors. The color and fabric of the ball cap shall be specified with the contract vendor to match the uniform style. The appropriate color/fabric will be worn with the appropriately matched uniform style.

3. Helmets or other headgear: The department may issue or approve helmets to those personnel in assignments where the law requires or best practices suggest a helmet is an appropriate uniform item. Such helmets shall be described in the appropriate unit, section, or division Standard Operating Procedures Manual along with any requirements for manner or style of wear.

4. Religious Head Covering for Sworn Employees:

    a. If, for sincerely held religious beliefs, you wish to wear a religious head covering as part of the daily sworn duty uniform, the head covering must be neat and presentable and not otherwise prevent the employee from fulfilling all of the normal assigned duties.

    b. Such head covering material must be of a matte finish and in the main uniform color of navy blue. Such head covering shall be made of material that is not a fire or safety hazard; wool-based fabrics are preferred. For safety reasons, the head covering should be easily removable or “break-away” with the use of fasteners such as press studs or Velcro for quick release. The head covering shall not include any MNPD badge or insignia.

    c. If you wear a head covering for religious reasons, you must:

        (1) Keep your face and any MNPD issued insignia, numbering or name badge visible,

        (2) Be able to wear an issued hat, helmet or mask if the situation requires, whether by removing your religious head covering or by wearing a small, close-fitting religious head covering under your duty helmet, hat or mask, and

(3) Tuck the ends of the religious head covering inside your collar when wearing the issued uniform or jacket.

H. **Shoes/Boots**

Must be clean, polished to a luster, and kept in a serviceable condition. Laces, straps, buckles, zippers, and other approved fastening devices shall be fastened at all times. Only black or navy blue socks or hosiery shall be worn with low cut shoes. White socks may be worn with boots provided they are not visible.

I. **Belt**

Must be clean and otherwise kept in a serviceable condition. Buckles and other fastening devices will be fastened at all times. The uniform belt worn under the authorized duty belt shall be Velcro type, black in color.

J. **All Weather Jacket**

The All-Weather Jacket will be issued to all sworn personnel during recruit training. It has a liner for winter wear. It shall bear the department's shoulder patch both sleeves.

1. The name of the wearer must be permanently embroidered above the right pocket. The department's issued badge or a cloth badge must be displayed over the left breast when the jacket is worn.

2. Approved rank insignia will be worn. Sergeant and FTO chevrons will be attached to the sleeve in an appropriate position. For all other ranks, it may be placed or embroidered on the epaulets. When fabric integrity may be affected by puncture, sergeant and FTO chevrons may be adhered with Velcro and other rank insignia, normally worn on and visible upon the collar, is an acceptable alternative.

3. The all-weather jacket liner, which may be of fleece, “soft shell”, or other suitable material construction, may be worn as an outer garment without the jacket shell when conditions are appropriate, provided the liner also has a name tape, badge insignia, and rank insignia (if applicable) properly affixed.

Fig. 7 – All Weather Jacket:



All Weather Jacket

Note: The leather jacket, as an issued item, is considered obsolete. However, those personnel still in possession of a departmentally issued leather jacket may continue to wear the jacket so long as the condition of the jacket meets departmental standards for a professional appearance. While wearing the leather jacket, an employee shall have the badge and nameplate/service emblem assembly properly attached to the tabs provided on the jacket, so that they will be clearly visible at all times. No alternatives to the issued badge or nameplate assembly are authorized for wearing on the jacket. With the exception of the departmental "shoulder patch" on the sleeves, only approved rank insignia, sergeant/FTO chevrons on sleeves, and rank insignia on epaulets for lieutenants and above, will be attached to the jacket.

Similarly, the commando sweater, as an issued item, is considered obsolete. However, those personnel still in possession of a departmentally issued sweater may continue to wear the sweater so long as the condition of the sweater meets departmental standards for a professional appearance. It may be worn with the "Class A" uniform or long sleeve utility uniform only as an alternative to the uniform jackets. It shall bear the department's shoulder patch, badge, and nameplate. No other emblem or patch shall be attached or displayed on the sweater.

1. The collar of the uniform shirt shall be open and extended over the neck opening of the sweater, so that the employee's rank insignia is clearly visible at all times. The lower part of the sweater must not hang down over the utility belt.

2. For employees whose rank or position insignia is usually worn on the sleeves the insignia pins will be properly positioned on the shirt collar in the same manner as those of higher ranks when the sweater is being worn.

K. **Other Cold Weather Apparel**

Scarves, neck warmers, and ear bands may be worn to assist uniformed employees, while conducting duties in the field, during periods of cold weather. Such items shall be solid in color with the approved colors of black or navy blue. They shall be free from any logos or embroidery which is intended to advertise or endorse any team, group, or product.

L. **Eyewear**

Eyewear shall not have rims that are made of materials or color that distract from the professional appearance of the uniform and should be constructed from materials designed to withstand the duties of a law enforcement officer. No mirrored lenses shall be approved.

M. **Raid Vest or Jacket**

Sworn personnel, working or assigned to plain clothes activities, who respond to assist at raids, pre-planned arrest situations (with or without a warrant), search warrant executions, searches for wanted persons, and similar activities where it is not feasible to change into standard uniform attire are authorized to wear an issued or approved raid vest or jacket that houses or covers their body armor.

Such raid vests or raid jackets shall meet the following minimal acceptable standards for identification:

1. Front of Vest or Jacket:

    a. Agency identification prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing the design of the issued MNPD shoulder patch and/or badge patch;

    b. Authority identification prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing the word “POLICE” or “METRO POLICE” entirely in capital letters, at

least one (1) inch in letter height and in white/silver color for officers and gold/yellow for supervisors; and

c. Employee identification: where feasible, without compromising investigative efforts, the employee name shall be displayed.

2. Back of Vest or Jacket:

Agency identification and authority prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing:

a. The design of the issued MNPD shoulder patch and the word "POLICE" entirely in capital letters, at least two (2) inches in letter height and in white/silver color for officers and gold/yellow for supervisors, or

b. A single identifier in the form of direct embroidery, silkscreen, or a patch bearing "METRO POLICE" entirely in capital letters, at least two (2) inches in letter height and in white/silver color for officers and gold/yellow for supervisors.

Fig. 8 – Raid Vest:



N. **Police Identification Banner**

Sworn personnel, working or assigned to plain clothes activities or off-duty, are authorized to deploy an approved Police Identification Banner when circumstances arise that warrant conspicuous identification as a law enforcement officer and where time does not permit the officer to wear or retrieve an issued or approved raid vest or jacket. Circumstances include when an officer cannot have a raid vest or

jacket with them but may need to quickly identify themselves as a law enforcement officer.

The Police Identification Banner should be positioned over the shoulder of the dominant hand and sidearm.

Fig. 9 – Police Identification Banner and Attached Pouch:



O. Deviations from the standards herein may exist in approved division SOP's that provide a similar or higher standard (for agency and officer identity) which considers the unique requirements of the particular division (e.g. SRT heavy vests in olive drab and black, vests worn over certain hazardous material protective clothing, etc.).

8.20.080 Insignia

"Insignia" shall be defined as a badge or emblem of distinctive design and uniform in appearance which identifies an organization, distinguishes authority, honor, and/or accomplishment of individual members thereof.

Upon issuance of any insignia to an employee, the department shall maintain a record and be responsible for the repair, replacement, and return of the items.

A. Badge

1. An officer of the department shall possess, display, and use only the badge issued to them by the department, unless otherwise authorized by the Chief of Police. Any approved alternative to the issued badge must be of the same size and shape as the issued badge. Any badge of lesser size, even though it may bear the proper government seal, lettering, rank, and serial number, shall not be recognized by the department as proper identification for its employees.

2. Officers are authorized to carry the badge at all times but shall display or use the badge only while performing law enforcement duties. The badge shall be carried at all times when the officer is armed. It shall not be displayed or used to influence any personal or private benefit.

3. The badge is a component part of the uniform, except for the utility uniform and lightweight jacket. When an employee is in uniform, it shall be worn in full view at all times, using the badge tab provided on the uniform apparel (e.g., shirt, blouse, outer garment, etc.). If a tab is not provided on the apparel item, the badge will be centered directly above the left breast pocket.

Fig. 10 – Badge, Nameplate, and Pin Placement:



4. When not in uniform, and performing law enforcement duties, an employee shall carry the badge in a proper carrying case or belt holder, along with their identification card, so as to afford them the proper "official credentials" needed to exercise their police authority. As time and circumstance permits, prior to exercising law enforcement duties, an employee shall make such credentials clearly visible to anyone having cause to view them.

5. Subject to supervisory approval, members having unique undercover or vice related assignments, wherein their safety might be jeopardized should their identity be revealed, may not be required to have such official items in their possession.

6. In recognition of an employee's service to the department, the Chief of Police may authorize an employee who dies with honor to be entitled to have their badge displayed on their person while lying in state. Such an occurrence is subject to approval of the employee's survivors. If enacted, the badge will be removed prior to internment and the Chief of Police will determine further disposition, whereas:

    a. If the employee's death resulted from their performance of an official duty, a proper ceremony will be conducted within a reasonable time after the funeral and the Chief of Police or his designee will present an appropriate award and/or medal in lieu of the breast badge to the employee's survivors. The badge itself will then be memorialized and enshrined in a display case, either at the Training Academy, or other location approved by the Chief of Police for public view. **At the sole discretion of the Chief of Police, the badge number assigned to the employee at the time of their death will be taken out of service and no longer be issued. This will be recorded on the employee's master card and the numeric card located in the Supply Section.**

    b. If the employee's death was non-duty related, or due to natural causes, the badge will be returned to the Supply Section, unless otherwise authorized by the Chief of Police.

7. A black mourning band may be worn on the badge in honor of law enforcement officers who have died in the line of duty. The mourning band consists of black elastic fabric, ½ inch in width, worn horizontally across the middle seal of the badge. Other materials such as black tape are not to be used. The Chief of Police shall designate the periods for the wearing of such bands.

B. **Duplicate Numbered Wallet Badge:**

1. Any sworn employee who requests a duplicate numbered wallet badge must obtain approval from their bureau chief and the Chief of Police by completing MNPD Form 057, Request/Authorization for Duplicate Numbered Wallet Badge.

2. The cost of the duplicate badge will normally either be charged to the employee's clothing allowance or the employee will pay for it, except in those cases where the Chief of Police deems it necessary to bill the department.

3. All wallet badges will be delivered by the approved vendor to the Inventory Supply Section of the department where it shall be registered before being issued to the requesting employee.

4. **All** duplicate badges, regardless of payment method, remain the property of the MNPD and will be turned in to the department if the employee's service with the department is concluded prior to 25 years of service or if the badge number is changed for any reason.

5. The procedures will be followed when a sworn employee requests a duplicate badge:

    a. After obtaining and completing MNPD Form 057, the employee shall sign the form and include their badge number under the signature. The employee will also designate how the cost of the badge is to be covered on the lower portion of the form.

    b. The employee's bureau chief shall either authorize or deny the request. If authorized, the bureau chief shall affix their signature and forward the request to the Chief of Police.

    c. If authorized by the Chief of Police, MNPD Form 057 Request/Authorization for Duplicate Numbered Badge will be forwarded to the Fiscal Affairs Division where the Fiscal Affairs Manager or designee will make a copy and forward the original request to the Supply Section.

    d. In those instances where the badge is charged to the employee's clothing allowance or billed to the department the following will be adhered to:

        (1) The Supply Section will keep the original of MNPD Form 057, Request/Authorization for Duplicate Numbered Badge. The approved MNPD Form 057 request will be faxed to the approved vendor by Supply Section staff. Supply Section staff will stamp ‘faxed’ on the approved request, note the date of the fax and initial.

        (2) After the badge is delivered to the Supply Section, the requesting employee will be notified.

        (3) The requesting employee will go to the Supply Section where the badge will be registered by number and badge type on the requesting employee’s master card as well as the numeric card. The requesting employee will sign an acknowledging receipt for the duplicate badge.

6. In situations where the officer is paying for the badge, employees will do the following:

a. After obtaining and completing MNPD Form 057, Request/Authorization for Duplicate Numbered Badge, the employee shall sign the form and include their assigned badge number under the signature. The employee will also designate how the cost of the duplicate badge is to be covered on the lower portion of the form.

b. The employee's bureau chief shall either authorize or deny the request. If authorized, the bureau chief shall affix their signature and forward the request to the Chief of Police.

c. If authorized by the Chief of Police, MNPD Form 057, Request/Authorization for Duplicate Numbered Badge, will be forwarded to the Fiscal Affairs Division where the Fiscal Affairs Manager will make a copy and forward the original request to the Supply Section.

d. The Supply Section will notify the requesting employee that the request has been approved. The employee will go to the Supply Section and obtain a copy of the request/authorization form.

e. The employee will take this copy of the request/authorization form to the supplier and pay them before the badge is ordered.

NOTE: All duplicate badges ordered, regardless of payment method, shall be delivered to the Supply Section for issuance to the officer ordering the badge.

f. After the badge is delivered to the Supply Section, the requesting employee will be notified by email.

g. The requesting employee will go to the Supply Section where the duplicate badge will be registered by number and badge type on the requesting employee’s master card as well as the numeric card. The requesting employee will sign an acknowledging receipt for the duplicate badge.

h. The Supply Section shall maintain the original request/ authorization form as part of their records.

C. **Badges for Retiring Personnel:**

1. The department shall make a gift of the breast badge to all retiring sworn employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the breast badge, the retiring police officer must have at least 25 years of service upon their retirement, retire in good standing and be eligible

to receive a service pension. An employee requesting a retired badge must complete the certification request form available at Police Human Resources and such form be approved as required.

2. The issued breast badge being used by the employee at the time of their retirement will be returned to the Supply Section.

3. The eligible retiree's issued breast badge will be replaced with a breast badge that reads 'RETIRED' in bold letters. The retirement breast badge will be issued by Police Human Resources Division and the retiring officer will affix their signature on the required form acknowledging receipt of the retired breast badge. The Police Human Resources Division shall maintain a copy of the approved form in the appropriate employee personnel file.

4. At the sole discretion of the Chief of Police, a gift may be made of each breast badge type worn by a retiring officer during their years of active service. The following procedure will be followed when the breast badge(s) gift is to be presented to a retiring officer:

    a. The Chief of Police shall cause the Inventory Supply Section supervisor to be notified of the breast badge(s) gift.

    b. The Supply Section staff will advise the Chief of Police of the breast badge type worn by the retiring officer during their active years of service. The Supply Section staff will record each requested breast badge type issued on the appropriate inventory record.

5. All badges previously authorized by the Chief of Police, whether purchased by the Department or the employee, are subject to the perpetual responsibility and obligation that they be properly used and displayed. The badges are subject to forfeiture and return to the Metropolitan Nashville Police Department upon reasonable proof that a former employee, surviving spouse, lineal descendant or other party in possession of the badge improperly displayed or used the badge.

D. **Uniform Cap Emblem**

1. The cap emblem is a component part of the five point uniform cap and trooper hat. When an employee wears the uniform cap, the cap emblem will be worn in full view at all times, properly positioned and fasted to the "in-frame" beneath the uniform cap cover. An approved non-metal "replica" of the cap emblem or other similar emblem is authorized for wearing on helmets and utility caps.

2. The cap emblems will not be given to employees leaving the service of the department or retiring. They will instead be returned

to the Inventory Management Section and subsequently re-issued as needed.

3. For deceased employees lying in state in uniform with the uniform cap displayed, cap emblems shall be properly displayed. Unless otherwise directed by the Chief of Police, or his designee, when an employee dies with honor while in the performance of official duties, cap emblems will not be removed prior to internment.

E. Nameplate and Service Emblem Assembly

1. The nameplate and service emblem assembly is a component part of the uniform. When an employee is in uniform, it shall be worn in full view at all times, directly above the right breast pocket of the uniform shirt, or blouse, centered with the pocket button. The service emblem by virtue of its design must be attached to the nameplate. Properly assembled, the bottom edge of the nameplate will rest upon the top seam of the pocket, with the service emblem itself resting completely beneath the same top seam of the pocket. *(Fig. 10)*

2. Should there be no pocket; the assembled unit shall be centered over the right breast area of the garment in a similar position. An employee may have only their first and middle name or initials, title and their last name on the nameplate.

3. The nameplate shall be of metal construction with a polished finish, and be 2 ¼ inches in length by ½ inch in width. The nameplate and service emblem assembly shall be silver in color for officers, and gold in color for the ranks of sergeant and above.

4. The service emblem shall indicate the beginning year of law enforcement service with the Metropolitan Nashville Police Department.

5. An approved non-metal "replica" of the nameplate, embroidered cloth name tapes, or other similar emblems may be worn on uniform outer garments, and all utility type shirts and blouses. Such a replica or emblem will be properly affixed to garments by the supply vendor.

6. The department shall make a gift of the nameplate and service emblem assembly to all retiring employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the assembly, an employee must retire in good standing and be eligible to receive a service pension.

7. The assembly will be presented at the same time the badge is presented.

8. In recognition of their service to the department, an employee who dies with honor shall be entitled to have their nameplate and service emblem displayed while lying in state. The nameplate and service emblem assembly will be removed prior to internment and the Chief of Police will determine further disposition, whereas:

    a. If the employee's death resulted from their performance of an official duty, a proper ceremony will be conducted within a reasonable time after the funeral and the Chief of Police, or his designee, will present the nameplate and service emblem assembly to the employee's survivors.

    b. If the employee's death was non-duty related, or due to natural causes, the nameplate and service emblem assembly will be presented to the employee's survivors.

F. **Identification Card**

1. An employee of the department shall possess, display, and use only the identification card issued to them by the department, unless otherwise authorized by the Chief of Police. The identification card, as defined herein, qualifies as a form of insignia.

2. An employee shall carry their identification card at all times when armed, but shall display or use it only while performing law enforcement duties. It will not be displayed or used to influence any personal or private gain.

3. When not in uniform, and performing law enforcement duties, an employee shall carry their issued identification card in a proper carrying case, along with their badge, so as to afford them the proper "official credentials" needed to exercise their police authority.

4. When time and circumstance permit, an employee shall present their identification card to any person having cause and requesting to view them, and allow such person reasonable opportunity to observe their name and rank/classification thereon.

5. When any change occurs in their classification or name or is damaged, an employee shall return the card to the MNPD Human Resources Section and be issued a new card reflecting the change. The MNPD Human Resources Section shall then recover the employee's old card and cause it to be destroyed.

6. The department shall make a gift of an identification card to all retiring employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the

card, an employee must retire in good standing and be eligible to receive a service pension. An employee requesting a retired identification card must complete the certification request form available at Police Human Resources and such form be approved as required.

7. The card being used by the employee at the time of their retirement will be returned to the MNPD Human Resources Section where it will be altered to read "RETIRED" in bold letters, or another card specifically designed for retired employees will be issued to them. The card will then be presented to the employee at the same time the badge is presented.

G. Security/Access Card

1. An employee of the department shall possess, display, and use only the security/access card issued to them by the department, unless otherwise authorized by the Chief of Police. The employee will carry the card at all times during their tour of duty in order to gain access to secured areas where they have clearance to be in the performance of their duties.

2. The security/access card, in addition to providing identifying information, is computer programmed for each individual employee and allows access only to those areas authorized for their use. When necessary to gain access to secured areas not afforded by their card, an employee must make arrangements with an employee having access to such areas. Such arrangements will be limited to the performance of official duties.

3. As with the identification card, badge, or other official identification items, the security/access card will not be displayed or used to influence any personal or private gain.

4. Except to make changes which have been clearly approved in writing by the Chief of Police, an employee shall not cause any security/access card to be altered, re-programmed, or otherwise changed from its issued condition. When necessary for a security/access card to be "re-programmed" to accommodate a change of assignment, a written request signed by the affected employee's division commander, detailing justification for the change, will be forwarded directly to Police IT. The request may be sent via email to Police-ITSupport@nashville.gov, with the employee's division commander's approval noted. If approved a written directive will be issued authorizing the change.

5. When not in uniform, and exercising police authority, either in or around a secured area (e.g., the Metropolitan Justice Center, Communications Center, etc.), or around a location where a crime

investigation is being conducted, an employee shall wear their security/access card in full view at all times. The card will be attached to the outer most garment worn by the employee, in the area of the left breast pocket, and may be removed when it is a disadvantage to any enforcement or investigative action.

6. Upon any leave of absence, other than regularly scheduled days off and approved "short term" leaves (e.g., sick leave, vacation, etc.), an employee may be required to surrender their security/access card. If so, the card may be held by their division commander, or a designee thereof, until the employee returns to duty.

7. Upon leaving the service of the department, regardless of the reason, an employee will be required to surrender their security/access card. The card will be returned to Police IT, who will cause it to be destroyed immediately.

8. When any change occurs in their classification or name, an employee will return their security/access card to Police IT and be issued a new card reflecting the change. Police IT shall then recover the employee's old card and cause it to be destroyed.

H. **Departmental Patch**

All sworn officers of the department are authorized to wear a uniform identification emblem as an integral part of their prescribed uniforms as a means of identifying the Department, so as to expedite the performance of their official duties.

On all sworn uniforms where the standard issue departmental shoulder patch is required, it shall be worn on both shoulders (to include, the General Duty Uniforms, Class A and B, and the Utility Uniform).

No non-sworn employee shall wear this patch or any facsimile of this patch, either on or off duty, in a manner which may cause a reasonable person to believe that the employee is a sworn law enforcement officer.

For sworn personnel, the use of unit, section or division unique patches or logos, as a shoulder patch, shall be limited to special duty uniforms (trainee uniforms, bomb suits, flame retardant suits, camouflage or similar uniforms for SWAT/SRT responses). Unique unit, section or division shoulder patches shall not be worn on the General Duty Uniform.

The emblem will be of one-piece circular cloth construction, four inches (4”) in diameter, and bearing the full-color replica of the official seal of the Metropolitan Nashville Police Department.

Fig. 11 – MNPD Department Patch



The uniform identification emblem shall be properly positioned on prescribed uniforms, whereas:

(1) The emblems will be centered on the left and right sleeves;

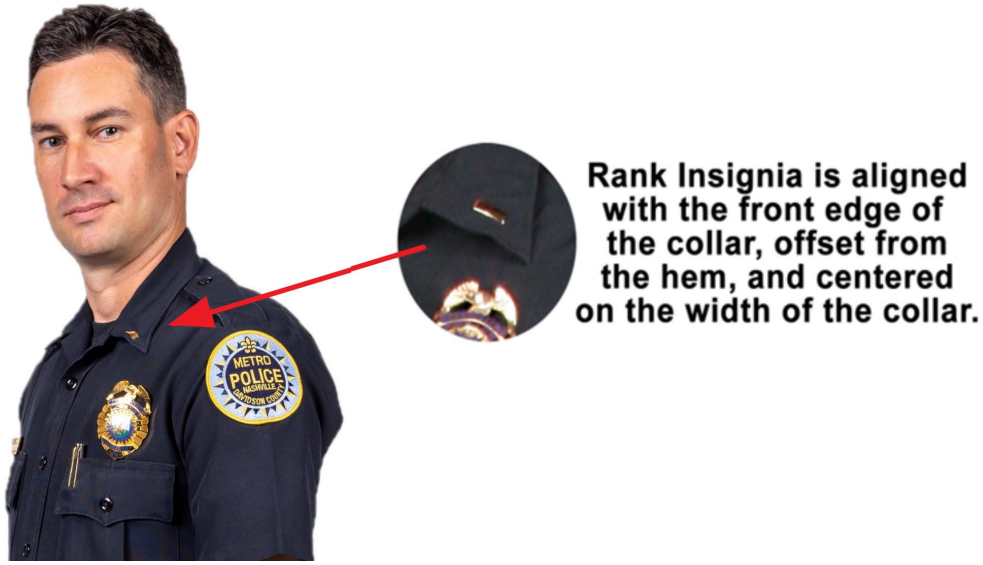
(2) The emblem will be sewn to the sleeve so as to be not less than ½ inch, nor more than ¾ inch below the shoulder seam of the garment.

I. Rank Insignia

In order to facilitate the recognition of supervisory rank amongst members of the department, employees shall utilize rank insignia on their various uniforms.

For the ranks of lieutenant and above, rank insignia will be worn on the shirt collar, aligned with the front/leading edge. On jackets and coats, lieutenants and above will wear appropriate rank insignia on the outer edges of the shoulder epaulets.

Fig. 12 – Rank Insignia Placement (Lt. and Above)



Sergeants and Field Training Officers shall wear their rank on the sleeves of their shirts and jackets, one-half inch below the Department Patch.

Fig. 13 – Rank Insignia Placement (Sgt. and FTO)



Fig. 14 – Rank Insignia Utilized by MNPD Sworn Personnel



Chief of Police

Assistant Chief

Deputy Chief

Inspector

Commander

Captain

Lieutenant

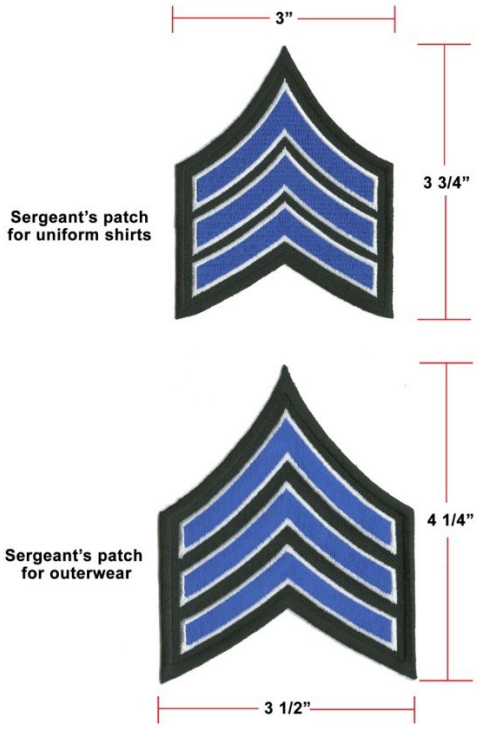


Sergeant

Field Training Officer

Cloth insignia patches for the rank of sergeant are available in two sizes: a smaller patch appropriate for uniform shirts (Class A uniform, Class B uniform, etc.), and a larger patch suitable for outerwear (all-weather jacket, etc.).

Fig. 15 – Sergeant Insignia



J. **Pins, Emblems, and Ribbons**

1. Except for those issued or authorized by the department, pins, emblems, or ribbons of any type will not be worn on a departmental uniform at any time. Wearing of authorized pins, emblems, or ribbons is optional. If worn, they will be worn as prescribed in these or other applicable provisions.

2. The following pins, emblems, and ribbons are authorized and may be worn as prescribed:

   a. **American Flag Pin**

      May be worn on the left pocket flap centered directly beneath the badge. The pin must not be more than one (1) inch in height or width.

   b. **Aviation, Mounted Unit, Canine, Motorcycle Officer, Honor Guard & Hazardous Devices Unit Pins**

      Such pins are authorized for wear by those sworn members who are currently assigned to that unit and hold current

certification, may wear such pins on the Class A or B uniform. The pin shall consist of an approved design, as described in the unit, section or division Standard Operating Procedure Manual, and be of the appropriate color for the officer's rank. It shall be worn centered above the nameplate assembly and any departmental award ribbons.

c. **Departmental Award Pins Ribbons**

May be worn centered directly above the nameplate and service emblem assembly.

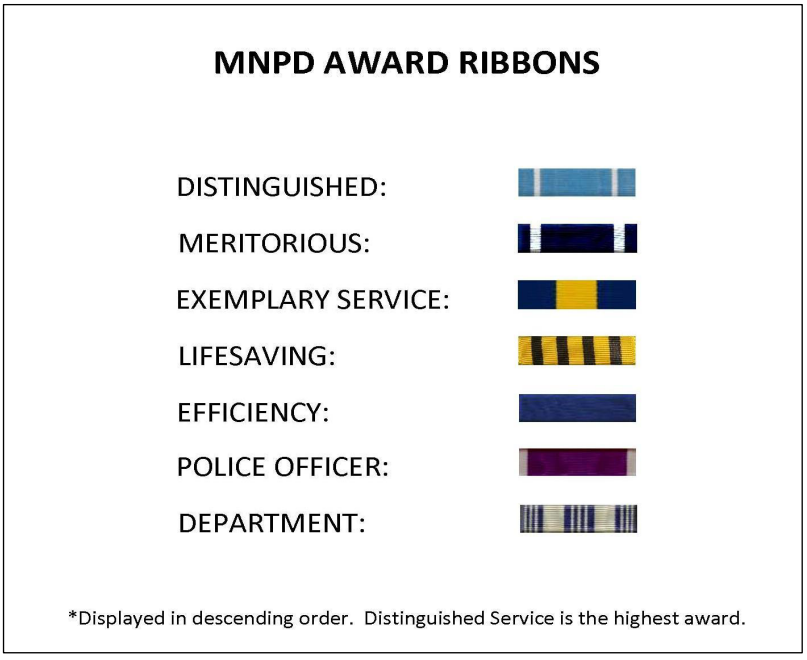
Departmental award ribbons shall be worn in the following manner:

(1) Ribbons will be displayed in descending order with the highest award ribbon displayed above any other ribbon displayed. *(Fig.16)*

(2) Only one (1) award ribbon of any type shall be displayed, regardless of the number of separate ribbons the employee may have received for the same award.

A single silver metallic star shall be affixed to the center of any ribbon for which the employee has received two (2) or more separate award ribbons of the same type.

Fig. 16 – Award Ribbons



d. **Medal of Valor**

The Metropolitan Nashville Police Department's highest honor shall be presented posthumously to an employee of the department who gave his/her life in the line of duty, while demonstrating personal bravery, strength of mind, or spirit, enabling him/ her to encounter apparent danger with firmness and courage.

Fig 16a – Medal of Valor



e. **D.A.R.E. and G.R.E.A.T. Pins**

May be worn by D.A.R.E. and G.R.E.A.T. certified instructors. Instructors certified to teach both programs may wear both pins simultaneously. Pins are to be worn on the pocket flap below the nameplate and service assembly, centered above the button. When both pins are worn simultaneously, the positioning should be side-by-side, with no less than a ¼ inch separation, and centered on the pocket flap with the D.A.R.E. pin to the outside (toward the right arm) of the G.R.E.A.T. pin.

f. **Drug Recognition Expert (D.R.E.) Pin**

May be worn centered directly above, and in contact with, the nameplate and service emblem assembly and, if worn, the Marksmanship Badge, if qualified by established training standards.

g. **Law Enforcement Accreditation Pin**

The wearing of the Law Enforcement Accreditation pin shall be optional for both sworn and Professional Support Staff employees. Uniformed employees who wish to wear the pin shall wear it centered above their nameplate. Employees wearing service awards shall center the pin above the awards. *(Fig. 10)*

h. **Marksmanship Pin**

May be worn centered directly above the nameplate and service emblem assembly, if qualified by the department's established firearms training standards.

i. **Metropolitan Government Service Pin**

May be worn centered directly below the nameplate & service pin assembly on the pocket flap centered over the button.

j. **Military Service Ribbon/Pin**

Military Service Ribbons (for uniformed personnel) or Pins (for non-uniformed personnel) may be worn by departmental employees who currently serve or have served in the United States Armed Forces. Ribbons may be worn centered directly above the nameplate and service emblem assembly and below any departmental award ribbons.

Prior to issuance Military Service Ribbon/Pin Verification Form, MNPD Form 198, must be submitted to, and approved by Police Department Human Resources.

Fig 17 – Military Service Ribbon/Pin



Military Service Pin



k. **Deceased Employee Mourning Pin**

(1) This pin may be worn by professional support staff employees during any period of departmental mourning

when sworn members are authorized to wear a black mourning band upon their badge.

(2) This pin may be worn by sworn or professional support staff uniformed employees who are authorized to wear a daily uniform which consists of a cloth badge patch, during any period of departmental mourning when sworn members are authorized to wear a black mourning band upon their badge

(3) The Chief of Police may authorize extended wear of this pin, by any employee, for up to 365 calendar days to honor the memory of an active duty employee who lost their life in the service of the department. Uniformed employees wearing such pin shall wear the pin on the left pocket flap centered directly beneath the badge.



l. **Chaplain Pin**

The Chaplain Pin may be worn by a sworn member who is <u>currently</u> assigned as a departmental chaplain. The pin shall be centered directly above the nameplate and service emblem assembly or worn on the collar of the General Duty Uniform.



m. **Peer Supporter Pin**

The Peer Supporter Pin may be worn by authorized MNPD employees that have successfully completed the Peer Support Training Program and have been approved to appointment by the Chief of Police. The pin shall be worn on the right uniform pocket flap directly under the employee's name plate.

n. **Other Law Enforcement Pins**

Other pins, recognizing achievement in departmentally sanctioned events or training, may be worn on the right pocket flap centered directly beneath the nameplate and service assembly. The pin may be worn on the Class A or B uniform by the employee who successfully achieved the established standards for the agency or authority who issued the pin (examples include, but may not be limited to, FBI Academy, PERF SMIP, Northwestern University Staff and Command School, certification pins for specialized fields such as firearms instructor, crash reconstructionist, etc.). The division commander of the employee shall have the authority to review and determine whether the wear of a pin under this provision is appropriate.

o. **Service Chevron**

Employee service is recognized at five (5) year intervals. All employees of the department shall be authorized to wear one (1) service chevron for each five (5) years of service.

(1) The service chevron shall be defined as a stripe or piece of braid, approximately two (2) inches in length by 1/8 inch in width, as worn on the sleeve to indicate length of service.

(2) The chevron will be sewn to the left sleeve two and three fourths inches (2 ¾”) above the top edge of the cuff.

(3) Employees may count service at other law enforcement agencies provided that the service was in a sworn, P.O.S.T. (Police Officer’s Standards of Training) certified (or equivalent) position and employee’s P.O.S.T. certification (or equivalent) has not lapsed during that time or between law enforcement agencies.

Fig. 18 – Service Chevron Placement



p. **S.W.A.T. Pin**

Active S.W.A.T. members, who successfully completed basic and advanced training programs, are authorized to wear a standard sized metal “S.W.A.T.” pin on their class A or B uniforms, centered on the flap of the left breast pocket.

Former S.W.A.T. members, who successfully completed basic and advanced training programs, and who left the assignment in good standing are authorized to wear, a small sized metal “S.W.A.T.” pin on their class A or B uniforms centered on the flap of the left breast pocket.

q. Personal items, such as pins, pendants and other such adornments, or any other item not otherwise authorized by this directive, may not be worn or displayed by an employee wearing the uniform.

8.20.090 Equipment

Upon issuance of any equipment to an employee, the department shall maintain a record and be responsible for the repair, replacement, and return of the items.

Equipment items which are considered component parts of the uniform shall be worn or carried at all times by employees while actually engaged in the performance of official duties. Officers shall refer to current training and policy regarding the appropriate placement and manner of carry of equipment items as part of the uniform. Such items include:

A. **Firearms and Ammunition**

Officers shall carry only firearms and ammunition authorized by current departmental policy governing firearms policy and procedure.

Employees shall be responsible for the storage and safekeeping of any departmentally owned or issued firearm(s) in accordance with current policy and procedure.

B. **Handcuffs**

1. An officer shall carry and use only the handcuffs issued or authorized by the department. They are a component part of the uniform.

2. An officer shall carry and use handcuffs only while acting in their law enforcement duty.

    a. When in uniform, handcuffs will be carried in a case approved as a component part of the utility belt assembly.

    b. When not in uniform, handcuffs shall be carried by means of an approved carrying case or strap, or simply tucked inside the belt of the employee's trousers, concealed from view of the general public.

3. In either instance, the officer shall also carry, or have readily available, at all times, the key to their issued handcuffs or any alternative they may be authorize to carry and use.

C. **Baton**

1. In its continuing effort to minimize injuries to all concerned in overcoming active aggression, the department shall issue each officer an expandable baton and holder to be carried while in the performance of their duties. An officer will carry and use the baton only while acting in their law enforcement duties. No baton shall be carried, unless it was issued or approved by the Training Academy and so documented in an approved lesson plan.

2. An officer will cause the baton to be carried in a safe and secure manner so as to avoid use by any unauthorized person. While in uniform, it will be carried by means of the carrying strap with a ring approved for the utility belt assembly. It must be kept readily available so that it may be carried on short notice.

D. **Utility Belt Assembly**

1. The utility belt assembly is comprised of the belt and associated duty gear including the holster for the firearm, ammunition case, handcuff case, and various other items approved by the Chief of Police.

    a. Duty gear with either finish may be purchased with the allotted clothing allowance.

    b. The leather duty belts with the “plain black” (flat finish) and the “high gloss” or “Clarino” finishes are approved for wear with the Class A or Class B uniforms. At no time shall officers wear a combination of the two finishes. The entire duty belt must be of one finish, except as currently authorized by necessity.

    c. Ballistic nylon duty belts may be worn by sworn officers who are attired in and authorized to wear the Utility Uniform.

    d. An approved lumbar belt support system may be used in conjunction with the utility belt assembly.

2. When in uniform, officers shall wear the utility belt assembly as a component part of the uniform, unless performance of official duties is occurring inside "secured areas" (e.g., Metropolitan Criminal Justice Center, Communications Center, etc.) out of view of the general public. In such instances, the utility belt assembly, including the firearm and other equipment items may be removed and stored in a location which affords adequate safety and security measures. Officers may choose to secure their firearm via carry on their person, if in an appropriate holster on a standard leather belt, while they remain in the secured area. Upon leaving such "secured areas", if only for a brief time period, the utility belt assembly will be worn.

3. Employees authorized to wear the Special Duty Uniform may be exempted from the general provisions regarding duty belts, provided that, provision is made within their unit, section, or division Standard Operating Procedures Manual to ensure that uniformed and/or identifiable sworn employees are appropriately armed and equipped to perform the duties of their assignment and as a law enforcement officer.

4. MNPD personnel with the rank of Captain and above are authorized to wear the following items with their Class A or B uniforms:

    a. A black belt with a gold colored buckle worn through the loops of pants;

b. An appropriate holster and their duty firearm; and

c. Such other items or equipment as may be appropriate.

E. **Portable Radio and Earpiece**

All officers will be issued a two-way radio, with the frequencies necessary to perform their duties, as a component part of the uniform. Any unauthorized use or alteration shall be considered grounds for corrective or disciplinary action.

1. Officers while in uniform shall have the Motorola earpiece on their person and ready for quick deployment. Officers should be wearing the earpiece while working incidents such as special events (New Year's Eve, the Fourth of July Celebration, CMA's, etc.), responding to incidents involving active killers, or when an officer is going to clear a location to deem it safe.

2. It is preferred the earpiece be utilized throughout the shift, as they provide a great tactical advantage to the officer. If an officer chooses not to wear the earpiece during their shift, the earpiece should be easily accessible and deployed in situations involving active killer responses and when searching for known or unknown threats.

F. **Taser®**

1. The TASER® is made available only to officers specifically trained in its use and authorized to carry it.

2. When carrying the TASER®, an officer shall cause it to be carried in a safe and secure manner at all times.

3. The TASER® must be carried in a cross-draw fashion on the opposite side of the employee's issued duty weapon.

4. Refer to the Use of Force policy for Taser specific provisions.

G. **Reflective Traffic Vests**

1. The department provides a high visibility reflective vest to its officers. The vest shall be of the style, color, and specification to meet the current departmentally recognized safety standards as adopted by the department or otherwise required by law. The vest shall bear the words "POLICE" and/or "METRO POLICE" in permanent black lettering so as to be clearly visible from the front and back when in use.

2. The vest shall be worn with the full prescribed uniform when conditions make it practical to wear such equipment prior to initiating manual traffic direction and control.

3. The use of high-visibility clothing while engaged in the manual direction of traffic enhances officer safety as well as driver recognition and response. It shall be the policy of the Metropolitan Nashville Police Department that the reflective traffic vest shall be worn by officers engaged in the manual direction of traffic at fire and accident scenes as well as any other event that requires manual traffic direction and control.

H. **Specialized Equipment**

1. The department shall issue or authorize an appropriate level of equipment (helmet, protective masks or clothing, personal protective equipment, personal flotation device, throw bag with rope, etc.) to every sworn officer for wear and/or use when necessary for personal protection under circumstances that pose a substantial risk of serious bodily harm (e.g., civil disturbances, riots~~,~~ or other large scale disorder, biological hazards, or water hazard, etc.).

2. Appropriate specialized equipment shall be worn by personnel when warranted or at the direction of a supervisor. It shall be the responsibility of on-scene supervisors to monitor conditions and determine if a more appropriate level of protective equipment is needed.

3. An officer assigned a departmental vehicle will secure such equipment in the trunk of their vehicle or other approved manner. If no vehicle is available, it shall be secured at a location approved by the employee's supervisor.

4. All such equipment shall be maintained in a state of readiness and worn and/or used in a manner consistent with training or best practices.

I. **Whistle**

1. An employee shall carry and use only the whistle approved to aid in the performance of official duties, particularly when directing traffic or safeguarding an accident scene.

    a. **When stopping traffic**, an employee will extend their arm and an open hand in the direction of the oncoming traffic, and at the same time render **one long blast with the whistle.**

b. **When starting traffic,** an employee will extend their arm and an open hand in the direction of the stopped traffic and give a clearly visible motion with their arm in the direction they wish the traffic to proceed, and at the same time render **two short blasts with the whistle.**

J. **Body Armor**

It is the policy of this law enforcement agency to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1. The department will:

   a. Provide to all sworn personnel and armed property guards, a Level II or higher body armor for their safety and protection**.**

   b. Require the use of department issued body armor in field activities and pre-planned situations that may pose a high-risk to sworn personnel.

   c. Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

2. Procedures

   a. Employees shall wear only agency-approved body armor.

   b. Use of Body Armor

      (1) When attired in a departmental uniform, on or off-duty, employees are required to wear body armor while engaged in field activities (defined herein), except as follows:

         (a) When an agency-approved physician determines that an employee has a medical condition that would preclude wearing body armor. Such employees may be precluded from certain assignments and details. The written documentation will be maintained in the employee’s medical file.

         (b) When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor;

(c) When the duty assignment is designated as primarily administrative or support; or

(d) When the department determines that circumstances make it inappropriate to mandate the wearing of body armor.

(e) Sworn personnel not wearing body armor will ensure the body armor is kept in close proximity so it may be put on if their assignment or activity changes.

(2) Body armor shall be worn by recruit officers during both classroom and field training.

c. Sworn personnel (and armed property guards) will, subject to supervisory observation and periodic documented inspections:

(1) Ensure that body armor is worn and maintained as required by this policy, or if not assigned to an activity requiring body armor to be worn, have it immediately available in the event they must be called on for an activity requiring body armor to be worn.

(2) Shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

(3) Personnel are responsible for the proper storage, maintenance and care of body armor. Personnel shall, without undue delay, report any damage or excessive wear to the ballistic panels or cover, or issues with fitting to their supervisor. Adjustments or replacements shall be made as soon as reasonably possible.

d. Pre-planned High-risk Police Activities
Sworn personnel shall wear body armor when engaged in pre-planned high-risk police activities, which include all:

(1) Raids;

(2) Pre-planned arrest situations, with or without a warrant, and applicable search warrant executions;

(3) Pre-planned searches for wanted persons;

(4) Hostage/barricaded subject situations;

(5) Crowd control situations;

(6) Dignitary security;

(7) Prison riots; or

(8) Stakeouts or Surveillance dealing with individuals who have a history of violence or the propensity for violence.

e. Replacement of Body Armor

(1) Body armor will be replaced, at a maximum, every seven years.

(2) During required line inspections, supervisors will inspect subordinates' body armor for maintenance, wear and proper fit.

(3) When body armor requires replacement, the officer will submit a memorandum through the chain of command to the Training Division Confrontation Management Section requesting to be refitted.

f. Disposal of Body Armor

(1) When body armor requires replacement, the officer will hand in their old body armor before receiving the replacement armor. The armor will be turned over to the Training Division Confrontation Management Section.

(2) The Confrontation Management Section will be responsible for disposal of the returned body armor consistent with legal requirements. The Confrontation Management Section will be responsible for maintaining documentation for each article of armor.

K. External Body Armor Carrier

As an option to the standard issue body armor, sworn MNPD officers shall be permitted to wear the approved external body armor carrier manufactured by Armor Express. External body armor carriers are permitted to assist officers in performing police-related functions by allowing versatility in how they carry necessary and required uniform equipment. The optional external body armor carrier is composed of uniform material that shall be worn over the approved polo style shirt.

The approved external body armor carrier is manufactured by Armor Express (MNPD Uniform Vendor has authorized model number), navy

blue in color. These are specifically fitted to the employee's issued ballistic body armor.

External body armor carriers will be standardized and uniform in order to present a professional appearance at all times. Only the authorized body armor carrier(s) listed herein are approved for wear with MNPD duty uniforms. Only those items authorized by MNPD policy may be worn or displayed on the external body armor carrier.

1. External body armor carriers must only be worn with the approved polo type undershirt, navy blue in color.

2. The external body armor carrier shall display the issued or approved MNPD badge and nameplate at all times while being worn.

3. The external body armor carrier shall **NOT** be worn with the Class "A" uniform.

4. While wearing the approved/authorized external body armor carrier officers may, at their discretion, remove the carrier for short periods of time. (i.e., while at precinct, headquarters, AND outside public view). However, the external carrier MUST be worn before reengaging in field activities.

5. The ballistic panels of the officer's concealable vest **must** be transferred to the external body armor carrier if the wearer chooses that option.

6. Employees shall carry their duty weapon and primary magazines on their duty belt separate from the carrier.

7. The following items may be worn on the authorized external body armor carrier. Note, a specific list of equipment and pouches (make and model) that are authorized to be worn on the external body armor carrier shall be posted on the PDWeb site under the "Quick Links" column. All items must be black in color:

    a. MNPD Approved Body Worn Camera shall be properly affixed to the non-dominant hand side vest pocket.

    b. Taser®: Must be worn utilizing the approved holster and molle adapter for the current holster. Must be worn on cross-draw configuration on the non-dominant hand side.

    c. Handcuff case.

d. Additional magazine pouches.

(1) A total of 4 magazine pouches may be worn in any combination (handgun and/or rifle).

(2) Pocket slits located beneath each breast pocket may be utilized for additional rifle magazine pouches.

e. Chemical spray holder.

f. Asp baton holder.

g. Radio holder.

h. Flashlight holder (mini type).

i. Only those patches, emblems, insignia or other attachments which are issued or approved for external carrier use, shall be affixed or displayed on the carrier.

8. Employees must demonstrate proficiency in drawing and utilization of equipment carried on the external carrier prior to use in the field. Employees must report to MNPD firearms training staff for inspection and approval. This can be done during scheduled in-service days or the employee may make an appointment with firearms staff.

9. Generally, absent unforeseen circumstances, the external body armor carrier shall not be authorized for court. Officers attending court on days of their regular scheduled working day may wear the carrier. However, this does not apply to federal court. Officers attending federal court **shall not** wear the external carrier regardless of scheduled working day.

10. It is the responsibility of all employees to ensure that the overall appearance of their external body armor carrier is properly maintained (fading, stitching, color, etc.). Supervisors should inspect personnel under their command for proper wear and care.

Fig. 19 – Class B Uniform External Body Armor Carrier



L. **Rainwear**

The department will issue or approve a raincoat, trousers, cap cover, and footwear or similar items that can be worn with the uniform during inclement weather. The items shall be worn in a manner consistent with training, manufacturer recommendations, and/or best practices.

8.20.100 Non-Uniform Apparel

A. When it is determined that an individual assignment is likely to be performed more effectively by allowing employees to wear apparel other than prescribed departmental uniforms, "approved" non-uniform apparel may be worn. The rank of captain and above may wear approved non-uniform apparel while performing their assigned duties. All other employees must have prior approval from their division commander before wearing non-uniform apparel during their scheduled work hours. When required to attend other official proceedings, court, grand jury, etc., approved non-uniform apparel or the uniform will be worn unless otherwise directed.

B. When wearing non-uniform apparel, sworn employees acting in their capacity as a law enforcement officer shall wear a coat or jacket which adequately conceals from view any firearm, handcuffs and related equipment, so as to avoid undue alarm or concern by anyone, afford

maximum security for such equipment, and thereby minimize safety hazards while in the presence of others. When at the office, duty station, inside vehicles, or otherwise not in view of the general public, employees may remove the coat or jacket.

C. The standards to be observed by **all** employees regarding non-uniform apparel and related matters shall be comparable to those currently observed in the "conventional" business community, but with these added requirements:

1. Apparel shall not be of a style, design, material, color, or any combination thereof that it is in striking contrast with others;

2. Apparel shall not be altered from its original form, by extravagant styling to the extent that it is tattered, appears unkempt, or otherwise provokes controversy; and

3. Apparel must be clean, well-tailored and form-fitting, so as to project a quality appearance at all times.

D. With regard to the items, or any combination which comprise authorized non-uniform apparel:

1. **Business suits** or **casual sportswear** shall be worn by all employees, with a coat or jacket worn at all times while knowingly in view of the general public;

2. **Neckties** will be properly tied and positioned;

3. **Shirts** or **blouses** of a dress or sport design may be worn with an open collar with the top button unfastened when a necktie is not required by the division commander. Shirts or blouses, without collars and/or sleeves (e.g., tank tops, T-shirts, etc.) are not authorized unless covered by another garment that is considered a component part of the outfit;

4. **Sweaters** of varying designs (e.g., V-neck, turtleneck, button type, etc.) may be worn for comfort or to complement casual sportswear;

5. **Trousers** or **slacks** must be worn at a length comparable to that specified for uniform trousers and slacks. They may be "flared", up to a maximum of two inches, as determined by straight flow of the pants leg. Cuffs, of current tailored style, are optional;

6. **Dresses and skirts** shall be no shorter than one (1) inch above the knee and no longer than ankle length when standing in an up-right position;

7. **Footwear** must be made of leather or suede. Buckles, straps, zippers, and other ornamental appointments must not exceed two inches in overall size. Heels must not exceed two and 1/2 inches in height. Open style, multi-strapped footwear, such as sandals or any athletic type footwear, are not authorized;

8. **Socks** must be coordinated with the apparel worn. Nylon type hosiery of a coordinated color will be worn and properly positioned as intended by design and purpose; and

9. **Belts** must be coordinated with apparel worn. The width must not exceed two inches. Buckles must not exceed two inches in overall size. When worn, they must be properly fastened and positioned, as intended by design and purpose.

E. Various accessory items are authorized for an employee's convenience and comfort, provided the following provisions are observed:

1. **Hats** or **caps** must be of a conventional dress or sports styling;

2. **Handbags** or **purses** must be made of leather or material which coordinates with apparel being worn; and

3. **Topcoats** and **raincoats** must be of conventional dress or sports styling.

F. **Supervisory Discretion**

A division commander shall have the authority to require certain employees under their command to adhere to a stricter or more lenient dress code than other employees.

G. **Health Exceptions**

Exceptions to the dress code will be allowed when the health of the employee is involved (i.e., slippers may be worn for foot injuries; leg casts may necessitate one pant leg to be cut off, etc.). Dress code exceptions for health reasons must be precipitated by a physician's explanation.

8.20.110 Personal Appearance

When at work, all employees will present a positive and professional appearance consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. Dress and appearance shall not be a distraction to others in the workplace, and shall be within acceptable standards of health, safety, and public contact. The Chief of Police, or designee, exclusively reserves

the right to determine acceptable standards of appearance for Police Department employees. Departmental regulations governing authorized clothing and equipment are listed in specific established policies and procedures.

A. **Cleanliness / Hygiene**

1. When reporting for duty or acting in an official capacity, an employee shall present himself/herself in a professional manner. Employees and their attire shall be free of any dirt, impurities, or extraneous matter so as not to be offensive to others.

2. Employees shall not wear perfume or cologne to an extent that is offensive or distracting, and must be mindful of others who may have health concerns, such as allergies and/or low tolerances, when exposed to perfume or cologne in excessive amounts.

3. Employees shall maintain personal hygiene so as not to affect the health and safety of others or cause any disruption or distraction in the workplace.

4. Supervisors shall have broad discretion as to what is excessive or what is a disruption and/or distraction in the workplace.

B. **Grooming**

1. When reporting for duty or acting in an official capacity, employees shall present themselves in a well-groomed manner. Attire shall be properly cleaned, pressed, and in good repair.

2. Employees shall keep their footwear properly cleaned, polished, and in good repair. Sworn employees shall maintain their leather equipment in like condition.

3. Sworn employees shall keep their issued metal items such as badge, cap emblem, nameplate assembly, belt buckle, and etc. properly cleaned, polished, and in good repair.

C. **Posture**

Except as necessary in the performance of their official duties, employees shall assume a straight and upright posture whether standing, walking, or sitting.

D. **Physical Condition**

Employees shall strive to maintain the best possible physical condition by giving proper attention to the development and care of their bodies. They shall adhere to proper diet and exercise programs necessary to

ensure that their weight is maintained in proportion with their height. As it relates to any disciplinary action that may be indicated by this requirement, only employees having impaired physical conditions, which are verified in writing by a physician, will be exempt from these provisions.

E. **Hair**

1. Hair styles shall not interfere with the proper wearing of department headgear.

2. Uniformed male employees' hair must be worn in such a manner so that it does not touch the eyebrows, ears, or collar or extend below the collar of any garment being worn. Sideburns must be straight and not extend below the bottom lobe of the ears. Flared styles such as "lamb chop" or "mutton chop" are not permissible.

3. Uniformed female employees shall wear their hair in a style that prevents any hair from extending below the bottom edge of the collar of any garment being worn.

4. Ornamental hair accessories are prohibited for sworn employees but may be worn by non-sworn employees.

5. Hair coloring must appear natural. Bizarre or extreme hairstyles are prohibited.

6. Employees may wear false or cosmetic hairpieces as long as they do not conflict with the aforementioned provisions.

7. Employees shall not wear a prescribed departmental uniform while wearing a non-regulation hair style.

F. **Facial Hair**

1. Employees may wear classic style beards, goatees, mustaches, or other arrangements that presents a professional and groomed appearance that is not exaggerated or in contrast with generally accepted professional business standards.

2. Facial hair shall be neatly combed, trimmed or shaved and, for sworn employees, generally no longer than ½ inch so as not to interfere with assigned duties or issued equipment.

3. Sworn employees with facial hair shall follow departmentally provided training regarding deployment and use of personal protective equipment. The following styles of facial hair are not permitted:

a. Patchy beards of uneven growth or regular/persistent stubble.

b. Designer beards, mutton chop beards, “chin strap” beards, beards that extend down the front of the neck or other extreme designs, shapes, styles, or of unnatural color.

c. Other styles as may be determined by supervisory personnel and subject to review by the Chief of Police or authorized designee.

G. **Fingernails**

1. When reporting for duty or acting in an official capacity, employees shall keep fingernails clean and neatly trimmed so as not to interfere with performance of duty, distract from the professional image, or present a safety hazard.

2. Sworn members are permitted to wear nail polish that is professional, a single solid color on all nails and in good taste. Artificial nails or artificial nail products, e.g., tips, jewelry, overlays, wraps, decals, or applications, etc., may not be worn by sworn employees.

H. **Jewelry**

Employees shall be permitted to wear watches, rings, bracelets, earrings, and necklaces with the following restrictions:

1. Only one ring per hand shall be authorized. A wedding ring/engagement ring combination shall count as one ring.

2. Necklaces or bracelets are prohibited for uniformed employees except for Medic-Alert necklaces and bracelets.

3. Facial jewelry is prohibited for all employees with the exception of authorized earrings.

4. Earrings/Body-Piercings

a. Earrings are expressly prohibited for sworn employees while in uniform, with the following exceptions:

(1) Sworn female employees may wear single stud earrings, gold or silver in color, or a single stone having a diameter of not more than ¼ inch; and

(2) They must be worn in matching sets in the right and left earlobe, with a maximum of one per ear.

b. Earrings are authorized for non-uniformed female employees as long as they are no more than 1 ½ inches in length, circumference, or size, and do not pose a safety hazard. They must be worn in matching sets in the right and left earlobe with a maximum of one per ear.

c. Exposed body-piercings or body-piercings that may be visible, other than authorized earrings, are expressly prohibited for all employees.

I. Body Art and Physical Alterations

In such that a professional appearance is vital in the public's perception of the MNPD's values and community commitment to service, all employees shall adhere to generally accepted business standards of law enforcement agencies for appearance; particularly with respect to tattoos, body art and intentional physical alterations*.

**Intentional physical alterations include, but is not limited to, any outwardly visible branding, scarring, resection, tooth filing, micro-dermal or transdermal implantation, eye tattoos, or unnatural tooth coloring. It does not include medically necessary procedures or generally accepted surgical procedures or augmentation.*

1. Sworn and professional support staff uniformed MNPD employees are prohibited from displaying any tattoos, body art, or markings of an offensive, provocative nature or that are obscene and/or advocate sexual, racial, ethnic, religious discrimination or that undermine MNPD values or are contrary to generally accepted business standards of law enforcement agencies.

   Examples of offensive tattoos, body art, or markings include but are not limited to:

   a. *Depictions of intolerance or discrimination against any race, religion, gender, or national origin,*

   b. *Sexually explicit or vulgar art, words, phrases, or profane language,*

   c. *Symbols likely to incite a strong reaction in the work environment (for example, swastikas or similar symbols), or*

   d. *Initials, acronyms, or numbers that represent criminal or historically oppressive organizations (for example, any street gang names, numbers, and/or symbols).*

2. Employees who have direct contact with the public are prohibited from acquiring any new tattoos, body art, markings that would be visible above the collar bone,-except cosmetic tattoos (tattoo makeup on the eyes, lips, or eyebrows with a natural appearance).

3. Any tattoos, body art, markings that would be visible while in the authorized MNPD Class "A" uniform must comply with generally accepted business standards of law enforcement agencies.

4. For professional support staff employees, any tattoos, body art, markings that would be visible, while attired in business attire must comply with generally accepted business standards of law enforcement agencies. Likewise, professional support staff employees are prohibited from displaying excessive tattoos or body art that would detract from an appropriate professional appearance for law enforcement agencies.

5. Visible intentional physical alterations of the body that are not consistent with generally acceptable business standards for law enforcement agencies of appearance are prohibited.

6. The chief of police or designee is the final authority as to the appropriateness of any tattoo, body art or marking.

7. These provisions would not preclude employees from undergoing required medical procedures to ensure the health of the employee.

J. **Exceptions**

A Division Commander may exempt personnel assigned to special enforcement activities which require an inconspicuous appearance, from the provisions of items A, B, E, F and H of this section.

8.20.120 Court Appearance and/or Administrative Hearings

A. Personnel shall exhibit a manner of dress and personal appearance that is consistent with current departmental policy and procedure governing court appearances.

B. The commander of the Court Appearance Section has the discretion to determine if the attending personnel's appearance is in compliance with departmental policy and also has the authority to take appropriate disciplinary action, if necessary.

8.20.130 Authorization for Commemorative Badges or other Insignia

A. To commemorate the distinguished service of the men and women of the MNPD, a significant event or celebration, the Chief of Police may approve a commemorative badge and/or other insignia.

B. Such commemorative badge shall be an authorized alternate to the regular department issued badge. A member who does not obtain a commemorative badge will continue to wear and/or use the standard department issue badge.

C. Badges will bear the members current title and current badge number.

D. Wearing and/or use of the commemorative badge shall be limited to the period which may be proscribed in a formal announcement. It shall only be worn or used consistent with established policy regarding departmental badges.

E. **Authorized Persons**

1. Currently employed sworn members may order, receive or wear a commemorative badge.

   NOTE: Those members who will graduate from the Metro Police Training Academy during the commemorative period shall also be eligible to order, receive, and wear a commemorative badge. Such badges shall be presented to the member at the graduation ceremony or thereafter.

2. Members are authorized to purchase one (1) breast badge.

3. Badges will be issued via Metro Police Supply. Employees receiving a commemorative badge shall sign for receipt of the badge.

4. Further issuance of or authorization to purchase commemorative badges shall only be with approval of the Chief of Police, or authorized designee.

F. **Commemorative Badge Retirement and Retention**

1. The commemorative badge shall be considered the property of the Metropolitan Police Department.

2. Upon the expiration of the time period for wear of the commemorative badge design, it shall be permanently retired from service and, consistent with the provisions herein, will become the property of the member to which it was officially issued.

3. A commemorative badge, issued to a member who retires or otherwise separates from service in good standing during the commemorative period, will also retain the commemorative badge as their property.

NOTE: The MNPD does not authorize any member who separates from the department in any manner to carry or otherwise display the commemorative badge in an official capacity as a law enforcement officer.

4. Members who otherwise separate from service not in good standing or have surrendered such badge, consistent with established policy, shall not retain the commemorative badge except by approval of the Chief of Police, or authorized designee.

5. Insignia, similar in design to a badge or other device may be similarly authorized or issued to non-sworn members to be worn or used in a manner consistent with a commemorative badge.

Title 8: Equipment and Uniforms

8.30 Body Worn Camera & In-Car Camera Systems

8.30.010 Policy

Body Worn & In-Car Camera (BWC/ICCs) systems are an effective law enforcement tool that reinforces the public's perception of police professionalism and transparency, and preserves factual representations of officer-citizen interactions. BWC/ICCs have the potential to improve community relations, strengthen public trust in law enforcement, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluation.

The Metropolitan Nashville Police Department respects the legitimate privacy interests of the citizens and visitors of Nashville-Davidson County, TN when utilizing BWC/ICCs.

BWC/ICCs are effective in capturing video and audio evidence for use in criminal and internal investigations. BWC/ICCs also serve to enhance the accuracy of officer reports and testimony in court. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes. BWC/ICCs may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

Body Worn or In-Car Camera Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

This policy does not govern the use of surreptitious recording devices used in investigative operations.

8.30.020 Definitions

A. **Activate:** The mode in which the BWC is on and is actively recording an event. Once the BWC is activated from the Standby mode, sixty seconds of video prior to activation will be captured in addition to video and audio recorded upon activation.

B. **Body Worn Camera (BWC):** A mobile audio and video capture device that is worn on an officer's person to allow an officer to record what is seen and heard. The BWC recording devices assigned by the department are the only department authorized and approved BWC systems. This BWC definition does not include

surreptitious recording devices used in investigative operations.

C. **Body Worn Camera/In-Car Camera Program Administrator:** A command level sworn position responsible for the oversight and management of the BWC/ICC Program, which includes inventory management, training, deployment, system evaluation, policy review, internal auditing, procedure review and evaluation, and coordination with the BWC/ICC Systems Administrator.

D. **Body Worn Camera/In-Car Camera Systems Administrator:** A civilian professional specialist position responsible for management of the BWC/ICC Program technology and maintenance of the hardware and software systems.

E. **Body Worn Camera/In-Car Camera Unit (BIU):** The unit within MNPD IT which is responsible for the acquisition, issuance, and maintenance of BWC/ICC systems, including but not limited to the equipment, storage solutions, access and dissemination controls, and CAD, RMS, and justice system software interfaces.

F. **Categorization:** The process whereby an employee categorizes a video for evidentiary or information purposes resulting in the recording being retained based on an established retention schedule, and assigned the appropriate MNPD incident number to the recording.

G. **Critical Incidents:** Includes the use of deadly force or officer involved incidents resulting in serious bodily injury or death, or the death or serious bodily injury of an employee.

H. **Deactivate:** When the BWC/ICC is placed in Standby mode, which ends the recording session.

I. **In-Car Camera (ICC):** Refers to any departmentally installed system that captures audio and video recordings, that is capable of installation in a vehicle, and that includes at minimum: camera, recorder, and display. The ICC recording devices assigned by the department are the only department authorized and approved ICC systems.

J. **Standby Mode:** The mode in which the BWC/ICC is turned on but not actively recording an event.

K. **Video Evidence Management System (VEMS):** The repository for video from BWC/ICC systems. The VEMS is a combination of hardware and software used to generate, collect, store, protect, retrieve, review, transmit, export, and archive video evidence that are created from body worn cameras, In-Car Camera systems, and various other video sources. The VEMS tracks and provides an extensive audit log of all activity to protect chain of custody.

8.30.030 Training

A. Any MNPD employee who has completed the prescribed training curriculum is authorized to deploy a BWC/ICC for any legitimate law enforcement purpose consistent with this policy.

B. Before an employee deploys with a department issued BWC/ICC camera, they will complete department training on the proper use of the equipment and procedures for uploading recorded data. Such training will be documented via approved MNPD Lesson Plan and appropriate rosters maintained by the Training Division. This training will include:

1. Objectives of the BWC/ICC Program;

2. Camera operation;

3. Proper placement of the camera;

4. Department policy on camera usage;

5. Recording advisements;

6. Access, storage, and retention; and

7. Scenario-based exercises.

8.30.040 BWC/ICC Systems User Manual

Police IT will disseminate a Body Worn Camera & In-Car Camera Systems User Manual containing operating instructions and instructions regarding equipment maintenance, download, storage, charging, and other functions of department issued BWC/ICC equipment**.**

8.30.050 Pre-shift function Checks

A. At the start of the shift, employees will perform a check, as outlined in the BWC/ICC training and User Manual, for issues with any of the following:

1. Damage;

2. Camera mounting;

3. Recording functionality;

4. BWC and ICC synchronization;

5. Previous uploads; and

6. Adequately charged battery and any backup batteries.

B. Any time the employee is aware of equipment malfunctions, the employee will promptly:

1. Notify an appropriate supervisor;

2. Notify Police IT BIU staff for troubleshooting by contacting them at 615-862-7860, on radio channel P211, or at Police-ITSupport@nashville.gov.

C. When a supervisor becomes aware that an employee has a malfunctioning or defective BWC/ICC, he/she shall, in consultation with the BIU, determine whether the BWC/ICC can be replaced or repaired prior to the employee reporting for assignment. The BIU shall maintain documentation of reported issues with BWC/ICC equipment.

D. Consistent with established policy for inspection of departmental equipment, only those MNPD supervisors who have received authorized training with BWC/ICCs should conduct inspections of BWC/ICC equipment.

8.30.060 Employees Will Only Utilize BWC/ICC Equipment Issued by the Department

Employees who are issued or assigned BWC/ICC's shall not utilize any personally-owned BWC/ICC. This shall not preclude the taking of photos/video to preserve evidence in accordance with MNPD Manual - Evidence Storage Division 6.10. All data, images, video, and metadata captured, recorded, or otherwise produced from any BWC/ICC shall be used for official law enforcement purposes only and are the property of the Metropolitan Government.

8.30.070 Proper Wear or Use of the Camera, Alterations, & Modifications

A. The department will issue BWCs to authorized employees. Such employees will be trained in the proper use of the BWCs and shall wear the BWC's consistent with this policy and departmental training.

B. The BWC shall be affixed to the front of each employee's uniform consistent with MNPD training, and in a manner that no obstructions from clothing or gear interfere with proper recording. The BWC should be positioned to capture the best recording possible of the employee's scene and interactions with persons on that scene.

C. Employees assigned to administrative elements and those in plain clothes assignments shall consult their Standard Operating Procedures (SOPs) in addition to this policy for proper wear and use of BWC/ICC systems while working in these capacities.

D. BWC/ICC equipment is not user serviceable, therefore employees shall not attempt to alter, modify, or disassemble the camera or attempt to access the internal storage, files, programs, or configuration of the BWCs either wirelessly or by direct connection. Any necessary modifications must be authorized by or completed by the BIU.

8.30.080 Employees Will Record Police Activity

A. Employees will activate the BWC/ICCs, consistent with this policy to record any investigative or law enforcement activity involving a member of the public.

B. Considering the inherent 60 second buffer (video without sound) of the devices, where practical and safe, employees shall activate their BWC/ICC devices prior to initiating any investigative or law enforcement activity involving a member of the public. If an employee is unable to activate prior to initiation, the employee shall activate the device as soon as it's reasonably safe and practical to do so. Investigative and law enforcement activities include, but are not limited to:

1. Dispatched Calls for Service

    a. BWC/ICC shall be activated upon dispatch to emergency (response code 3) calls for service, starting when dispatched and ending with completion of police interactions or return to service;

    NOTE*: Nothing herein should prohibit an employee from activating the BWC/ICC upon dispatch or at any point during the response to a non-emergency call (response code 1 or 2) when the employee has a reasonable belief that relevant or evidentiary video may be obtained by such activation.*

    b. BWC/ICC shall be activated just prior to arrival on code 1 and code 2 calls for service.

2. Investigative stops or other investigatory encounter involving a member of the public;

3. Traffic stops;

4. Observed criminal activity;

5. Arrests and seizures, or attempts to arrest or detain;

6. Searches and inventories of vehicles, persons, or premises;

7. Vehicle and foot pursuits;

8. Transport of persons in custody or otherwise not free to leave (i.e., under arrest, mental health transport, etc.);

9. Canine searches;

10. Critical incidents, as defined herein;

11. Crowd management and control with a reasonable likelihood of enforcement or investigative contacts;

12. Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event.);

13. At any time an employee believes the event or encounter should be recorded for investigative or administrative purposes, or

14. Other investigative or law enforcement activities where, in the employee's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

NOTE: *In some circumstances, it may not be possible to capture images of an incident or of an entire incident due to environmental conditions, the location of the employee, the location of the camera, or other factors; however, the audio portion can be valuable evidence and is subject to the same activation requirements.*

C. Employees operating a vehicle equipped with an ICC shall ensure the rear seat camera recording is included with a recording event anytime a person or evidentiary item is placed inside the rear seat area.

D. If circumstances prevent recording with BWC/ICCs at the beginning of an event or if a routine interaction unexpectedly becomes hostile or contentious, the employee shall begin recording as soon as practical.

E. The BWC/ICC should not be used as a substitute to record a formal statement from a victim or a witness.

F. Nothing in this policy should place the acquisition of a recording

ahead of the safety of the public or employees. An employee should never choose his or her positioning based on obtaining a recording, if it would sacrifice the safety of the employee or others.

G. If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, may authorize the BWC/ICCs recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or law enforcement efforts.

H. Employees assigned to Federal Task Forces

In addition to following MNPD policy and procedure, MNPD employees assigned to positions as Federal Task Force Officers (TFO's) will adhere to any MOU in place between each agency. Where a conflict may exist, employees will follow MNPD policy and notify their supervisory chain of command. Employees wearing a BWC while performing official duties as a TFO will clearly identify themselves as a Federal TFO and which agency they are assigned to at the beginning of each recording.

I. Extra-Duty Employment & Special Events

When working police-related extra-duty employment or an SEU assignment, all employees and supervisors who have been assigned a BWC are required to activate their BWC to record all law enforcement activities consistent with this policy. Employees must upload any video captured during extra-duty or SEU employment activities as soon as practicable, but not later than 72 hours after the event. If any law enforcement activities or other events as described in 8.30.080, Section B, (5, 6, 7, 8, 9, 10, 11, or 12) are captured or when specifically directed by a supervisor, the BWC video shall be uploaded prior to the conclusion of the extra-duty employment.

J. Off-Duty Use

1. ICC

A vehicle with an ICC, being utilized off-duty for authorized purposes (e.g. court, in-service training, etc.) shall abide by all requirements for on-duty ICC use.

2. BWC

An employee with an assigned BWC, while off-duty in uniform shall abide by all requirements for on-duty BWC use.

3. Video Upload Related to Off-Duty Use

Employees must upload any video captured during off-duty activities as soon as practicable, but not later than 72 hours after the event. If any law enforcement activities or other events as described in 8.30.080 Section B, (5, 6, 7, 8, 9, 10, 11, or 12) are captured or when specifically directed by a supervisor, the BWC video shall be uploaded prior to the conclusion of the off-duty event which required video capture.

NOTE: *"Extra-Duty" and "Off-Duty" shall have the same meanings as defined in Department Manual 4.30.020.*

8.30.090 Protecting Privacy and Dignity

A. Employees are not required to obtain consent from members of the public when the employee is lawfully in the area where the recording takes place. Whenever possible, safe and practical, employees are expected to inform individuals that they are being recorded; particularly with respect to interviewing victim and witnesses. Employees should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.

B. Employees are strongly encouraged to record all interviews for evidentiary purposes-consistent with established policy on interviewing victims, suspects or witnesses; however, employees are afforded discretion in deciding whether to record an interview in certain, articulable circumstances. Consideration should be given to the need to obtain a statement versus concerns that a person may be reluctant or unwilling to do so on camera.

C. There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child care facilities, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWC/ICCs would impede or limit the cooperation of a victim or witness. At such events or locations, at the employee's discretion and based on the circumstances, BWC/ICCs may be deactivated. The employee may consider the option to divert the camera away from any subjects and record only audio, if appropriate.

D. When an employee has reason to believe such circumstances exist, the employee shall state on the recording the reasons for deactivation or diverting the camera view and then may deactivate or divert the BWC/ICCs.

E. If the use of BWC/ICCs appear to be impeding or limiting the cooperation of a victim or witness, the employee is expected to:

   1. Advise the individual of the advantages of having the incident

recorded;

2. Request to record the event in audio only;

3. State on the recording the reasons for deactivating or diverting the camera view; and then

4. May deactivate or divert the BWC/ICCs.

F. An employee may discontinue the recording of any member of the public seeking to anonymously report information, or otherwise assist in an investigation, when their cooperation is conditioned upon remaining anonymous or they request to terminate the recording. The employee shall state on the recording the reasons for deactivation and then may deactivate the BWC/ICCs.

G. Employees have great discretion whether to record informal, non-law enforcement related contacts with the public. These community-related activities foster a positive relationship between the public and the police. The presence of cameras that are recording may signal distrust of the public and hinder community relations.

H. Employees should be aware of security and safety concerns while utilizing BWC/ICCs, examples include, but are not limited to, entering access codes, computer passwords or codes, data on NCIC/TIES computer screens, accessing cell phones, text messaging, recording of investigative techniques to preserve the integrity of the processes, etc. Employees may briefly cover the lens of the BWC with their hand in these circumstances after stating on the camera the reason(s) for obstructing or diverting its view.

I. Due to the fact that the BWC is designed to passively record video while in standby mode, employees not actively responding to a call for service and entering certain facilities or events shall power the BWC completely off or remove the camera and place it into a pocket or bag. Upon exiting the facility or event, employees shall power the camera back on (or properly reposition the camera if removed) and return it to standby mode or activate it in accordance with this policy.

These facilities or events include:

1. Bathrooms or locker rooms;

2. Federal Court;

3. Grand Jury rooms; and

4. Medical or health care facilities where the employee expects to be or is being examined or treated.

J. Employees are permitted to remove the BWC from their uniform while completing administrative duties inside MNPD facilities when no interaction with the public is likely.

8.30.100 Deactivation of BWC/ICCs

To aid in the protection of privacy, employees shall make every reasonable effort to ensure the BWC/ICC is deactivated in the following circumstances:

A. Inside law enforcement or criminal justice facilities, unless taking law enforcement action or responding to a call for service (see 8.30.130(B) regarding prisoner transports);

B. Department meetings including, but not limited to, administrative meetings, supervisory meetings, roll-calls, committee meetings, mediations, counseling, any testing environment, and in-service training;

C. While on break or otherwise engaged in personal non-enforcement activity;

D. While discussing details of an ongoing criminal case or investigation with investigators, district attorney's, etc.;

E. While planning formal tactical operations related to SWAT/SRT or CNT, or while planning, screening, or conducting render safe operations related to explosives or hazardous materials -unless specifically authorized by the appropriate on scene commander;

F. While conducting operations at an established incident command post-unless specifically authorized by the incident commander.

G. While in the presence of a Confidential Informant (CI) or Undercover Officer;

H. While in any magistrate's or judge's office, or in any courtroom, except under exigent circumstances (e.g., response to call for service, violent disorder or witness intimidation);

I. While having a discussion with attorneys, counselors, peer support, doctors, etc., pertaining to work-related issues, including discussions with the Department of Law regarding anticipated or pending litigation;

J. During any personal conversations of or between department employees without all parties' knowledge;

K. During "walk-throughs" following critical incidents;

L. Forensic interviews involving juveniles and/or victims of crime; or

M. While in a facility used primarily for religious practices at a time in which no law enforcement action can be reasonably anticipated.

8.30.110 Stating the Reasons for Stopping or Diverting BWC/ICCs

Employees who stop recording or divert the camera view during an event will state on the recording their intention to stop recording or divert the camera and explain the basis for that decision. If unable to document the reasons for having stopped recording or diverting the camera by means of a recorded narrative, employees must document the reason(s) for doing so in the associated incident report. If there is no incident report created, the employee will document the reason(s) in a CAD update to the call.

8.30.120 Recording Protected Activity / Demonstrations

A. Employees should not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless there is reason to believe that criminal activity is occurring, about to occur, or when ordered to record by a supervisor, as provided below.

B. When an imminent risk to public safety or large-scale property destruction appears likely, a supervisor, including the incident commander, of an event may order employees to record with BWC/ICCs. Under such direction, employees will record until ordered to cease recording.

C. Employees may also record the incident when necessary to document lawful orders being issued prior to anticipated enforcement action or to document the failure to follow previously issued lawful orders. Protected activity unintentionally captured is not a violation.

8.30.130 Determining the Conclusion of an Event

A. An event has concluded when both of the following apply:

1. The employee has completed his or her part of the active investigation; and

2. There is little possibility that the employee will have further contact with any person involved in the event.

B. For transports to a jail facility, the event concludes when the prisoner has been turned over to the custody of the Davidson County Sheriff's Office.

C. For custodial transports to other locations, the event concludes when the employee reaches the transport destination, the subject has

been taken into the destination (e.g., Mobile Crisis, MTMHI, Moccasin Bend, etc.) and has relinquished custody.

8.30.140 Documenting the Existence of Video or Reason for Lack of Video

A. Employees will document the existence of video, lack of video, or the delay of the start of video in a call CAD update and any related incident report, arrest report, field interview, misdemeanor or traffic citation, or traffic stop data form. Documentation should include an explanation for the failure to record or delay in recording.

B. When an arrest is made, citation or custodial, or a warrant is obtained and the affiant officer is aware that BWC/ICC evidence may exist, the affiant officer shall ensure that this fact is noted on or within the affidavit of complaint by checking the appropriate box in CJIS or on the form.

C. Employees who are not logged to a call or event but capture video of the event will log on to the call and note that the event was recorded in a call update and categorize the video appropriately.

D. Employees will not substitute “refer to video” or other similar language in place of a detailed and thorough narrative in any report or affidavit of complaint.

E. If an employee is required to activate the BWC or ICC and fails to do so, the employee shall immediately, after the conclusion of the event, notify his/her supervisor and document on a MNPD Form 104, Supplemental Report, their explanation or reasoning as to why the BWC was not activated. The employee’s supervisor shall forward a copy of the MNPD Form 104 to the BWC/ICC Program Administrator. An employee’s justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impractical shall be evaluated based upon whether a reasonable officer under the same or similar circumstances would have made the same decision. If the department determines an employee was unjustified in failing to activate his/her BWC/ICC when required to do so, the employee may be subject to corrective or disciplinary action consistent with the provisions herein.

8.30.150 Entering Data for Recorded Events

A. Employees will assign the appropriate event type for all recordings and enter the necessary identifying information in the format described by the Police IT BWC & ICC Systems User Manual.

B. Employees will properly identify videos to denote known privacy issues, in a CAD note, if any portion of the videos may contain images or audio of any of the following:

1. Complainant/victim/witness requesting non-disclosure;

2. Complainant/victim/witness not requesting non-disclosure, but disclosure would endanger life, physical safety, or property;

3. Information that if disclosed, would be highly offensive to a reasonable individual and of no legitimate interest to the public;

4. Medical information or treatment;

5. Mental health information or treatment;

6. Any identifiable juveniles;

7. Undercover law enforcement officers; or

8. Confidential informants.

C. Employees who created a test video during the equipment inspection and testing, had an accidental activation, or unintentional video capture will categorize the video accordingly. Any requests to restrict an accidental or unintentional video will be consistent with established BIU procedures.

NOTE: *If there is an inadvertent sensitive video made (e.g., while using the restroom or dressing and/or undressing in a locker room), the employee should notify a supervisor. Any processing or review of the video shall be by a same-sex employee.*

8.30.160 Uploading of Recorded Video and Recharging of Equipment before Going Out of Service

Before going out of service, employees will initiate upload/download of BWC/ICCs video to ensure that video is uploaded in accordance with the Police IT BWC & ICC System User Manual. If an employee is not able to initiate the upload before going out of service, is unable to complete the upload process, or is unable ensure appropriate charging process at the end of their shift, they shall notify an appropriate supervisor who will ensure the video is properly uploaded. A supervisor unable to resolve the issue shall notify BIU staff by contacting them at 615-862-7860, on radio channel P211, or at Police-ITSupport@nashville.gov.

8.30.170 Storage, Access, and Retention of BWC/ICC Video

A. Based on the criteria set out in this policy, Police IT shall develop and maintain a Body Worn Camera & In-Car Camera Systems User Manual governing video storage, retention periods, and access and/or release of video to the public, which shall have the effect of policy.

B. Consistent with our goal of increased transparency, BWC/ICC video will be released according to the provisions of state and federal law, applicable court decisions, court rules, and Police IT records release protocols. All such video will be reviewed critically to ensure that the privacy rights of citizens are protected. BWC/ICC program administrators will ensure that appropriate video redactions take place prior to releasing any BWC/ICC video.

C. Retention of BWC/ICC video shall be by a schedule maintained by the BIU. Such schedule shall be developed in consultation with the Office of the District Attorney and the Metropolitan Department of Law.

D. Downloading and Storage of Downloaded Video

Employees may find it necessary to download a copy of BWC/ICC video for case file maintenance, cooperative investigations, and other authorized business purposes. The BIU shall develop and maintain procedures for such downloads. Downloaded BWC/ICC remains the property of the Metropolitan Government and its storage and dissemination is guided by existing policy on security of law enforcement records and files and the provisions herein.

8.30.180 Livestreaming

A. Livestreaming is not intended to replace a proper response by employees other than those outlined in this policy.

B. Authorized users provided with livestreaming access are limited to BIU authorized staff, sworn members/professional support staff assigned to the Community Safety Center and all sworn employees with the rank of Lieutenant or higher.

C. Livestreaming is approved for use by authorized users under the following conditions:

1. Initiation of a foot or vehicle pursuit;

2. Any situation in which an employee is not responding to their radio;

3. To assist in identifying the location of an employee where backup is unable to locate them;

4. Upon any indication of distress;

5. Upon request of the recording employee;

6. To enhance tactical operations and situational awareness during a significant incident; or

7. For training and technical troubleshooting with approval of the BWC/ICC Operations Division Commander.

8.30.190 Review of BWC/ICC Recordings

A. The BWC/ICC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Employees shall comply with all applicable laws and policies regarding confidential information. Unauthorized use or release of BWC/ICC recordings or images may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWC/ICC or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

B. The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Employees and supervisors are therefore authorized to review BWC/ICC recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force <u>not</u> resulting in death or serious bodily injury*, or other enforcement, investigative activity or administrative investigation to ensure that their reports, statements, and documentation are accurate and complete. Employees should view their own digital recording prior to providing testimony at hearings, trials, or depositions.

   * *refer to section F below which restricts access or review of critical incident BWC/ICC videos for additional guidance*

C. Access to BWC/ICC shall be limited to those employees with a business purpose. The BIU shall place access restrictions on video to both facilitate necessary access and also limit opportunity for misuse. Viewing applications and/or network access controls automatically logs the identity of a user who accesses a particular video or file, as well as the date and time of access. Employees may be asked to explain their access, business purpose, etc.

D. Employees <u>with an authorized business need</u> may view BWC/ICC for the following purposes:

   1. Subject to provisions herein, when the employee is the employee who made the recording;

2. By authorized department personnel participating in, or reviewing, an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation;

3. By a supervisor conducting a required review or audit;

4. Pending or anticipated litigation. To include review by a Metropolitan Attorney in the course of pending or anticipated litigation, or as part of a disciplinary action case against an employee;

5. Force Review Board;

6. Public records request;

7. Performance appraisal;

8. As part of the Early Intervention System (EIS);

9. By authorized BIU staff in the course of support, administration, and troubleshooting any reported or detected technical issues with the equipment, offloading mechanisms, storage, or software used for accessing the systems;

10. For authorized training purposes;

11. Audit and Quality Control/Troubleshooting; or

12. By any other person with approval of the Chief of Police or his/her authorized designee.

E. Mandatory Post Incident Supervisor Review
Supervisors investigating use of force incidents not involving use of deadly force, vehicle pursuits, police involved crashes, reports of on duty injuries, or complaints shall review available BWC/ICC video as a necessary element of a supervisory review or investigation. Supervisors may also review a sampling of other subordinate employee videos during the course of annual performance evaluations, JPIP evaluations or EIS follow up reviews.

F. Critical Incident BWC/ICC Device and Data Access

1. Upon stabilization of a critical incident, the Incident Commander, as defined in Manual 14.10.010, shall cause BWC/ICC devices which may have captured any portion of the event to be identified.

2. When BWC/ICC devices have been identified which may have captured any portion of the event, the Incident Commander shall

order the operating employee to deactivate their BWC when the employee is isolated and the event has entered the investigative phase.

3. Unless specifically authorized by a departmentally assigned duty to conduct such investigations, no person shall view critical incident BWC/ICC recordings without the express permission of the Chief of Police or authorized designee.

4. An employee of the BWC/ICC Division shall be requested and respond to the scene. The responding employee shall take possession of an employee's BWC equipment and (if applicable) secure any vehicle containing ICC equipment, ensure the recording has stopped, power off the camera equipment, and maintain custody until the video or data transfer has taken place.

5. BIU personnel, acting upon the direction of the authorized investigative personnel will complete any video or data transfer for incidents where the cameras could not complete a standard upload.

6. Upon verifying all video evidence related to the incident has been uploaded from the BWC device to the Video Evidence Management System (VEMS), the BWC will be placed back into service. If any error is encountered during the upload process, preventing any portion of the video from being uploaded, the MNPD IT BIU will take possession of the device and work with the vendor to recover any missing footage.

7. Release of BWC/ICC video related to critical incidents shall be released in a manner consistent with the Standard Operating Procedures of the Public Affairs Office.

   NOTE: *PWS should be consulted prior to release in order to facilitate any necessary services with involved employees and/or their families.*

G. Internal Investigations

Investigators with the Office of Professional Accountability shall have authority to view any BWC/ICC video recording it deems necessary, including any and all video obtained by any involved employee.

Employees may be required to provide a compelled statement prior to viewing any BWC/ICC from the incident under investigation. However, prior to the conclusion of any such interview, the employee may be allowed to review video captured by any BWC/ICC in order to provide additional context or explanation. The purpose of this policy is to preserve and provide a record of the perceptions of the employee at the time of the incident while also permitting the

employee to address events captured from the perspective of the BWC/ICC.

H. Training Purposes

There may be instances when employees and supervisors believe a recorded incident has training value. In such cases, a supervisor shall send correspondence via his/her chain of command to the Training Division commander for consideration.

If an involved employee objects to the use of a recording for training purposes, his/her objection will be submitted to his/her Chain of Command to determine if the training value outweighs the employee's objections. Redaction may be used to address employee objections.

The Deputy Chief of the Administrative Services Bureau shall review and approve any such use.

I. External Requests for BWC/ICC

When acting within the course and scope of their duties, the United States Attorney's Office, the Office of the District Attorney for Davidson County, and the Metropolitan Department of Law shall generally have unrestricted access to BWC/ICC recordings and shall be referred to the BIU.

The department shall require that any other requests for BWC/ICC videos from others be made consistent with established protocols for requesting public records or via a subpoena accompanied by a protective order (as approved by the Office of the District Attorney).

The BIU shall maintain written procedures for processing such requests. Any such requests involving active or pending criminal investigations shall be approved for release by the Office of the District Attorney.

Known requests by media representatives shall be referred to the Public Affairs Office.

J. Public Record Requests for BWC/ICC

The MNPD shall comply with state law regarding the release of public records. Public Record Requests for BWC/ICC shall be made, consistent with department policy, to the Records Division. The BIU shall maintain written procedures for processing such requests. Any such requests involving active or pending criminal investigations must be approved for release by the Office of the District Attorney.

Employees may direct anyone with further questions about public records requests or the MNPD Public Records policy to the Central

Records Division website: https://www.nashville.gov/Police-Department/Administrative-Services/Central-Records-Division.aspx

8.30.200 Users Shall Note the Purpose for Viewing Video

When logging into the Video Management Evidence Library to view a video, an employee shall document the purpose for viewing the video in a manner consistent with BIU procedures. Viewing applications and/or network access controls automatically logs the identity of a user who accesses a particular video or file, as well as the date and time of access.

8.30.210 Minor Misconduct Discovered During BWC/ICC Review

If, in the course of viewing BWC/ICC video, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, such acts will not generally result in a sustained investigative finding or departmental discipline. However, such acts may result in a training referral, counseling, or corrective action through the employee's chain of command and may be included in an employee's performance evaluation.

Exception: Comments, remarks or behavior that disparage a protected class under city, state, or federal law are not considered minor misconduct.

8.30.220 Prohibited Acts

A. Employees shall not tamper with, alter, or delete video.

   Recordings and related data are the property of the Metropolitan Government. The MNPD shall be the custodian of those records and such records shall be maintained consistent with established policy on Security and Disposition of Law Enforcement Records and Files. Unauthorized access, viewing, copying, dissemination, tampering, alteration, or deletion of video shall be grounds for disciplinary action.

   Exception: This does not apply to personnel tasked with system maintenance who purge videos under established retention time lines.

B. Except as may be authorized herein, employees shall not manipulate the camera equipment or otherwise knowingly impair its ability to record required activities.

C. Department issued BWC/ICCs shall only be used to record work-related activity, consistent with approved training, Police IT BWC & ICC System User Manual and this Policy.

D. Employees shall not remove, dismantle or tamper with any hardware or software component or part of the BWC/ICCs.

8.30.230 Maintenance & Repair

A. Police IT is responsible for equipment issuance, installation, maintenance, repair or replacement download, and other technical functions of department issued BWC/ICC equipment.

B. All questions or reports of equipment concerns or maintenance requests shall be directed to Police IT at 615-862-7860, on radio channel P211, or at Police-ITSupport@nashville.gov.

8.30.240 Supervisor Responsibilities

A. Supervisors assigned to any unit with BWC-equipped employees or ICC-equipped vehicles shall:

1. Ensure that employees assigned BWC/ICC equipment have completed Department-required training and are familiar with applicable policies and procedures;

2. Consistent with established policy on inspectional procedures, conduct periodic inspections of employees assigned BWC or ICC equipment and ensure that the cameras are properly affixed to the employees' uniforms or vehicles and fully operable;

3. Ensure employees upload all recordings at the end of their shifts;

4. Ensure uploads made by assigned employees have accurate categories and officer information correctly entered by reviewing the MNPD's Video Evidence Management System for errors weekly; and

5. Any documentation required by this policy is completed and properly submitted.

B. After conducting an inspection of an employee's assigned BWC/ICC equipment, the supervisor shall document consistent with MNPD inspection reporting requirements. If any equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced and the BIU notified.

8.30.250 Auditing and Review Processes

A. Audit and Review Program Goals

The BWC/ICC Program administrator shall develop and maintain written protocols to ensure appropriate audit processes and ongoing training. Key elements of an audit program should include, but not be limited to:

1. Verify employees have been trained on the use and deployment of BWC/ICC;

2. Document all employees who have been trained on the use of BWC/ICC into the permanent training records;

3. Ensure the maintenance of approved lesson plans for BWC/ICC training;

4. Conduct ongoing training on expectations, use, and maintenance of the BWC/ICC equipment and debrief BWC/ICC captured incidents of value;

5. Review deviations from BWC/ICC policy and procedures and take appropriate action;

6. Ensure all BWC/ICC anomalies identified by the employees have been addressed and any appropriate documentation is completed;

7. Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;

8. Ensure inspections of sworn personnel assigned BWC/ICC units are being conducted and documented. If field inspections are not properly documented, take appropriate action to correct the deficiency and appropriately document the findings;

9. Review all employee's reports documenting inoperable equipment and facilitate the equipment's repair;

10. Ensure appropriate actions are taken in the event that it appears that BWC/ICC equipment has been tampered with, damaged, or lost;

11. Implement a risk management and risk mitigation process to ensure ongoing review of policy and procedure compliance with observed employee behavior during video audits;

12. Ensure ongoing review of policies, procedures, forms, and other program elements to ensure compliance with generally accepted best practices and any applicable standards (e.g. CALEA);

13. Make appropriate notifications and generate any necessary reports documenting audit processes.

14. Implement other procedures to ensure success of the department BWC/ICC program.

15. Review this policy, as necessary, to ensure compliance with applicable local, state, and federal laws; CALEA standards; court rulings; and needs of the MNPD.

B. Monthly Audits

1. BWC/ICC Division audit.

   Sergeants assigned to the BWC/ICC Division are required to review two random pre-selected BWC/ICC videos of each BWC equipped sergeant and officer per month to monitor compliance with departmental policies and procedures. Such reviews will be documented on a form to be provided by the BWC/ICC Program Administrator.

2. Additionally, policy concerns related to training, education, and/or corrective action and discipline are documented and forwarded to the Office of Professional Accountability for review on a monthly basis. Any additional concerns that arise as part of this review are forwarded to the Deputy Chief of the Crime Control Strategies Bureau for further review and action.

C. Semiannual Audits by Program Administrator

The BWC/ICC Program Administrator shall conduct the below BWC audits:

1. Activation Audit.

   This audit is to ensure the BWC/ICCs are being activated in accordance with department policy. This audit does not include viewing any video; it does include verifying if there is a video when policy dictates there should be one. The BWC/ICC Program Administrator shall determine the number to be audited based on the volume and timelines for the audit. At a minimum, an activation audit shall be conducted, at a minimum, once every six months for each division that utilizes BWCs.

2. Compliance Audit.

   This audit is to ensure that departmental policies and procedures are being followed. Twice each year, the BWC/ICC Program Administrator shall review audit statistics broken down by precinct/division to ensure accountability with the mission, policies and procedures, and training of the MNPD.

3. Semiannual Audits by Police-IT BIU

   Employees of the BIU shall perform audits twice a year of randomly selected stored BWC/ICC video files for quality control purposes to

ensure video quality, audio quality, color rendition, and proper focus. System audits shall also be conducted focusing on user access, retention schedules, partial or incomplete video files, and system storage.

D. Annual Audits and Administrative Review

1. Training Audit

   The BWC/ICC Program Administrator shall, on an annual basis, ensure all employees have received basic BWC/ICC training and any necessary updates. Such compliance shall be documented in the permanent training files at the Police Training Academy.

2. The BWC/ICC program administrator shall annually conduct an administrative review of the BWC/ICC program which should indicate whether policy, training, equipment, or disciplinary issues need to be addressed. This annual administrative review shall be sent to and reviewed by the Chief of Police.

8.30.260 Violations

Disciplinary and/or corrective action for a violation of this policy shall be consistent with Department Manual 4.20. A knowing or intentional violation of 8.30.220 may be categorized up to and including an AA offense.

Title 8: Equipment and Uniforms

8.40 License Plate Reader Systems (LPR)

8.40.010 Policy

License Plate Reader (LPR) systems are an effective and efficient law enforcement tool that utilizes technology to scan, detect, and identify license plate numbers which appear on Hot Lists. LPR systems have the potential to enhance public safety by locating wanted vehicles while improving productivity, efficiency, and officer safety.

LPRs are effective in capturing images for criminal investigations and locating stolen vehicles.

LPR data is law enforcement information and will be used solely for law enforcement purposes. Any non-law enforcement usage of LPR data is strictly prohibited.

The Metropolitan Nashville Police Department respects the legitimate privacy interests of the citizens and visitors of Nashville-Davidson County, TN when utilizing LPRs.

8.40.020 Definitions

A. **Hit:** Alert from the LPR system that a scanned license plate number may be in the NCIC or other law enforcement database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person, missing person, domestic violence protective order, or other criminal activity.

B. **Hot List:** License plate(s) associated with a vehicle of interest from an associated database, including, but not limited to: NCIC, Amber Alerts, local databases, and local BOLOs.

C. **License Plate Reader (LPR):** A system consisting of mobile or fixed cameras, computer hardware and software used to scan, recognize, and interpret the numbers and characters on vehicle license plates. The interpreted license plate is scanned, recorded, and compared to a list of known plates of interest.

D. **License Plate Reader Program Administrator:** A command level sworn position responsible for the oversight and management of the LPR program, which includes inventory management, training, deployment, system evaluation, and coordination with the LPR Systems

Administrator.

E. **License Plate Reader Systems Administrator:** A professional support staff professional specialist position responsible for the management of the LPR program technology and maintenance of the hardware and software systems.

8.40.030 Training

A. Any MNPD employee who has completed the prescribed training curriculum is authorized to use LPR devices and data for any legitimate law enforcement purpose consistent with this policy.

B. Up to ten (10) MNPD employees authorized by the LPR Program Administrator will be allowed to access information stored from LPR devices.

C. Before an employee uses or accesses LPR devices and data, they will complete department training on the proper use of the equipment and procedures for uploading recorded data. Such training will be documented via approved MNPD Lesson Plan and appropriate rosters maintained by the Training Division. This training will include:

1. Objectives of the LPR Program;

2. Applicable local, state, and federal laws;

3. Department policy on LPR data sharing and procedures;

4. Instruction on the authorized and prohibited uses of the LPR system with emphasis on the requirement to document the reason for any data inquiry;

5. License Plate Reader operation;

6. Access, storage, and retention; and

7. Reporting breaches, errors, and other issues.

8.40.040 LPR Systems User Manual

Police IT will disseminate a License Plate Reader Systems User Manual containing instructions for proper LPR operation, equipment maintenance, download, storage, and other functions of department-issued LPR equipment.

8.40.050 Maintenance & Repair

A. Police IT is responsible for equipment issuance, installation, maintenance, repair or replacement download, and other technical functions of department-issued LPR equipment.

B. All questions or reports of equipment concerns or maintenance requests shall be directed to Police IT at 615-862-7860, on radio channel P211, or at Police-ITSupport@nashville.gov.

8.40.060 Authorized and Prohibited Uses

A. To better understand the needs and desires of the communities where LPRs will be deployed, the placement of fixed LPR devices to new locations shall be done only after consultation with the Precinct Community Advisory Groups.

B. LPR systems will only be deployed for official law enforcement purposes. These deployments are limited to:

1. Investigating & prosecuting felony offenses and criminal offenses associated with violent crime including the following:

    a. Gun Violence;

    b. Homicide;

    c. Assault; and

    d. Reckless driving, including illegal drag racing activity at speeds in excess of 70 miles per hour

2. Identification and recovery of stolen vehicles;

3. Identification and recovery of stolen license plates;

4. Detecting traffic offenses; and

5. Assisting in missing persons cases including Amber and Silver Alerts.

C. When the LPR system alerts on a license plate, before taking any action, users must do the following:

1. Mobile Devices:

    a. Visually confirm that the license plate matches the numbers, characters, and state identified in the alert; and

b. Contact the Program Administrator's Staff to verify all information is correct, the alert is still active, whether the alert pertains to the registrant of the car and not the car itself, and that the license plate is on the list for one of the authorized purposes listed above.

2. Fixed and Trailer Devices:

   a. Alerts from these devices will be managed by the Program Administrator's Staff.

   b. Upon receiving an alert, the employee will visually confirm that the license plate matches the numbers, characters, and state identified in the alert, that the alert is still active, whether the alert pertains to the registrant of the car and not the car itself, and that the license plate is on the list for one of the authorized purposes listed above.

   c. A second member of the Program Administrator's Staff will verify the alert information before advising officers in the field.

3. If a member of the Program Administrator's Staff is not available, then employees will contact the Department of Emergency Communications (DEC) for the verification process listed above.

4. All alerts (whether received via a mobile device, fixed device, or trailer mounted device) will be verified via the NCIC by authorized individuals.

D. When a traffic stop is made based on a LPR hit, the appropriate check box on the Form 252 Traffic Stop Data Form will be marked.

E. Authorized personnel must have reasonable suspicion that a felony criminal offense, traffic offense, or parking offense has occurred before examining collected license plate reader data that was collected more than one hour prior to the examination. Authorized personnel shall not examine license plate reader data that was collected more than one hour prior to the examination in order to generate reasonable suspicion.

F. Fixed LPRs will be placed in the public right of way on major and collector streets as defined in the Nashville Major and Collector Street Plan. The location of LPR devices shall be distributed equitably across the north, south, east, and west quadrants of the county. Signage shall be placed by any fixed LPR technology to give notice to the public. Signage shall be clearly visible and legible to the motoring public and shall state "License Plate Reader Technology In Use".

G. LPR shall not be used for the following:

1. The general surveillance of any individual;

2. The identification of a vehicle for the purposes of repossession of the vehicle;

3. The determination of whether a vehicle's license plate is expired;

4. The determination of whether a motorist has a valid driver license; or

5. The determination of whether a motorist is insured.

6. To assist any federal official in the identification, apprehension, detention, or removal of any person in connection with the immigration laws of the United States, except to the extent the use of the LPR system or LPR information is sought to verify or report the immigration status of any person.

7. The enforcement of any law prohibiting, limiting, or criminalizing reproductive healthcare, including an abortion, or prohibiting, limiting, or criminalizing interstate travel for the purpose of obtaining reproductive healthcare, including abortion.

H. LPR shall not be capable of facial recognition.

8.40.070 Maintenance & Repair

A. Based on the criteria set out in this policy, Police IT shall develop and maintain a License Plate Reader System User Manual governing video storage and retention periods which shall have the effect of policy.

B. Consistent with our goal of increased transparency, LPR data will be released according to the provisions of local, state, and federal law, applicable court decisions, court rules, and Police IT records release protocols. All such data will be reviewed critically to ensure that the privacy rights of citizens are protected. LPR program administrators will ensure that appropriate redactions take place prior to releasing any LPR information.

C. LPR data, including but not limited to license plate number, vehicle description, location, and date/time stamp shall not be retained for more than ten (10) days, unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where the department has been instructed to preserve such data by the Metropolitan Department of Law in relation to pending litigation or anticipated litigation.

1. Users wishing to preserve LPR data for longer than 10 days shall make a written request to their supervisor including the investigation number and purpose for preservation and, upon approval, such LPR data will be preserved along with a note in the record stating the reason for preservation and related investigation number.

2. Approved LPR data shall be downloaded from the server and maintained in accordance with appropriate evidence and chain of custody procedures.

3. The data will be deleted at the conclusion of the investigation, criminal action, civil litigation, or when the preservation is no longer required by the Metropolitan Department of Law or local, state, or federal law.

D. Downloading and Storage of LPR Data

Employees may find it necessary to download LPR data for case file maintenance, cooperative investigations, and other authorized business purposes. The IT Division shall develop and maintain procedures for such downloads. Downloaded LPR data remains the property of the Metropolitan Government and its storage and dissemination is guided by existing policy on security of law enforcement records and files and the provisions herein.

E. Sharing of Data with Other Law Enforcement Agencies

LPR data will not be shared as part of a law enforcement information database. However, other law enforcement agencies may request LPR information related to specific criminal investigations in their jurisdiction. The agency making the request shall submit in writing:

1. The name of their agency;

2. The name and title of the person requesting the information;

3. The intended purpose of obtaining the information; and

4. An agreement to adhere to the applicable provisions of this usage and privacy policy.

The request shall be reviewed by the LPR Program Administrator to ensure access is consistent with law and policy, and that the requested results are relevant to the request made prior to sharing the LPR data. A record of all approved requests shall be maintained for a period of not less than three years.

F. Access and use of the department's LPR system shall be consistent with CJIS security protocols, and is further restricted in the following manner:

1. Authorized system and database users must receive appropriate supervisory approval, as determined by the LPR Program Administrator, prior to receiving LPR system access.

2. System access shall only be approved for designated personnel who, based on their roles and job responsibilities, have a legitimate business need to access the LPR system. A list of authorized system users shall be maintained by the LPR Program Administrator.

3. Access to the LPR database shall be limited to no more than ten (10) authorized employees, as determined by the LPR Program Administrator. A list of authorized employees with database access will be maintained by the LPR Program Administrator, who will conduct monthly reviews of access by those authorized employees.

4. Employees found to have used the LPR system without authorization, with improper credentials, or in a manner not authorized by these policies shall have their access immediately revoked and be subject to corrective or disciplinary action in accordance with departmental policy.

8.40.080 Auditing, Review, and Reporting Processes

A. Audit and Review Program Goals

The LPR Program Administrator shall develop and maintain written protocols to ensure appropriate audit processes and ongoing training.

Key elements of an audit program should include, but not be limited to:

1. Verify employees have been trained on the use and deployment of LPR;

2. Document all employees who have been trained on the use of LPR into the permanent training records;

3. Ensure the maintenance of approved lesson plans for LPR training;

4. Conduct ongoing training on expectations, use and maintenance of the LPR equipment and debrief LPR-captured incidents of value;

5. Review deviations from LPR policy and procedures and take appropriate action, as necessary;

6. Ensure all LPR anomalies identified by the employees have been addressed and any appropriate documentation is completed;

7. Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;

8. Review all employee's reports documenting inoperable equipment and facilitate the equipment's repair;

9. Ensure appropriate actions are taken in the event it appears LPR equipment has been tampered with, damaged, or lost;

10. Make appropriate notifications and generate any necessary reports documenting audit processes;

11. Implement other procedures to ensure success of the department LPR program;

12. Review this policy, procedures, forms, and other program elements, as necessary, to ensure compliance with applicable local, state, and federal laws; CALEA standards; court rulings; and needs of the MNPD.

B. Semiannual Audits by Program Administrator

The LPR Program Administrator shall conduct the below LPR audits. Audits must be kept for a minimum of 3 years.

Compliance Audit

This audit is to ensure that departmental policies and procedures are being followed. At least once annually, the LPR Program Administrator shall review audit statistics broken down by precinct/divisions to ensure

accountability with the mission, policies, procedures, and training of the MNPD. The audit will consist of the following:

1. Username of the person accessing information;

2. Date and time information is accessed;

3. License plate number or other data elements used to query the LPR system, if such data elements are not deleted pursuant to the retention provisions of this policy; and

4. The purpose for accessing the information.

C. Reporting during the Pilot Program

During the six-month pilot program, the following information shall be reported to the Metropolitan Council no less than every two months:

1. Number of LPRs in use;

2. Number of matches made by the LPR, including number of matches read correctly and any misread;

3. Number of matches identified, vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals;

4. Number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes; and

5. Other information requested by the Metropolitan Council by resolution.

8.40.090 Violations

Disciplinary and/or corrective action for a violation of this policy shall be consistent with Department Manual 4.20. *A knowing or intentional violation may be categorized up to and including a Category AA offense.*

Title 9: Police Facilities and Security

9.10 Building Security Assignments at Police Headquarters

The purpose of this order is to communicate building security assignments at police headquarters in the event that such security is required due to a natural or man-made disaster, civil disturbance, or other unusual occurrence.

9.10.010 Elements Assigned

The Deputy Chief of the Support Services Bureau will be in charge of all aspects of such building security, including pre-planning, delegation of tasks, scheduling, and command and control of any actual incident.

The organizational elements assigned to building security will immediately come under the control of The Deputy Chief of the Support Services Bureau should building security considerations warrant, **regardless of the departmental organizational structure.** Such elements include, but are not limited to:

A. Human Resources Division

B. Special Events Section Supervisors

C. Strategic Development Division

D. Warrant Section

All personnel, both sworn and professional support staff, will be figured into the pre-planning activities. The only personnel who will not be considered will be members of the Special Weapons and Tactics and Hostage Negotiation Teams. SWAT and HNT would most probably be activated in a situation which would require headquarters building security.

9.10.020 Incident Logistics

A. The incident of providing building security will be designated "Headquarters Command."

B. The incident command post will be located in MNPD HQ Training Room, room 112 on the 1st Floor.

C. Radio frequencies utilized for communications shall be designated by "Headquarters Command" or the Department of Emergency Communications**.**

9.10.030 Additional Resources

Should "Headquarters Command" need additional resources, they will be acquired by requesting that riot squads, strike teams, or task forces be assigned via the Emergency Operations Center. **The security of police headquarters and other critical facilities will be the first priority addressed when assigning resources to tactical missions.**

Title 10: Department Oversight

10.10 Internal Audit

The role of the audit function is to provide the Chief of Police an independent appraisal and opinion on the efficiency, effectiveness, and compliance of departmental operations. It entails evaluating internal controls for safeguarding assets, checking the accuracy and reliability of accounting data, promoting operational efficiency, reviewing managerial effectiveness, and testing compliance with MNPD, City, State and Federal regulations and procedures.

10.10.010 Policy

The establishment of procedures for auditing areas within the MNPD is critical in providing a check and balance for departmental and employee integrity. The audit section shall fairly and impartially administer its audits. A report detailing items found in the audit shall be provided to the Chief of Police.

10.10.020 Definitions

A. **Annual Risk Assessment:** A review done each fiscal year by all captains / commanders to identify potential problems and risks within their area of responsibility.

B. **Audit Commander:** A position appointed by the Chief of Police having the rank of Captain or above (or its equivalent) to oversee and direct the functions of the internal audit process.

C. **Internal Audit:** A review of a specific area within the police departmental to determine if its activities are consistent with defined policies or other rules.

D. **Exit Conference:** A discussion with the bureau, division or precinct commander about the findings from an audit.

10.10.030 Annual Risk Assessment

A. To assist in identifying potential issues, a risk assessment will be conducted annually. Risk assessments are designed to assist in identifying high-risk areas for potential fraud, theft, or liability within the agency, including areas of noncompliance with departmental policies or regulations, state laws, administrative codes, and CALEA Standards. It may include the use of written evaluative tools, evaluation/inspection reports, interviews, and on-sight observations.

B. Each Division Commander shall conduct an annual self-assessment.

The annual assessment shall be reported on MNPD Form 210B, Departmental Audit Risk Assessment Form. After analyzing this information, a report showing risk assessments by area of responsibility will be submitted to the Chief of Police for informational purposes. The report will also be used to determine future internal audit areas.

10.10.040 Internal Audit Committee

The purpose of the committee shall be to review the annual risk assessment report making consultative recommendations as appropriate. The committee will meet as necessary to support the auditing process.

10.10.050 Annual Plan

A. The Audit Commander shall submit an audit plan to the Chief of Police, based upon the following:

1. Annual unannounced change fund, petty cash, and checking account review requirements.

2. Precinct/Division Commander requests.

3. Executive Staff requests.

4. Internal Audit Committee recommendations.

5. Chief of Police requests.

6. Other areas as needed.

B. The plan shall include the bureaus, divisions/precincts, offices and agency activities scheduled for an audit during the coming year. It may be amended as necessary to adjust for extended audits or special assignments that may be requested by the Chief of Police.

10.10.060 Audit Procedures

A. Scheduled Audit

Scheduled audits are those identified through the annual audit planning process. Typically, commanders are notified of an approaching audit two months prior to the preliminary interview.

B. Unannounced Audits

Different policies require that certain audits occur on an unannounced basis. These will take place at unscheduled times throughout the year.

C. Directed Audit

The Chief of Police may request special audits or investigations not included in the annual audit plan. When this occurs, the special audit is incorporated as an amendment into the annual audit plan.

D. Follow up Audit

Follow-up audits occur as the result of a preceding audit. They may occur ninety (90) days following the Exit Conference. The follow-up audit period lasts one (1) year and occurs at the sole discretion and timing of the Audit Commander. A follow-up audit report is submitted to the Chief of Police upon the conclusion of the follow-up audit.

10.10.070 Virtual Audit Teams

A. Agency personnel assisting the Audit Commander with fieldwork shall be known as “Virtual Auditors.” Large audits may require organizing a “Virtual Audit Team” comprised of six to eight mid-level managers temporarily assigned to the Audit Commander. These members will consist of both sworn & professional support staff employees. Virtual audit team members shall typically remain on this temporary assignment for a five (5) to seven (7) day period, depending upon the requirements of the audit. The size of a virtual audit team shall be determined by the scope of the respective audit.

B. Government Audits Guidance and Standards (GAGAS) and Institute of Internal Auditors (IIA) standards require independence and objectivity throughout the audit process. Therefore, personnel shall not perform audits within their own divisions or precincts. Additionally, persons shall be discouraged from participating in an audit of an activity for which they were directly responsible or where they have worked during the preceding two (2) years.

C. In making temporary staff assignments, the Audit Commander shall consider the following:

1. Scope of the audit.

2. Complexity of the audit.

3. Expertise of available staff.

4. Staff training needs.

5. Potential obstacles to independence/objectivity.

D. Contract Auditors, Consultants, and Experts:

In some instances, audit staff may not have the expertise and qualifications needed to conduct all aspects of a particular audit. With the approval of the Chief of Police, the Audit Commander may obtain the services of outside accountants, management consultants, or other professional experts necessary to perform assigned duties. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the agency or its personnel. The Audit Commander shall follow established agency contracting procedures in obtaining these services.

10.10.080 Question Pools for Audits

A. There is no set question pool utilized by the audit team. Each audit is unique; therefore, a specific set of questions is developed for each occasion.

B. There is an attempt to associate each initial audit question with a law, regulation, code, standard, guide, procedure, or rule. Sources consulted for these questions include:

1. MNPD Policies and Procedures
2. Local, State or Federal Requirements
3. CALEA standards
4. Occupational Safety and Health Administration (OSHA)
5. Other appropriate areas

C. Audit questions are intended to address areas of high risk, liability and/or special importance to the agency. An additional set of questions is developed and posed to outside stakeholders, as well as to a random sampling of employees working within the bureaus/ districts/divisions undergoing the audit.

10.10.090 Access to Records and Property

A. Access Authorization

The Audit Commander is authorized by the Chief of Police to have full, unrestricted, and immediate access to all agency functions, records, property, equipment, and personnel, except in areas specifically exempted by statute, regulation, or other directive.

B. Information Requests

Employees shall make available all information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business that are requested in the performance of their duties. In addition, employees shall provide immediate access to inspect all property, equipment and facilities
within their custody.

10.10.100 Audit Process

A. Scheduling

The Audit Commander shall contact the bureau, division, or precinct commander(s) and schedule a time to conduct the preliminary interview, entrance conference, audit fieldwork, and exit conference. When scheduling the audit, the commander(s) shall assign a person from each section or unit within the bureau, division, or precinct to act as liaisons to the virtual audit team members. This person shall be familiar with the section or unit and have access to necessary facilities, documents, and calendars**.**

B. Expectations for Virtual Team Members

Prior to any audit, persons selected as virtual audit team members shall:

1. Become familiar with the audit documents, guidelines, and process.

2. Read each question and determine what information, actions or controls may be needed to establish, and later verify, compliance.

3. Review MNPD Policies & Regulations and other source documents.

4. Review strategic plans and policies, and any other information that would help them become more familiar with the division, precinct, section or unit.

5. Review prior audits, if applicable.

6. Immediately after training, set appointments with respective personnel to be interviewed during the audit.

C. Fieldwork

The virtual audit team members shall use the prepared Question Pool when conducting an audit. These questions cover the minimal areas to

be addressed for the specific audit being conducted. The virtual audit team members may make relevant inquiries based upon their own curiosity, intuition, or investigative training. However, these questions, and their resultant responses, must be recorded as an attachment to the virtual audit team member's report to the Audit Commander. In addition, virtual audit team members shall:

1. Verify all responses by examining documentation, touring facilities, inspecting vehicles, etc. They shall make written notes describing how compliance was confirmed. Simply asking a question and recording an answer is not an acceptable audit procedure.

2. If non-compliance is determined, virtual audit team members shall make the appropriate written notations. These notations shall indicate why non-compliance is determined by providing specific and verifiable facts. A copy of the non-compliant document(s), with notations about the non-compliance, is required. If no copy is possible (e.g., visual vehicle inspection), they shall make the notation of non-compliance and identify the vehicle, date inspected, witnesses to audit, etc. Additionally, they shall indicate how compliance can be met and how it may need to be verified.

3. When non-compliance is discovered, the virtual audit team members shall take specific and detailed notes. An independent third party must be able to retrace the steps taken by the virtual audit team and arrive at the same conclusions through the use of those notes.

4. During the course of an audit, the virtual audit team members may discover exemplary performance or practice. Upon these occasions, they shall make a special note of this information in their report to the Audit Commander. Supervisors shall also be asked to identify areas of outstanding performance.

D. Exit Conference

The Audit Commander shall present all findings to the bureau/division/precinct commander at an Exit Conference. The commander's written responses to the findings should be presented thirty (30) days following the Exit Conference.

E. Final Report

A final report typically should be provided to the Chief of Police within sixty (60) days following the Exit Conference.

F. Follow-up Audits

The Audit Commander, at his/her discretion, can conduct a follow-up audit. Results of the follow-up audit shall be communicated to the Chief of Police through a written report.

10.10.110 Audit Reports

A. Report Requirements

The Audit Commander shall submit all audit reports to the Chief of Police, along with retaining copies for his/her own files.

B. Contents of Reports

Audit reports shall include:

1. An Executive Summary of findings;
2. A description of the area undergoing the audit;
3. Background on the process leading to the audit;
4. A precise statement of the scope encompassed by the audit;
5. A description of Outstanding Performance identified through the audit;
6. An individual listing of findings, including a description of the finding, its probable cause, potential impact, and recommendations for corrective action required to re-establish compliance;
7. A statement by management of the corrective actions previously taken or contemplated as a result of the audit findings;
8. An opinion on management's plan of action; and
9. An individual listing of exit items for consideration and study by management.

10.20 Inspectional Process: Line & Staff Inspections and "Inspection Report" Completion

10.20.010 Generally

The purpose of this order is to establish departmental policy and procedure concerning the inspection of department operations, facilities, activities, equipment and personnel, and the completion of revised MNPD Form 210, Inspection Report.

10.20.020 Definitions

For the purpose of this order, the following words or terms shall be defined:

A. **Inspectional Process:** The function of inspecting or evaluating departmental operations, facilities, activities, equipment and/or personnel, so that to ensure efficiency and effectiveness of the department, and to generate findings, conclusions and/or recommendations.

B. **General Supervisory Control:** The day-to-day supervision of a subordinate's duties, activities, and daily inspection, and/or the overseeing of the internal function and general operation of a component.

C. **Special Supervisory Control:** The temporary supervision of a subordinate's duties, activities, inspections and/or the overseeing of the internal function and general operation of a component during contingent/special operations.

D. **Line/Authoritative Inspection:** Inspections conducted by personnel that are in the general supervisory control of the inspected personnel or component. These inspections are generally conducted by first line (immediate), or mid-level supervisors, with the results of the inspection reported through the chain of command.

E. **Staff/Administrative Inspection:** Inspections conducted by authorized personnel who do not have general or special supervisory control of the inspected personnel or component. The results of the inspection shall be reported to the inspector's supervisor.

10.20.030 General Provisions

A. The inspectional process is an essential tool for evaluating the quality of the department's operations. The process ensures the department's

and/or component's goals and objectives are being pursued by identifying the need for additional resources.

B. Generally, the inspectional process at both the line and staff levels provides the department's executive and command level personnel with a means of regularly assessing the department's or component's efficiency and effectiveness. It also provides information necessary to plan for change in operations, or the content of training programs.

C. The inspectional process shall be an ongoing and primary activity of all supervisory personnel. Supervisors shall take necessary corrective or recommended action when observing inefficiencies in their command area regarding:

1. Safety
2. Department's or component's goals and objectives
3. Work performance/quality
4. Facility, equipment, and supply adequacies
5. Economy
6. Subordinate personnel's deportment, discipline, and morale
7. Daily subordinate personnel's inspection
8. Productivity
9. Public reaction and relations

10.20.040 Specific Provisions

A. Line/Authoritative Inspections

It shall be the responsibility of personnel having general supervisory control of a subordinate/component to:

1. Conduct inspections as he/she deems necessary to ensure compliance with applicable regulatory provisions. This ensures the subordinate/component is fit for duty.
2. **Conduct a documented field/formal inspection at least <u>quarterly</u> for first responder and support personnel equipment, vehicles, et cetera, and at least bi-annually for administrative personnel.**

NOTE: Supervisors conducting a field/formal inspection of the above shall complete MNPD Form 210, Inspection Report, for each subordinate and/or component vehicle inspected. This report shall be retained in his/her "Command Records File", for a period of three (3) years from the inspection date.

3. Take immediate necessary corrective action for any inadequacy of the inspection.

B. Staff/Administrative Inspection:

1. The general deportment of departmental personnel through inspections at least every two years, or as deemed necessary, to ensure personnel are in compliance with applicable regulatory provisions.

   NOTE: There shall be a formal staff inspection during in-service training every two years. Personnel shall bring: a complete department issued uniform and authorized equipment; if the member has an assigned department vehicle, the vehicle and its prescribed equipment shall be inspected; and, all applicable items listed on the Inspection Report.

2. The general condition of departmental property, equipment, and facilities through inspections. This inspection shall be conducted at least every two years, or as deemed necessary, to ensure compliance with applicable regulatory provisions.

   NOTE: Staff inspectors conducting a field/formal inspection of personnel/non-contingency vehicles, shall complete MNPD Form 210, Inspection Report, for each person or vehicle inspected. This report shall be retained in the Inspections Section's, "Field Inspection File", for a period of three (3) years from the inspection date.

3. The general efficiency and effectiveness of department operations through review of organizational components, as designated by the Chief of Police or his/her designee. Such inspections will be directed toward reporting:

   a. The integrity of "line" supervision – identifying any deficiency therein;

   b. The degree of compliance/conflict with the application of regulatory provisions, or other communications of the Chief of Police or other authorized source;

c. Any recurring problems in operations.

4. The need of change in any area of concern. These changes shall be reflected by the analytical review conducted during the inspection.

5. Such other services as may be required for the good of the department and the community.

6. If inspectors have no command authority over line components and/or personnel involving non-emergency circumstances. Such deficiencies shall be communicated through the appropriate "chain of command". A summary report shall be made by those individuals responsible for conducting the inspection. The report will include any noted deficiency and follow-up recommendations for improvement. Any corrective action called for in the report will be handled by the Component Supervisor in charge of the component where the deficiency was noted and will be responsible to follow-up the inspection to make sure the deficiency is corrected.

10.20.050 Inspection Reports

A. **Personnel Field/Formal Inspections:** Any inspection of departmental personnel, (professional support staff or sworn) shall be reported by completing MPD Form 210, Inspection Report. All applicable items listed shall be visually inspected.

B. **Contingency Vehicle Field/Formal Inspections:** (Vehicles for SWAT and Communications, aircraft, boats, et cetera). Any inspection of contingency vehicles and their specialized equipment/supplies shall be reported and documented by completing a customized inspection and inventory report designed for each particular type of vehicle. The report shall have the following basic information:

1. Vehicle type/description

2. Base location/assigned personnel

3. Stocked equipment/supplies

4. Maintenance

NOTE: These specialized reports are too numerous to list but are on file in the Strategic Development Division upon request.

Each vehicle and its contents shall be inspected at least **once a month**. The only exception to this is when the police watercraft is in dry dock for winter storage. If the watercraft is taken out of storage for

special use, it will be re-inspected once it is placed back in the dry dock. Regular monthly inspections will resume during seasonal use.

C. **Inspection Report Completion Instructions**

1. Type of Inspection: Indicated by checking if the inspection is either a line or staff inspection, and if it is either a monthly, bi-annual (six months), annual, or special inspection.

   NOTE: Special inspections shall be indicated when the inspection is either a re-inspection, newly transferred personnel, or for any other reason that the supervisory personnel has deemed necessary as stated in Section 10.20.040, A.

2. Person Inspected and Inspector Information: Enter all applicable information in the appropriate blocks provided.

   NOTE: If a component vehicle only is being inspected, check the N/A box in the inspected personnel's name block. Enter a check in the Component Vehicle box located in the assignment block. Next, indicate the vehicle's assignment information.

3. Compliance Indicator Symbols (C.I.S.): This section defines the different types of C.I.S. and the indication of not applicable (N/A) sections or items, as prescribed below:

   a. The minus (-) symbol indicates that the item inspected is "not" in compliance. Enter (-) in the appropriate C.I.S. minus column box that is provided to the right of each item, with the exception of items 89 thru 101.

   b. The plus (+) symbol indicates that the item inspected is in compliance with the provision as **standard**. Enter (+) in the column box that is provided to the right of each item, and the minus column.

      NOTE: Do not enter a minus (-) C.I.S. for any item in the Exemplary Equipment subsection. These items, if applicable, shall receive only a plus (+) C.I.S. The plus indicates that having the item is considered to be "Exemplary" or "Outstanding".

      NOTE: These items are considered a model example worthy of imitation. A total should be entered at the bottom of the column. This total is to document **only** those reports that request the inspected person's exemplary activities. i.e. evaluations.

c. Any subsection or item that is considered not applicable (N/A), shall be indicated as such by entering an (x) mark in the appropriate N/A box provided in either the section's heading, or to the left of each item, (except in the Exemplary Equipment subsection).

4. Items Inspected Section: This section lists the different subsection categories to be inspected. The following explains each subsection category and the applicability to personnel inspected.

   a. Personal Appearance/Attire – Personnel shall be inspected according to the applicable subsections. For example:

      classification – professional support staff or sworn
      gender – male or female
      assignment – uniform or non-uniform

      NOTE: Unless otherwise requested prior to the inspection, personnel shall be inspected according to their authorized general service duty attire.

   b. Uniform: Personnel inspected in their authorized/issued uniform shall be held accountable for all applicable items and provisions included in that subsection.

   c. Directives, Bulletins, & Training Material – All personnel inspected who have been issued departmental directives, bulletins, and /or training materials, shall be held accountable for each item issued in that subsection.

      NOTE: Some of these materials may be too large or bulky to store in the inspected person's work area or vehicle. Therefore, those materials not required to perform day-to-day activities shall be kept at the employee's residence. These directives should be stored in such a way that the department's confidentiality is not breached and, that if requested, they can be produced.

   d. Vehicle Maintenance and Information – All personnel or components who have a department vehicle assigned to them shall be held accountable to this subsection and all applicable items and provisions.

NOTE: When a component has multiple shifts, the general maintenance responsibilities for the component's assigned vehicle shall be the shift with the majority of operational time – 0730 thru 1600 hours. All component assigned vehicles shall be field/formally inspected at least once a month by authorized line personnel. It shall also be inspected at least every two years by authorized staff personnel.

e. Emergency/Marked Vehicle Equipment – All personnel or components assigned an emergency/marked vehicle shall be held accountable to this subsection and its applicable items and provisions.

NOTE: A component is only responsible for its assigned vehicle items that are permanently attached or bracketed to the vehicle; (i.e., emergency lights, department transceiver, fire extinguisher, etc.)

f. Exemplary Equipment – Any inspected personnel who is authorized by either his/her supervisor or others to carry or transport an item listed, may qualify for marks regarding the items and provisions in this subsection. (See Section 10.20.050 C(3)(b), NOTE)

5. Disposition of the Inspection Section: Upon the completion of all applicable items, **total only the minus (-) symbols.** Enter the total in the total box located in the disposition section.

NOTE: In the event there are no minus symbols indicated in the C.I. S. column enter a (0) in the total box.

The Disposition of the inspection is determined by the amount of C.I.S. indicated as follows:

a. Any number of minus (-) marks in the C.I.S. total box indicates that the inspected person or vehicle is below standard. All items indicated as such shall be explained in the remarks section and shall be re-inspected within five (5) calendar days.

NOTE: If the item receiving a minus (-) C.I.S. jeopardizes the safety or function of any person or operation, or violates any law provision, the inspected person shall be immediately suspended from his/her duties, by either

Line or Staff inspectors, until the inspected person is in compliance, or until other provisions dictate.

b. A total or zero in the C.I.S. minus (-) total box, means that there are no minuses (-) indicated.

6. Remarks Section: This section explains all items receiving a minus (-) C.I.S., and/or any allowances, exemptions and/or recommendations.

7. Signature of Inspected and Inspecting Personnel Section: The inspected and inspecting personnel shall sign the report upon its completion. These signatures are to verify the integrity of the report only, and do not indicate that the inspected personnel agrees with the inspection's results.

NOTE: If the inspected person disagrees with his/her inspection results, he/she shall attempt to rectify the disagreement through the appropriate grievance provisions.

Title 11: Response to Resistance

11.10 Response to Resistance

The Metropolitan Nashville Police Department recognizes and respects the value and special integrity of each human life. When investing police employees with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

11.10.010 Purpose

The main responsibility of MNPD officers is to protect the life and property of citizens. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm.

When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution, the Tennessee Constitution, and applicable law. Officers should attempt to use non-confrontational verbal skills, empathy, and/or active listening to stabilize a person in crisis or when confronted with a situation where control is required to effect an arrest or protect the public's safety. Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the Department's ability to provide effective law enforcement services to the community.

Officers who use excessive or unauthorized force, fail to use authorized techniques, or fail to de-escalate, where reasonable and possible, shall be subject to discipline, up to and including termination, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

This policy is for Metropolitan Nashville Police Department use only and does not apply in any criminal or civil legal proceedings. This department policy should not be construed as the creation of a higher legal standard of care. Violation of this directive will only form the basis for departmental administrative sanction.

Any use of force employed as a response to resistance shall be documented in accordance with procedures found herein. Reporting shall be accomplished via the electronic Response to Resistance Module (RTR Module). If reporting via the RTR Module cannot be completed, then hard copy forms shall be used (MNPD Form 108).

11.10.020 Definitions Specific to Use of Force

A. **Absolutely Necessary:** All other options have been exhausted, unavailable, or are not feasible.

B. **Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack, or the potential for such an attack, on the employee or others. The employee makes the reasonable assessment that such actions by the subject would not result in serious bodily injury or death to the employee or others.

C. **Active Resistance:** A subject whose non-compliance includes resistive movements or physical defiance.

D. **Aggravated Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the employee or others. The employee makes the reasonable assessment that such actions by the subject could result in serious bodily injury or death to the employee or others.

E. **Authorized Weapons and Ammunition:** Weapons and ammunition approved by the Metropolitan Nashville Police Department Chief of Police and/or their designee and the Training Division for which authorized employees receive departmentally approved safety and proficiency training.

F. **Critical Incident:** Incidents that involve the MNPD or MNPD personnel, acting within the scope of their authority as an MNPD employee, and may include, but are not limited to the use of deadly force or officer involved incidents resulting in serious bodily injury or death, or the death or serious bodily injury of an employee or other person.

G. **Critical Incident Review Board (CIRB):** A board convened at the direction of the Chief of Police to review whether departmental policies and procedures governing a critical incident have been followed. The board may examine files, records and a presentation from the Critical Incident Review Team (CIRT).

H. **Deadly Force:** Any use of force reasonably calculated to produce death or serious bodily injury.

I. **De-escalation:** Actions which may aid in stabilizing 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 thereby reduce or eliminate the necessity to use physical force.

J. **Defensive Force:** Use of hands, feet, or any other defensive equipment to overcome violent resistance or to protect self or others from assault or injury.

K. **Display of Firearm:** Drawing and aiming, or similar un-holstered display indicating potential use, without discharge, of a firearm in circumstances where any person perceives the action as a threat of a use of force, whether or not this is accompanied by a verbal warning, aiming at or illuminating a subject with a weapon mounted light.

L. **Expectorant Barrier:** A breathable mesh head covering that is utilized when a subject who is in custody presents a threat to the arresting officer(s) by attempting to bite or spit.

M. **Force-Continuum:** Broad categories of force, in identifiable escalating/de-escalating stages of intensity, in response to a subject's action. They are commonly identified as official presence, verbal direction, soft empty-hand control, hand-held chemical spray/Taser energy weapon, hard empty-hand control, batons, and firearms. A subject's action may be defined in broad categories including full compliance to commands, verbal uncooperativeness, passive resistance, active resistance, active aggression, and aggravated active aggression (deadly force).

N. **Hand-Held Chemical Spray:** Less than lethal device which delivers Oleoresin Capsicum via a propellant from a hand-held canister.

O. **Hard Empty-Hand Control:** Impact techniques that include knee, arm, and hand strikes, as well as kicks and dynamic takedowns.

P. **Impact Weapons:** A blunt impact object designed to immobilize a combative subject.

Q. **Injury:** Includes any physical pain, illness, or any impairment of physical condition.

R. **Less Lethal Devices:** A device that is designed to reduce the potential of causing serious bodily injury or death.

S. **Lethal Weapon:** Any weapon reasonably calculated to produce death or serious bodily injury.

T. **Medical-Behavioral Emergency (MBE):** A high-risk critical incident characterized by a state of extreme mental and physiological excitement, extreme agitation (including shouting, irrational or disruptive behavior), hyperthermia, excessive watering of the eyes, hostility, paranoia, delusional or panic behavior, inappropriate nudity, heavy or rapid breathing, obesity, actual knowledge of drug use (especially stimulants such as cocaine, PCP, or methamphetamine), or exceptional strength and endurance without fatigue. This is a medical condition that may manifest itself as a behavioral issue. Emergency medical care should be obtained without unnecessary delay.

   Personnel should be aware that the Nashville Fire Department uses the term Hyperactive Delirium.

U. **Neck Restraint:** Any pressure or constriction to the neck, throat or windpipe, arteries or vascular system that may impair breathing or impair circulation; including but not limited to chokeholds, strangleholds, carotid restraints, or lateral vascular restraint.

V. **Non-Deadly Force:** Any use of force other than that which is considered deadly force.

W. **Objectively Reasonable**: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

   Assessing the reasonableness of force used in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, dynamic, and rapidly evolving. The reasonableness inquiry is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

X. **Official Presence:** The mere presence of a law enforcement officer works to deter crime or diffuse a situation. Not a use of force. The identification of an officer's authority may be by uniformed presence or verbal identification.

Y. **Passive Resistance:** A non-compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts.

Z. **Physical Force:** The application of a technique, action, or device to compel a change in the actions of another person; usually compliance with a desired behavior, submission to authority, or to de-escalate a threatening behavior.

AA. **Positional Asphyxia:** Positional asphyxia is a position that can produce unconsciousness or death caused by a lack of oxygen or an increase of carbon dioxide in the blood.

BB. **Previously Existing Injury:** For the purposes of this policy, any injury, medical condition, or illness that existed prior to any officer's physical contact/custody with subject. The previously existing element may be a long-established injury from months or years ago, to an injury incurred while eluding custody only moments or seconds prior to physical control by arresting officer(s).

CC. **Reasonable Belief:** The facts or circumstances the employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. Reasonable belief may be based upon the officer's evaluation of the situation, experience, training, and the totality of the circumstances known to or believed to exist by the officer at the time.

DD. **Restraining Force:** Force which is limited to holding and restraining persons, which shall include arm-lock and takedown holds, but shall not include neck restraints.

EE. **Self-Inflicted Injury:** For the purpose of this policy, an injury caused to oneself through one's own actions. Self-inflicted injuries are not caused by external factors but, rather, directly result from one's own behaviors, actions, and decisions. Self-inflicted injuries occurring PRIOR to an officer's physical contact/custody of subject should be reported as a Previously Existing Injury.

FF. **Serious Bodily Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

GG. **Soft Empty-Hand Control:** The use of physical strength and skill in defensive tactics to control persons who are reluctant to be detained or taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, controlled takedowns, joint manipulation, or simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive resistance.

HH. **Taser Energy Weapons (TEW):** A hand-held weapon that is designed to subdue persons and/or animals. The weapon uses a low dose electrical current to temporarily stun and immobilize.

II. **Verbal Direction:** The use of advice, persuasion, warnings, or clear directions prior to resorting to physical force. Includes calm, nonthreatening commands which may progress in volume and tone in an attempt to gain compliance. A coercive, non-physical, use of force.

JJ. **Verbal Uncooperativeness:** A compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts yet verbalizes resistance to instructions.

11.10.030 General Provisions

A. Determining "Reasonableness" of Force:

1. Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the reasonableness of any particular force used shall be examined from the perspective of a reasonable MNPD Officer, with similar training and experience, based on the same facts and circumstances.

2. Factors used to determine "reasonableness" may include, but are not limited to:

a. The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;

b. The seriousness of the crime or suspected offense;

c. The level of threat or resistance presented by the subject;

d. Whether the subject was posing an immediate threat to officers or a danger to the community;

e. The potential for injury to citizens, officers or subjects;

f. The risk or apparent attempt by the subject to escape;

g. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);

h. The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;

i. The availability of other resources;

j. The training and experience of the officer;

k. The proximity or access of weapons to the subject;

l. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects; and

m. The environmental factors and/or other exigent circumstances.

B. Authorized employees shall not use force solely because another officer is using force.

C. At no time shall any level of force be utilized for retaliation, as punishment, or otherwise inconsistent with law and policy.

D. Authorized employees shall adhere to the following restrictions:

1. Except for maintenance, official inspections, or during training, employees **shall not** draw or exhibit their firearm unless circumstances create reason to believe that it may become necessary to use it as provided in this policy;

2. Warning shots are prohibited;

3. When effecting an arrest, no form of deadly force shall be used which would pose a substantial risk to innocent bystanders;

4. When the use of deadly force is necessary to defend the employee or another from death or serious bodily harm, every effort will be made to minimize the risk of harm to innocent persons; and

5. Whenever an authorized employee is utilizing deadly force with a firearm, the employee shall ensure they have identified the target, have a clear field of view, and are aware of what is beyond.

E. In addition to the use of force provisions stated in this policy, an authorized employee may also discharge a firearm to destroy a seriously injured and suffering or dangerous animal when no other disposition is practical. A supervisor's approval will be sought when possible.

F. Employees shall adhere to department approved procedures, training, and tactics related to use of force. *(The category of violation is based upon the circumstances and nature of the offense).*

G. In accordance with departmental approved training, approved personnel shall carry their duty sidearm's inserted magazine filled to capacity, with a round chambered. All other magazines carried for duty use shall be filled to capacity.

H. All members must recognize and act upon the Duty to Intervene in order to prevent or stop any member from conducting any act that violates law or policy (including, but not limited to excessive or unlawful force, unlawful behavior, abuses of authority or major violations of department policy or procedure). See also current policy provisions governing the duty to intervene.

I. Employees shall not**:**

1. Knowingly place themselves in a position where they would be in jeopardy of being struck by a suspect vehicle or knowingly stand and/or step into the path of a vehicle, creating circumstances where the use of deadly force may be necessary.

2. Discharge their firearm at or from a moving vehicle, motorcycle, or bicycle unless absolutely necessary to protect the life of the employee or others.

3. Restrain a person in a prone position any longer than necessary to properly secure the person. Any authorized employee who has placed a person in a prone position must move the person into a recovery position (on their side, sitting, or standing) as soon as the person has been properly secured to facilitate breathing.

J. All authorized employees shall be armed while on duty except, subject to supervisory approval, when their assignment requires otherwise.

K. The carrying of firearms while off-duty shall be at the discretion of the employee. If the employee chooses not to carry a firearm and the need for police services arises, the employee **shall** take appropriate action and request an on-duty employee to respond.

L. A firearm must always be carried by an authorized employee when operating a departmental vehicle except, subject to supervisory approval, when the employee's safety might be jeopardized should their identity be revealed.

M. When an authorized employee is in civilian attire and armed, the firearm must be concealed from view when in public. Authorized employees shall always possess their departmental credentials (I.D. card and badge) when armed.

N. De-Escalation

1. In accordance with current MNPD training on use of force, and where feasible, authorized employees shall use de-escalation techniques and tactics to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation.

2. In accordance with current MNPD training on use of force, officers shall continually assess the situation and seek to utilize de-escalation techniques in all use of force incidents, where possible.

3. De-escalation techniques may include, but are not limited to:

    a. Vocal/Voice Control: Ensuring only one member addresses an individual at a time, regulating vocal tone, explaining the officer's actions and responding to questions, avoiding repetitive command loops, using calming gestures, verbal persuasion, verbal advisements and verbal warnings.

    b. Recognizing emergencies: Officers should remain vigilant for the signs and symptoms of medical and mental health emergencies, such as Medical-Behavioral Emergencies (MBEs) and hypoglycemia and, where feasible, coordinate engagement with EMS or CIT.

    c. Decreasing exposure: Moving to a safer distance, seeking cover, tactical repositioning, and utilizing barriers between uncooperative subjects.

d. Slowing down the pace of the incident: Slowing speech, taking deep breaths, waiting the subject out, avoiding physical contact/confrontation, calling for additional personnel, requesting specially trained officers (bilingual, negotiators, CIT, etc.).

e. Decreasing visual triggers: Avoid angry expressions or tones, avoiding unnecessary display of weapons.

f. Disengagement: While the ultimate objective of every subject encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to a potential physical injury before applying reasonable force. However, in some situations, disengagement may be a viable option for individuals who pose no additional threats to themselves or others and who may later be apprehended under safer conditions.

4. Employees shall reduce the degree of force used as the threat diminishes and cease the use of force as soon as reasonable.

5. Successful resolution of an encounter ultimately relies on the cooperation of a subject to provide officers with the time and opportunity to employ de-escalation techniques. Cooperation is more likely obtained by conveying respect and professionalism to the subject throughout the contact.

O. Use of equipment, other than the approved baton, as an impact device is prohibited.

1. However, under **exigent circumstances**, other equipment may be used as a defensive impact device when the use of the baton is not feasible.

a. If such non-lethal equipment is used as a defensive impact device within the guidelines of this policy, the training guidelines applicable to the use of a baton shall apply.

b. If lethal equipment (firearm, vehicle, etc.) is used as a defensive impact device within the guidelines of this policy, the training guidelines applicable to the use of a deadly force shall apply.

2. When such equipment is used as a defensive impact device, the member should disengage as soon as the situation permits and transition to an approved device.

3. Authorized employees shall not intentionally strike the head, neck, or throat of an individual with an impact device, except where deadly force is justified.

P. When an employee reasonably believes that an arrestee has secreted an item within their mouth believed to be contraband or evidence, the following shall apply:

   1. An officer may reasonably order an arrestee to remove that which the arrestee has within their mouth.

   2. Before an officer may use physical force to search an arrestee's mouth for contraband the officer must first have (all of the following simultaneously present):

      a. a lawful arrest of the person based upon probable cause;

      b. probable cause to believe that the arrestee has secreted a "seizeable item" (*e.g.,* illegal drugs) within their mouth;

      c. a "clear indication" that a seizeable item will be found within the arrestee's mouth; and

      d. either a warrant authorizing an intrusion into the arrestee's mouth, or exigent circumstances, such as:

         (1) imminent destruction of evidence; or

         (2) medical emergency.

   3. Once all of the prerequisites listed above have been satisfied, then an officer may use objectively reasonable force to extract the contraband secreted in the arrestee's mouth in a manner consistent with departmentally approved training.

   4. After such incidents, such persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility.

11.10.040 Parameters for Non-Deadly Force

A. When the use of force is needed, if feasible, authorized employees will identify themselves and determine which options in the force continuum will best de-escalate the situation in the most safe, reasonable, and prudent manner possible.

When communicating with any individual(s) wherein the use of force is likely, officers should be aware of any type of issue that may interfere with the subject's ability for communication and/or comprehension of the officer's instructions and/or commands.

Issues interfering with communication/understanding may include hearing impairment, medical condition, developmental disabilities, cognitive deficits (e.g., dementia), or other apparent behavioral/mental impairment.

B. Authorized employees are permitted to use department authorized non-deadly force techniques and equipment for resolution of incidents to:

1. Protect themselves or another from bodily injury;

2. Restrain or subdue a resistant person for whom there is probable cause to arrest or reasonable suspicion to stop;

3. Prevent damage to property; and/or

4. Bring an unlawful situation in which there is lawful authority for the employee to intervene, safely and effectively under control.

C. Authorized employees may use department issued or approved hobble restraints and approved custodial restraint techniques on subjects who have been combative to reduce the likelihood of self-inflicted injury or to control further resistance while handcuffed. Employees are **not** permitted to use hobble restraints, leg shackles, plastic ties, or any other device to place any subject in a manner which is likely to produce positional asphyxia.

D. Any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated - with an emphasis on why a particular level of force used was necessary to obtain compliance.

E. Authorized employees are permitted to use only that force which is reasonable and necessary under the particular circumstances to protect themselves or others from bodily injury, and only after other reasonable alternatives have been exhausted or it is determined that such alternative action(s) would be ineffective under the circumstances.

F. Flight alone shall not justify the use of any level of force beyond official presence or verbal direction on a suspect. An officer must have reasonable suspicion or probable cause to believe that the suspect has committed or is about to commit a criminal offense before utilizing force greater than verbal direction.

11.10.050 Use of Expectorant Barrier

The use of expectorant barriers creates a biohazard barrier that reduces the risk of exposure to dangerous pathogens from subjects in custody.

A. Authorized employees, who have successfully completed specialized training, may only apply departmentally approved and supplied expectorant barriers to persons in lawful custody who are handcuffed and where the subject has, is attempting to, or threatens to spit at officers or there is a reasonable belief the subject will do so.

B. Application of the expectorant barrier will be in a manner consistent with established training that does not restrict a subject's airway and shall not be applied as a form of punishment or retaliation.

C. An expectorant barrier should not be used on persons who are at the extremes of age or physically disabled unless there are compelling reasons to do so which can be clearly articulated.

D. Where feasible, supervisory approval should be obtained prior to application. Where prior approval is not possible, a supervisor shall be notified immediately after application, consistent with Section K below.

E. Employees will not apply an expectorant barrier when the subject is:

1. In a prone position;

2. Exhibiting characteristics of a Medical-Behavioral Emergency (MBE) as defined in MNPD Manual 11.10.020 (T);

3. Exhibiting signs of lethargy or sleepiness;

4. Vomiting;

5. Experiencing a medical emergency or signs of respiratory distress; or

6. Exposed to chemical spray (unless necessity for such action can be clearly articulated).

F. Employees shall remove the expectorant barrier when practical and safe to do so after determining the risk of being bitten or exposed to biological material via expectorant no longer exists.

G. Employees will continue to monitor the subject's well-being while the expectorant barrier is applied and shall not leave the subject unattended.

H. An applied expectorant barrier must immediately be removed from any subject if:

1. Their health is being adversely affected;

2. Vomiting begins; or

3. They lose consciousness.

NOTE: When safe and feasible, first aid protocols should then be observed according to MNPD Manual 11.10.180.

I. Transporting officers should continually monitor the subject and be prepared to stop to remove the expectorant barrier should the need arise.

J. Further provisions regarding expectorant barriers:

1. Employees should adhere to the guidance provided in MNPD Manual 2.50 Communicable Disease Protection, Exposure Reporting and Contaminated Crime Scene Procedures by wearing appropriate PPE when applying or removing an expectorant barrier.

2. Employees will not reapply a used expectorant barrier. If subsequent application is required for the same individual, a new expectorant barrier must be used.

3. Used expectorant barriers that contain blood will be treated as bio-hazardous material and disposed of properly utilizing a biohazard bag, in accordance with procedures outlined in 2.50.090 Disposal of Biohazardous Waste.

4. If there are no visible signs of blood in the saliva, used expectorant barriers may be disposed of in a regular trash receptacle.

5. When transferring custody of a subject who has been exposed to an expectorant barrier to medical personnel, Davidson County Sheriff's Office Personnel, or others, the employee shall advise the receiving personnel of the transferred subject's exposure to the expectorant barrier.

K. Reporting & Documentation

1. Employees shall immediately notify a supervisor anytime there is an application of an expectorant barrier. The application must be documented on a RTR Module entry by selecting "Expectorant Barrier" as the type of soft empty-hand control used and then explain the circumstances justifying the use of the device in the narrative.

2. The RTR Module entry shall be processed consistent with established policy.

L. Any use of expectorant barrier not consistent with established departmental policy or departmental training is expressly prohibited, and may result in remedial training, corrective action, or disciplinary action.

11.10.060 Use of Chemical Spray

A. When discharging chemical spray on an individual or animal that is within the parameters for the use of non-deadly force, the authorized employee shall:

1. When feasible, give the verbal warning of "**clear**" to alert other personnel that the spray is about to be used so they can create a safe distance between themselves and the target of the spray;

2. Use a short burst and only the number of bursts necessary to achieve the desired effect of temporarily immobilizing the individual being sprayed;

3. Use at a maximum distance of fifteen (15) feet, and a minimum distance of three (3) feet from the target person;

4. When possible, discharge the spray from the strong hand; and

5. Follow all other techniques and/or instructions taught or disseminated by Metropolitan Nashville Police Department Training Division personnel.

B. Storage & Security

1. Chemical spray shall be securely stored at all times when not in use.

2. An employee shall keep issued chemical spray out of reach of children at all times.

C. Further provisions regarding chemical spray:

1. Authorized employees shall be trained in the proficient use of chemical spray, in accordance with the training provided by Metropolitan Nashville Police Department Training Division personnel.

2. Authorized employees shall receive training and updates in the use of chemical spray on a biennial basis. Training and proficiency shall be documented by the Training Division.

3. Authorized employees are only allowed to carry departmentally issued chemical spray.

4. Prior to carrying the chemical spray, the employee shall inspect the canister and ensure it is not expired.

5. Chemical spray is to be carried only in a department approved holster, on the front side of the utility belt or on the approved external vest carrier, in a manner consistent with established training.

6. Authorized employees will be issued one container of chemical spray by Training Division personnel and can obtain another container after a discharge (when over half of a can is used), if they bring the used container to the Training Division. Training Division personnel will attempt to verify that an RTR Module entry is on file that describes the employee's use of the chemical spray before issuing the new container.

7. Carrying of a chemical spray while off-duty shall be at the discretion of the employee.

8. Authorized employees will not carry a chemical spray onto any airplane or helicopter.

9. Prior to using the chemical spray on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should chemical spray be deployed.

10. Authorized employees should not use a chemical spray in the vicinity of infants.

11. Any use of a chemical spray not consistent with established departmental policy or departmental training is expressly prohibited, and may result in remedial training, corrective or disciplinary action.

11.10.070 Use of Taser® Energy Weapon

A. MNPD deployment of approved Taser Energy Weapons (TEWs) have made the weapons available to any MNPD personnel authorized to carry them. Only (TEWs) issued by the MNPD are approved for on-duty use.

B. (TEWs) should be fired from the strong hand only. Additionally, (TEWs) should NEVER be held in the hand at the same time as the pistol.

11.10.080 Taser® Training & Certification

A. Taser® training shall be provided by the Metro Police Training Division to authorized employees. Such training shall be consistent with approved lesson.

B. Only those authorized employees who successfully complete and maintain certification may carry and/or deploy the Taser®.

C. To ensure proficiency, authorized employees will be required to successfully complete departmental Taser® training updates. This training shall, at a minimum, be provided annually. Training and proficiency shall be documented by the Training Division.

11.10.090 Taser® Inspection & Storage

A. If a Taser® will be carried during the employee's shift, the employee shall perform a function test at the beginning of each shift prior to carrying the Taser® to ensure that the weapon is charged and properly functioning and/or other such inspection as recommended by the manufacturer.

B. Storage & Security

1. The Taser® shall be securely stored at all times when not in use.

2. An employee storing a Taser® shall be responsible for the safety and security of the Taser® unless another employee assumes responsibility for the weapon.

3. An employee shall keep the Taser® and cartridges out of reach of children at all times.

C. The Taser® shall be inspected, and its information noted, consistent with established policy and procedure governing departmental inspections.

11.10.100 Taser® Deployment

A. Deployment

1. The Taser® may be deployed consistent with established policy and procedure governing the force continuum. The Taser® is considered an "intermediate" level of force between soft empty-hand control techniques and hard empty-hand control techniques and may be deployed as appropriate.

2. Fleeing Suspect: All other provisions of this order notwithstanding, there must be probable cause to justify the arrest of a fleeing suspect for a criminal offense prior to utilizing the Taser® to effect the arrest.

B. When deploying the Taser®, probes or stun, at or upon an individual or animal that is within the parameters for the use of non-deadly force, the authorized employee shall:

1. When practical, give the verbal warning **"Taser!"** to alert other personnel the Taser is about to be used.

2. Deploy the Taser® consistent with department-approved training. Use only the minimum number of applications that is reasonably necessary to achieve the desired effect of temporarily immobilizing the individual or animal;

3. When applicable, one authorized employee should deploy the Taser® while a cover employee is prepared to take the suspect into

custody or utilize other means of force, up to and including deadly force;

4. Employees should take the suspect into custody as soon as possible after deploying the Taser® thereby minimizing the number and duration of applications necessary while realizing that the suspect may not be able to respond to commands during or immediately following an application;

5. Follow all other techniques and/or instructions taught or disseminated by Metropolitan Nashville Police Department Training Division personnel; and

6. To ensure the safety of suspects where a Taser® has been deployed, officers shall:

    a. Where feasible, notify the Nashville Fire Department prior to deploying the Taser® on a subject exhibiting characteristics of Medical-Behavioral Emergencies (MBEs); or

    b. When prior notification is not possible on a subject that is exhibiting characteristics of Medical-Behavioral Emergencies (MBEs), notify the Nashville Fire Department immediately after the Taser® has been utilized.

        NOTE: Multiple Taser® applications may increase the risk of sudden death in patients with Medical-Behavioral Emergencies (MBEs).

C. Further provisions regarding the Taser®:

1. Authorized employees are only allowed to carry the departmentally issued Taser® and departmentally issued Taser® cartridges while on duty. The Taser should be carried in an immediately deployable state with live cartridges in place.

2. The Taser® shall only be carried in a cross-draw position in a department approved holster on the front side of the utility belt or on the approved external vest carrier, secured in the vehicle, or other approved method.

3. Prior to using the Taser® on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual’s vehicle to prohibit it from moving during the incident or ensure the vehicle would not pose an unreasonable risk to persons

or property should the Taser® be deployed. All incidents of use will be consistent with established departmentally approved training.

4. The Taser® shall not be used on persons known to have been exposed to flammable liquids or sprayed with a chemical spray containing a flammable propellant, or in a location near flammable liquids or where flammable gasses are known to be present.

5. The Taser® should not be used on persons who are visibly pregnant or are at the extremes of age or physically disabled UNLESS there are compelling reasons to do so which can be clearly articulated.

6. The normal reaction of a person exposed to the application of a Taser® is the loss of some voluntary muscle control resulting in the subject falling to the ground or 'freezing' on the spot. For this reason, there is clearly a possibility of some secondary injury to the 'Tasered' subject, caused by falling and striking a hard surface. Particular attention should therefore be paid to the immediate environment and to assessing any additional risk factors (i.e., age, physical condition of the subject, objects being held by subject, etc.).

7. A Taser® shall not be used in cases of passive resistance, unless a lesser means of force:

    a. Has been attempted and failed;

    b. Is not an option due to exigent circumstances; or

    c. If attempted, could result in a significant possibility of injury to the employee or suspect.

    d. Where feasible, supervisory approval should be obtained before a Taser® is used to effect the arrest of a subject who is passively resisting.

8. Any use of the Taser® not consistent with established departmental policy or training is expressly prohibited, and may result in remedial training, corrective or disciplinary action.

11.10.110 Taser® Maintenance

A. Replacement Cartridges:

In order to get a replacement cartridge, a RTR Module entry or Supplement Report, MNPD Form 104 (in cases of unintentional discharges not requiring a RTR Module entry) detailing the circumstances surrounding the deployment of the cartridge(s) must be provided to the Police Training Division. Upon review of the supporting documentation, the Training Division will provide authorized replacement cartridges. Only cartridges provided by the Training Division are authorized for use.

B. All Taser® users shall exchange the rechargeable battery at a minimum every 30 days for a charged battery on a docking station. The docking station will transmit Taser® usage data to evidence.com. This also allows for firmware updating to occur to the Taser® battery. In order to ensure all downloads and updates are complete, a battery shall not be removed from a docking station until the display light indicates the battery is fully charged.

C. Any Taser® which may require service, repair, or maintenance shall be delivered to the Police Training Division as soon as practical. The Academy shall, when available, issue a temporary replacement Taser® until such assigned Taser® can be returned.

11.10.120 Reporting & Documentation of Taser® Use

A. Consistent with established policy, when force is applied through the use of the Taser®, a RTR Module entry shall be completed.

B. As with <u>any</u> application of force, multiple applications/bursts of the Taser®, in any mode, is a separate application of force within the overall force incident and justification for <u>each</u> must be clearly articulated.

C. Personnel shall report the display of a Taser® when such display has had the effect of reducing or eliminating the need for additional use of force. Reporting of such displays shall be by the completion of a RTR Module Display Only entry. For purposes of this section, display is defined as: drawing and aiming, any audible or visual alert, or indicating potential use, without application, of a Taser® in circumstances where any person perceives the action as a use of force or threat of a use of force, whether or not this is accompanied by a verbal warning, or placing of the laser sighting dots onto a subject. Reports generated under this section will be submitted through the established chain of command.

RTR Module entries for Taser® usage are available to the Training Division for review.

D. Personnel shall immediately notify a supervisor anytime their Taser® is activated except for a function test or formal training exercise. Upon the deactivation of the safety, the Taser® is activated and will begin recording activation/firing information. Should the incident not require a RTR Module entry, it will be documented on an MNPD Supplement Form 104. Following any display or deployment of probes, the officer shall place the battery onto a docking station for download to evidence.com prior to going out of service.

E. The RTR Module entry shall be processed consistent with established policy. When appropriate, the download report may be included with the submission packet.

F. Evidence Collection & Maintenance

1. Taser® Cartridge(s) and Probes

   Expended Taser® Cartridge(s) and Probes may be placed into property as evidence or disposed of as bio-hazardous waste consistent with established procedure.

2. Photographs

   When appropriate, photographs should be made of a subject's injuries/condition.

G. The Police Training Division will maintain a database on evidence.com of Taser® equipment assigned by the MNPD, and ensure use is consistent with established policy and procedure. Such database will include, at a minimum, the name of the personnel receiving the Taser® and the serial number of the assigned Taser®, and the relevant dates and times relating to issuance of such equipment.

H. Precinct/Division Commander Review

1. Whenever the Taser® is displayed or utilized and the RTR Module entry is completed, the Precinct/Division Commander shall review the entry and all associated documents.

2. After review, the Precinct/Division Commander shall make a determination whether or not to authorize the officer to continue to carry/utilize the Taser®. If the Precinct/Division Commander disapproves the employee's continued use of the Taser®, the

commander shall complete a detailed narrative supporting their decision and attach it to the RTR Module entry.

3. The Precinct/Division Commander shall immediately notify the following departmental elements should an employee's authorization to carry the Taser® be suspended:

   a. The employee's chain of command;

   b. The Director of the Training Academy; and

   c. The Chief of Police

11.10.130 Use of Less Lethal Devices

The department may issue or make available less lethal devices (e.g., bean bag, pepper ball, etc.) to **authorized** employees who have successfully completed specialized training and/or qualification in the operation and use of these devices.

11.10.140 Use of Deadly Force in Self Defense

Authorized employees may use deadly force when they have a reasonable belief that the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee.

11.10.150 Use of Deadly Force to Effect an Arrest

Authorized employees may use deadly force to effect the arrest of a fleeing felon only when:

A. The employee has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; **AND**

B. The employee has probable cause to believe that the individual to be arrested poses a threat of death or serious bodily injury, either to the employee or to others unless immediately apprehended; **AND**

C. Where feasible, the employee has identified himself/herself as a police employee and given warning such as, **"STOP--POLICE--I'LL SHOOT,"** that deadly force is about to be used unless flight ceases; **AND**

D. If all other means of apprehension available to the employee under the attendant circumstances have been exhausted

11.10.160 No Deadly Force to Prevent Self-Harm

For incidents wherein a subject is threatening to harm themselves only, under no circumstances may an officer use deadly force solely to prevent an individual from inflicting self-harm.

11.10.170 Neck Restraint Techniques

A. MNPD does not teach nor authorize any neck restraint techniques to include, but not limited to: any pressure or constriction to the neck, throat or windpipe, arteries or vascular system that may impair breathing or impair circulation; including but not limited to chokeholds, strangleholds, carotid restraints, or lateral vascular restraint.

B. A member of the MNPD shall not use a neck restraint technique on any suspect, arrestee, defendant, or other person as restraining force.

11.10.180 Administration of First Aid

A. Whenever an employee is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the appropriate first aid shall be administered as quickly as reasonably possible either by the employee or others at the scene, by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

B. After <u>any</u> use of force, employees should inquire of the subject as to injuries or pre-existing medical conditions, regardless of whether they are obvious. Where employees are informed or have reason to believe that a person, to whom any use of force has been applied, has an injury or pre-existing medical condition which places the subject at an increased risk of developing a medical crisis, employees shall provide immediate aid by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

C. When encountering an individual exhibiting signs or symptoms of a Medical-Behavioral Emergency (MBE), extreme drug/alcohol intoxication, extreme hyperactivity, or similar uncontrolled behaviors, employees shall:

   1. Summon emergency medical personnel to the scene <u>prior to</u> physical engagement, if possible;

   2. If not possible, after <u>any</u> use of force on an individual exhibiting these type of symptoms employees shall provide immediate aid by

summoning emergency medical personnel and/or by transporting the person to the hospital;

3. Monitor the individual for any signs of physical distress, including but not limited to breathing, consciousness, and vomiting until the person has been turned over to NFD personnel; and

4. Communicate any observed signs or symptoms to the NFD personnel attending to the individual.

D. After any use of force on an individual who is suspected to have ingested contraband, evidence, or unknown suspicious substances; employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.

E. After any use of force, at a minimum, employees shall notify receiving DCSO personnel of any known or observed injuries or pre-existing medical conditions so that the DCSO Nurse can conduct an informed intake interview and assessment.

F. In a case when chemical spray is used the employee shall:

1. Monitor and verbally reassure the subject that the effects of the spray will normally subside in thirty to forty-five minutes;

2. After the subject is secured, allow the subject proper ventilation to expedite the recovery period;

3. If the individual experiences or complains of symptoms other than those normally associated with the use a chemical spray or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Unusual symptoms include profuse sweating, respiratory problems, or chest and/or neck pain. If these symptoms do occur the employee should administer first aid and call for an ambulance. Employees will also advise medical personnel that the individual has been exposed to chemical spray;

4. The Chemical Spray Aftercare Notice, MNPD Form 109, shall be provided to all individuals who have been exposed to the chemical spray; and

5. When transferring custody of a subject who has been exposed to chemical spray to medical personnel, Davidson County Sheriff's Office personnel, or others, the employee shall advise the receiving

personnel of the transferred subject's exposure to the chemical spray and the time of the exposure.

G. When the Taser® is used, either by probes or drive stun, the employee shall:

1. Monitor and verbally reassure the subject that the effects of the Taser® will normally subside in a matter of minutes, if not immediately.

2. If the individual experiences or complains of symptoms other than those normally associated with the use of the Taser® or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Employees will advise medical personnel that the individual has been exposed to the Taser®, and when custody is transferred, the transferring personnel shall also notify the receiving personnel that the subject has been exposed to the Taser®.

3. After Taser® use, the following persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility:

   a. Persons who are visibly pregnant or are at the extremes of age or physically disabled;

   b. Persons who had more than three (3) bursts applied via probes;

   c. Persons who had more than one TEW effectively used in the same incident;

   d. Persons who have been subjected to a continuous burst of fifteen (15) seconds or more;

   e. Persons with probes embedded in a sensitive area (face, neck, ear, breast, groin); or

   f. Persons with probes deeply embedded; or

   g. Any person who complains of injury, or requests evaluation or treatment.

4. The Taser® Aftercare Notice shall be provided to all individuals who have been exposed to the Taser®.

5. Probe Removal: Probes that have not pierced the skin or are superficially in the skin may be removed by an employee who is trained to do so and, if practical, in the presence of another employee. Authorized employees shall remove such probes consistent with department-approved training. Employees shall NOT attempt removal if subject is combative or if the location of the probe is in the face, neck, ear, breast, groin, or deeply embedded.

11.10.190 Use of Force Training

A. All employees will be provided access to the current use of force policy and thoroughly trained before being authorized to carry any weapon. Authorized employees will be instructed in the policies and procedures described in such policy and provided with the necessary training, at a minimum, on an annual basis. Policy receipt and use of force curriculum delivery shall be documented by the Training Division.

B. Less Lethal Devices
Only those authorized employees who have successfully completed specialized training and/or qualification in the operation and use of less lethal devices may use such devices. Training and proficiency for all less lethal devices shall be documented by the Training Division.

C. Lethal Weapons
For policy regarding training in the use of lethal weapons, see current firearms policy and departmentally approved lesson plans.

D. Written directives and lesson plans governing the use of force shall be reviewed annually by the Director of the Training Division.

11.10.200 Reporting Use of Force, Firearms Display, and Injuries in Custody

A. Personnel shall report all use of force incidents. However, no RTR Module entry is required for official presence, verbal direction, or unintentional firearm discharges not associated with an application of force.

B. A RTR Module entry is completed anytime force is required to be reported by policy. The MNPD RTR Module entry shall be completed, approved by supervisory personnel, and processed as per current procedure.

1. The supervisor of the officer involved in a use of force incident shall complete the RTR Module entry based on their investigation of the incident.

2. Any involved officer shall complete a MNPD Form 104, Supplement Report documenting their account of the incident including, but not limited to the following information:

    a. Events and circumstances leading up to the use of force,

    b. Any de-escalation techniques utilized,

    c. Behaviors and actions of the subject,

    d. Commands given,

    e. Description and justification for each use of force,

    f. Any injuries received by the officer or subject, and

    g. Medical aid rendered.

    NOTE: Using the MNPD Form 108, Response to Resistance Report as a guide will help to ensure the reporting officer includes sufficient and complete information.

C. Use of force incidents to be reported via the RTR Module entry shall include, but are not limited to:

1. Whenever an employee discharges a firearm during an incident involving an application of force, excluding discharges during training or legal recreational purposes;

2. Whenever an employee applies force that results in (or is alleged to have resulted in) injury or death of another person;

3. When force is applied through the use of less lethal weapons, TEW, chemical spray, baton, etc.;

4. Whenever an employee uses defensive or physical force above the level of soft empty-hand control.; or

5. Whenever an employee uses soft empty-hand control that results in injury or an allegation of injury.

D. Other incidents to be reported shall include:

1. Whenever a subject taken into custody reports an aggravation (or re-injury) of a previously existing injury, or suffers a self-inflicted injury, as defined in 11.10.020 (BB), and (EE) above, directly after

or during the process of being taken into custody. These injuries should be noted specifically via the RTR Module.

2. Pain or injury associated with handcuffing or other restraint devices, where the injury or complaint is exclusively the result of normal pain/discomfort associated with the wearing of restraining devices, are not injuries sustained from a use of force as defined in this policy. However, these injuries should be noted specifically in the RTR Module entry.

3. The display of a firearm when such display has had the effect of reducing or eliminating the need for additional use of force. Reporting of such displays shall be accomplished through the completion of a RTR – Display Only entry, (MNPD Form 108F) (if no other force is used, only a RTR – Display Only entry is required).

4. The use of soft empty-hand control in response to active resistance shall be reported to a supervisor. Such supervisor, based upon a review of facts and circumstances, will complete a RTR Module entry.

   NOTE: The following law enforcement actions are not considered reportable for the purposes of completing a RTR Module Entry:

   a. Presence of police officers or canines;

   b. Issuance of commands or verbal directions;

   c. Handcuffing of an arrestee with no or minimal resistance;

   d. Physical control or assistance due to impairment, disability, or inability; or

   e. Escort techniques not involving pain compliance, or pressure points and joint manipulation which do not involve complaints of pain or injury.

E. An employee involved in an incident required to be reported under this policy shall notify the appropriate supervisor immediately. The employee's supervisor shall complete the required RTR Module entry.

F. The employee's immediate supervisor shall investigate the incident and complete the RTR Module entry and review any associated documents completed by the employee. Where there is no injury or

allegation of injury, the precinct or division commander will generally be the final approver. However, any reviewing supervisor may require, where in the best interest of the department, a complete RTR Module entry that is processed through the full administrative review process.

G. When an RTR Module entry is completed, and after their investigation, the supervisor will document their findings in writing and attach them to the packet for review. The RTR Module entry and any associated documents, shall be reviewed by the chain of command and forwarded to the Office of the Chief of Police.

   The Training Division shall access the RTR Module upon special request to review or if remedial training is requested.

H. The notified supervisor shall ensure that all appropriate notifications are made, consistent with established policy and procedure on callouts of investigative elements.

I. The reviewing supervisor shall ensure a departmental control number is immediately assigned.

J. Responsibilities of the Office of Chief of Police

   The Office of the Chief of Police will maintain all RTR Module/Use of Force and related reports. Relevant data from such reports will also be entered into a computer database.

K. Administrative and Investigative Procedures

   1. Any employee whose use of force results in a death or serious bodily injury shall be removed from line or field duty assignments consistent with the provisions outlined in Chapter 4, Section 4.60 (Relief From Duty/Decommission and Alternate Duty Assignment) by the employee's supervisor without loss of pay or benefits, pending the investigative review.

   2. As soon as practical, the employee's supervisor shall schedule a meeting between the involved employee and a representative from the Professional Wellness Section for debriefing.

   3. When an employee discharges a firearm in a manner that constitutes deadly force, the employee will be required to submit that firearm for examination or testing by the appropriate firearms examination laboratory as may be necessary for the investigation.

4. The employee-in-charge of the investigation will document the firearm used by recording the make, model, and serial number of that firearm in the employee's report. Unless otherwise directed, the firearm will be retained by the employee involved, but will not be cleaned prior to the examination.

11.10.210 Departmental Review of Critical Incidents

A. The Chief of Police and/or their designee has the discretion of convening a Critical Incident Review Board as a result of any incident. The Chief of Police shall be the final authority within the department as to the disposition of each incident reviewed by the board.

B. A Critical Incident Review Board shall be convened to review:

1. All uses of force involving firearms discharges.

   a. Firearms discharged at injured or suffering animals or those involving unintentional accidental or negligent discharges are addressed in Section C, below.

   b. Firearms discharges at aggressive animals shall be investigated by CIRT and may be presented to the board for review***.***

2. All uses of force involving the use of deadly force, or any force which results in death or serious bodily injury.

3. Uses of less than lethal force when such force is applied through the use of a primer activated weapon utilizing an untethered projectile.

4. All other critical incidents referred to and investigated by CIRT.

5. Any incident referred to the CIRB by the Chief of Police, an Assistant Chief, a Bureau Deputy Chief, the Director of the Training Division, or the Director of the Office of Professional Accountability.

C. Weapons Discharges at Injured or Suffering Animals & Unintentional Firearms Discharges

1. All firearm discharges resulting in the death of an injured and suffering animal, when no other disposition is practical, shall be reported on MNPD Form 108, investigated, and reviewed by the affected employee's chain of command. The employee completing

MNPD Form 108 shall ensure the appropriate check box indicating the destruction of an animal is marked in Box 18 on the form.

2. All firearm discharges as the result of negligence or an accident, unless occurring during an application of some type of force, shall be investigated and reviewed by the affected employee's chain of command, unless otherwise directed by a Deputy Chief or above.

   NOTE: Unintentional firearm discharges occurring during participation in departmentally conducted firearm training shall be documented and reviewed consistent with MNPD Training Academy procedures.

3. The involved employee's component commanding employee will review the circumstances and make a conclusion as to whether the firearm discharge was within departmental policy. The component commander will then forward a written report to the Chief of Police, through the chain of command, detailing their conclusion. If the component commander reasonably believes that the employee's actions may have been outside the parameters of the department's policies, procedures, or directives, a recommendation regarding remedial training and/or corrective/disciplinary action shall be included.

4. Discharges under this section will only be presented to the CIRB when the employee's chain of command determines such review to be in the best interest of the department.

D. Weapons Discharges at Dangerous Animals, Use of Force Resulting in Death or Serious Bodily Injury against Human Beings & In Custody Deaths

   Firearm discharges directed at a dangerous animal will be investigated consistent with the CIRT Standard Operating Procedures. Upon completion of the investigation, CIRT will make a recommendation as to whether the matter should be reviewed by the CIRB.

   Pursuant to a Memorandum of Understanding between the Tennessee Bureau of Investigation (TBI), the District Attorney General for the 20th Judicial District (DA) and the MNPD, the DA shall request that the TBI investigate any incident involving use of force towards a human being that results in a law enforcement officer discharging their firearm, or the death of a human being occurring in the custody of an MNPD Officer (or person holding a MNPD Special Police Commission), acting in their official capacity. A member of the Criminal Investigation

Division, CIRT, or the TBI, consistent with their established operating procedures, may present any findings to the CIRB.

E. Critical Incident Review Board Membership

A Critical Incident Review Board shall consist of:

1. The Assistant Chief(s), the Deputy Chief(s), or a designee approved by the Chief of Police. The Deputy Chief of the involved employee shall be the chairperson;

2. The Director of the Training Division;

3. The component commander of the involved employee, as designated by the board chairperson;

4. If an involved employee is required to attend a CIRB, an equivalent rank/classification of the involved personnel, selected by the chairperson; and

5. An attorney from the Metropolitan Department of Law, who may elect to attend as a non-voting member.

F. Meetings and Findings

1. The chairperson of a CIRB should schedule a meeting of the CIRB to occur within thirty (30) working days, but no more than sixty (60) working days after receipt of the criminal case file, or other appropriate and complete investigative files, for each critical incident or use of force required to be reviewed under this policy.

2. If facts indicate that criminal charges may be filed against an employee as a result of a critical incident, the CIRB shall delay final recommendations until after such court actions are concluded.

3. At least five (5) working days prior to each CIRB meeting, the chairperson of the CIRB will ensure that all appropriate investigative reports are delivered to participating board members. Board members shall be advised that the investigative reports are not to be reviewed by anyone else.

4. Critical Incident Review Boards are internal audit functions of the MNPD and are not open to the public.

5. Findings of a Critical Incident Review Board:

   The CIRB, as a result of its review process, shall report two findings at the conclusion of each meeting:

   a. In Policy or Out of Policy

      The board shall make a finding as to whether the use of force or other action was consistent with established departmental policy or procedure. The finding shall be reported as follows:

      (1) In Policy: The application of force or other action was consistent with established departmental policy, procedure, and training, or

      (2) Out of Policy: The application of force or other action violated established departmental policy or procedure. This shall include violations of training and actions found to be negligent. The CIRB, in its findings, shall specify which policy or procedure was violated.

   b. Associated Recommendations

      The CIRB shall make such recommendations as it deems necessary, to include but not limited to:

      (1) the need for remedial training;

      (2) the need to review or revise departmental policy, procedure, or training;

      (3) the need for corrective or disciplinary action; or

      (4) any other recommendation the board deems relevant.

6. When the CIRB has reviewed the circumstances of the use of force or other action(s) and formulated their conclusions, the chairperson will cause the preparation of a report for the Chief of Police, detailing the board's conclusions and any recommendations. This report will be forwarded to the Chief of Police within fifteen (15) working days after the conclusion of a CIRB hearing. Should the voting members fail to unanimously agree regarding the board's conclusions and recommendations, any dissenting member shall provide a written opinion clearly articulating the basis for their dissent from the majority's findings.

a. The relevant facts and circumstances surrounding the incident;

b. A conclusion as to whether the use of force or other action complies with departmental policies, procedures, and training; and

c. Any other documentation, as needed.

G. Responsibilities

1. The Chief of Police shall be the final authority within the department as to the disposition of each incident. The Chief of Police shall review all relevant reports and take one of the following actions:

   a. Adopt the findings of the CIRB as stated in its report;

   b. Modify the findings of the CIRB and, if appropriate, issue an addendum to the report indicating the manner in which the findings have been modified;

   c. Request the CIRB reconvene for the purpose of making additional findings and reporting them to the Chief of Police. In such an event, the Chief of Police shall instruct the board in writing as to what additional findings are needed.

2. The Chief of Police shall, upon a determination that a critical incident was out-of-policy, refer the matter to the Office of Professional Accountability or the employee's chain of command for processing in accordance with the department's corrective or disciplinary action procedures.

3. Should the Chief of Police find that a need for additional or remedial training exists, either for the affected employee or throughout the department, the Director of the Training Division shall be responsible for providing the appropriate additional and/or remedial training and maintain a record of such training as a part of the departmental training records.

4. It will be the responsibility of the involved employee's component commander to have:

   a. MNPD Form 343, Remedial Training Request, completed and forwarded to the Director of the Training Division;

   b. Ensure the employee successfully completes any recommended remedial training; and

c. Forward documentation of the employee's successful completion of the recommended remedial training to the Office of the Chief of Police for inclusion in the employee's file.

5. The Office of the Chief of Police shall maintain a file for all cases reviewed by a CIRB.

6. The Office of the Chief of Police shall cause the Director of the Training Division to be notified of the final results and approved dispositions of all critical incidents reviewed by a CIRB. The Director shall review all incidents to identify training issues or needs and take any actions determined to be appropriate.

7. If the Chief of Police makes a recommendation calling for action by a component of the department, that component's Assistant Chief or Deputy Chief shall be responsible to ensure that the proper follow-up action is taken. That Assistant Chief or Deputy Chief shall provide a report to the Chief of Police detailing what action was taken.

8. The Chief of Police has the ultimate responsibility for reviewing critical incidents and use of force incidents.

9. The MNPD Quality Assurance Manager assigned to the Strategic Development Division will annually provide the Chief of Police and members of the Departmental Force Review Board with a use of force analysis covering MNPD use of force activities, policies and practices. The analysis shall include, at a minimum:

   a. Date and time of incidents;

   b. Types of encounters resulting in use of force;

   c. Trends or patterns related to race, age and gender of subjects involved;

   d. Trends or patterns resulting in injury to any person including employees;

   e. A summary and/or trend analysis for incidents reviewed by the CIRB; and

   f. Impact of findings on policies, practices, equipment, and training.

10. The MNPD CIRT supervisor will annually provide the Chief of Police and members of the Departmental Critical Incident Review Board with an analysis covering MNPD critical incident activities, policies and practices. The analysis shall include, at a minimum:

    a. Date and time of incidents;

    b. Types of encounters resulting in a critical incident;

    c. Trends or patterns related to race, age and gender of subjects involved;

    d. Trends or patterns resulting in injury to any person including employees; and

    e. Impact of findings on policies, practices, equipment, and training.

Title 12: Department Information Systems

12.10 Security and Disposition of Law Enforcement Records and Files

12.10.010 Purpose

The purpose of this policy is to establish procedures for the security and release of MNPD records or files that may contain sensitive or confidential information.

12.10.020 Definitions

A. **Closed Files:** Offense or other investigative files for which there is no further investigative or judicial action required or pending.

B. **Law Enforcement Records and Files:** For purposes of this policy, includes any document in writing, stored or displayed on any electronic file, storage media, or method of preserving knowledge or information.

Such definition shall include, but not be limited to: reports, citations, notes, maps, graphs, charts, Automatic Resource Locater (ARL) records, correspondence, audio and video recordings, microfilm, electronic storage media such as diskettes, CDs, DVDs, or electronic files, photographs, fingerprint cards, history sheets, administrative records, training records, personnel and payroll files, budgetary and fiscal files or the contents of any computer database maintained by, or accessible to, the department or its members.

C. **Public Information Request Log:** An electronic log maintained by the Public Records Officer of the Records Division detailing the release of records and files to the public. The log is maintained on an appropriate secure server managed by the Metropolitan Nashville Police Department.

D. **Protected Files:** Files with restricted access including, but not limited to, juvenile records, selected offense records with pending charges such as rapes and narcotic offenses, fatality reports where the next of kin have not been notified or charges are pending, or ongoing internal investigations.

12.10.030 General Provisions

A. It is the policy of the Metropolitan Police Department that no employee shall provide or divulge the contents or substance of any law

enforcement records and files to any other person or entity, by any means whatsoever, **unless:**

1. The employee is doing so in accordance with departmental policy and the S.O.P of his/her work location concerning public records, closed files, and protected files as determined by the Records Division Public Records Officer; or

2. The employee is doing so in conjunction with a criminal or administrative investigation, prosecution, intelligence operation, or administrative matter and is providing such information to a federal, state, or local law enforcement agency or official or otherwise authorized recipient for legitimate and legal purposes. The employee must receive approval from their immediate supervisor prior to the release. *(Category C – AA, Violation of this provision varies by severity of offense)*

B. At no time will an employee realize payment, profit, favor, or any personal gain whatsoever by providing the contents or substance of any law enforcement records and files to any other person or entity by any means whatsoever. *(Violation of this provision shall be a category A offense)*

C. At no time will an employee release the content or substance of any law enforcement records and files to any other person or entity, by any means whatsoever, once such law enforcement records and files have become public records and may be legitimately purchased from the department or another government body. This provision shall not preclude the releasing of information or records in situations wherein such release may further or enhance an investigation or is in the best interest of the department or the public at large as determined by appropriate supervisory personnel. *(Category C – AA, Violation of this provision varies by severity of offense)*

D. Under the guidelines of TCA 37-1-154 “Juvenile law enforcement records and files shall not be open to public inspection or their contents disclosed to the public; but inspection of the records and files is permitted by:

1. A juvenile court having the child before it in any proceedings;

2. Counsel for a party to the proceedings;

3. The officers of public institutions or agencies to whom the child is committed;

4. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and

5. A court in which such child is convicted of a criminal offense…officials of penal institutions…to which such child is committed or by a parole board in considering such child's parole…"

E. Maintenance of juvenile files and the authorization of release for hardcopy and computer files is the responsibility of the Youth Services Division Commander. Fingerprint and photograph maintenance and release is the responsibility of the Identification Division Commander. For additional information regarding the release of juvenile records, personnel should seek guidance in the CID/Youth Services SOP.

F. Employees shall ensure that all discarded departmental files are appropriately disposed of to ensure the contents of such files are not accessible to unauthorized parties (e.g., copies of arrest reports, mug shots, offense reports, worksheets, or any other departmental record that may contain sensitive or personal information of MNPD employees, victims, or suspects). *(Violation of this provision shall be a category C offense)*

1. The preferred method of disposing of files listed above would be to shred the files utilizing a departmental shredder in a secure location or deposit such files in a departmental receptacle designated for the purpose of secure disposal.

2. Employees shall not utilize public trash cans, dumpsters or other receptacles that are accessible to unauthorized parties to dispose of departmental records or files.

G. Voiding Citations

To void a paper version of a citation which has <u>not</u> been issued to an offender, officers shall write "Void" across all copies of the citation. This will ensure the citation is no longer valid or could be presumed valid.

1. Voided traffic citations, parking citations, and Metro Citations: submit the "court" copy to the Traffic Violations Bureau. If personal information is listed on the citation prior to being "voided", officers shall make every effort to obscure the information. All other copies shall be disposed by shredding the files utilizing a departmental shredder in a secure location, or deposit such files in a departmental receptacle designated for the purpose of secure disposal. Any damaged or non-usable traffic, parking, or Metro citations or books will be processed in the same manner.

2. Voided State Misdemeanor Citations: document the voiding, damage or non-usable State Misdemeanor Citation by MNPD Form 104, as a Matter of Record, detailing the circumstances surrounding the non-use of the citation and the assigned citation control number and submit the MNPD Form 104 via the established report submission process. The voided citation and all copies shall be disposed shredding the files utilizing a departmental shredder in a secure location or deposit such files in a departmental receptacle designated for the purpose of secure disposal. Any damaged or non-usable State Misdemeanor Citations or books will be processed in the same manner.

H. No employee shall access or utilize any information contained in any record or file unless it is in the performance of their assigned official duties as an employee of the MNPD and they have been authorized by policy, procedure, or appropriate security clearance for such access.

12.10.040 Records Security and Maintenance

A. The Chief of Police or designee may designate components other than the Records Division within the department to maintain original MNPD field-reported records (e.g., original incident, arrest, supplement reports, etc.). The Records Manager maintains a log of components, other than the Records Division, who maintain MNPD original reports. The Chief of Police or designee may alter this list contingent upon current need or for the best interests of the department.

B. Any departmental element, other than the Records Division, maintaining original field-reported records, such as offense and supplemental reports, shall ensure a face sheet containing the original incident number and the location of the original record is sent to the Records Division.

C. Any authorized departmental element maintaining original field-reported records shall be responsible for the security and maintenance of such records.

D. Any personnel maintaining their own case files containing any copies of or original departmental records or files shall be responsible for the security and maintenance of such records. This would include ensuring that such files are not accessible to any persons or entities not authorized by current law or departmental procedure.

E. Payroll and personnel records shall be maintained by the MNPD Human Resources Division.

F. Budgetary and departmental fiscal records shall be maintained by the MNPD Office of Fiscal Affairs.

G. The Records Division shall be responsible for security and maintenance of all original records not otherwise maintained in authorized elements listed above.

H. Any release of records or files by the Records Division shall be in accordance with current departmental operating procedures and all applicable law.

I. Original MNPD records and files may be archived in accordance with current operating procedures of the MNPD Records Division.

J. No original MNPD record, or file may be destroyed unless properly authorized by Administrative or Judicial Expungement. *(Violation of this provision shall be a category B offense)*

K. In all cases where a request is made for the release of departmental information or records to the public (including requests from the Media):

1. An MNPD Form 720, Request for Administrative Services Report shall be completed and forwarded to the Public Records Officer in the Records Division;

2. The Public Records Officer shall log the request on the Public Information Request Log in accordance with current operating procedure of the Records Division; and

3. If necessary, the Public Records Officer shall forward the request to the appropriate element of the department to obtain the requested records, and/or determine if the requested information is appropriate for release (e.g., ARL, personnel records).

4. Once the requested records and/or appropriate release has been obtained, the requested records shall be forwarded to the Public Records Officer for release.

5. A reasonable fee charged for the reproduction of requested data.

12.10.050 ARL Data and Files

A. No member of the department shall release or divulge any ARL records without an approved MNPD Form 720, Request for Administrative Services Report. Requests for departmental ARL records shall be made to the MNPD Records Division. The Records Division shall forward the MNPD Form 720 to the MNPD Information and Technology Division, Police IT Quality Assurance Section for processing.

B. Requests for ARL information and records shall be limited to a specific date and time or event.

C. All requests for ARL records shall have the reason for the request clearly stated on the MNPD Form 720, Request for Administrative Services.

D. The Police IT Quality Assurance Section shall establish proper standard operating procedures for the release of ARL records to include, but not limited to, the following:

1. Procedures to ensure that information released would not jeopardize any criminal or internal investigation,

2. Procedures to ensure proper authorization is obtained from the District Attorney, when applicable,

3. Procedures that outline the format in which requested ARL data will be supplied that ensures compliance with software licensing restrictions, and

4. A reasonable fee charged for the reproduction of requested data in compliance with Metro Government procedures Mayors Executive Order 035.

12.10.060 Mobile Data Computers (MDC's) and Laptop Computers

A. MNPD personnel shall use due care and caution to ensure that restricted information, such as NCIC and CJIS information, that may be displayed on any MDC or laptop computer cannot be seen or accessed by non-authorized persons.

B. MNPD personnel shall not leave restricted information visibly displayed on any laptop or MDC when they are away from their vehicle. Personnel shall lower the display screen, minimize the

display, and/or power the computer off, as appropriate, to ensure restricted information is not visible.

C. Additionally, MNPD personnel shall not allow any person not authorized to view restricted information that may be seated or riding in any vehicle equipped with a MDC or laptop computer to view any restricted information displayed on the computer screen.

12.10.070 Departmental Policies and Procedures

A. Current and rescinded departmental written directives, Standard Operating Procedures (SOPs), and Emergency Contingency Plans shall be maintained by the Strategic Development Division.

B. All requests for departmental written directives, SOPs, and Contingency Plans shall be forwarded to the Strategic Development Division for processing.

C. Departmental Emergency Contingency Plans are “police sensitive documents” and shall not be released without proper approval of the Chief of Police.

D. All departmental elements shall review and update any departmental SOP(s) annually at a minimum. Any updated SOPs shall be forwarded immediately to the Strategic Development Division.

12.10.080 Fees

Applicable fees charged for the reproduction of requested information are authorized by The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee § 2.44.080.

12.20 Media Relations

12.20.010 Introduction

The Metropolitan Nashville Police Department recognizes that a spirit of openness is an essential component in fostering the trust and support of the community it serves. Realizing that the mass media is the primary vehicle through which the public is informed of police matters, this organization is committed to allowing the dissemination of information to the community through the media regarding criminal and official administrative proceedings of the department. However, such information flow must not infringe upon the constitutional rights of any individual or jeopardize the prosecution of any criminal case.

12.20.020 Public Information Function

The Public Affairs Manager is the primary Public Information Officer (PIO) for the department. The PIO will be available for media interviews when necessary; however, when possible, an effort will be made to make available the actual investigating officer(s) or his/her supervisor to respond to media representatives. In most instances, members of the department may respond directly to general media inquiries. Should the member need guidance or is uncomfortable dealing with the inquiry, the PIO may be contacted. There is no prohibition against members of the department speaking with media representatives, so long as department guidelines are observed. All police department members should be familiar with the guidelines governing what information can be released.

12.20.030 Notification of Public Affairs Manager

The Public Affairs Manager should be notified of the following incidents:

A. Multiple homicides

B. Officer involved shootings

C. Officer severely injured;

D. Business robbery resulting in a homicide;

E. Serial rapist arrest;

F. Bank robberies with shots fired or injuries;

G. High profile arrests (e.g., entertainers, politicians, athletes, etc.); or

H. When any contingency plan (“signal 1”) is in effect.

12.20.040 Release of Information

A. News media shall receive information at the scenes of major incidents from the department PIO, or, in his absence, from the primary investigative component or the person designated by the Incident Commander to serve in the public information function.

B. Requests for information from Police Department files may be handled by:

1. The department PIO or Personnel Division supervisor when personnel information is requested; or

2. The department PIO or Records Division supervisor when traffic crash reports are requested; or

3. The department PIO, case officer, or supervisor when information is requested about active cases. Files regarding active ongoing investigations are not public record.

C. In criminal matters, the department PIO or member of the department directly involved with the case, or the appropriate supervisor may release information so long as the information released conforms to departmental guidelines.

In disseminating information about criminal matters, department members should seek to strike a balance between the public's right to know, the First Amendment guarantee of a free press and the defendant's Sixth Amendment right to a fair trial free of public pressure and a biased jury.

D. Substantive inquiries regarding administrative, internal investigations, or internal policy matters should be referred to the department PIO or the person designated by the Chief of Police.

12.20.050 Media Credentials

At certain scenes, the Metropolitan Nashville Police Department may deem it necessary to request the identifications/credentials of media representatives. The credentials may facilitate quicker access to scenes over which the police department has primary responsibility. Media representatives shall be required to obey all police lines and directives and conduct themselves in a professional manner. A member of the department who believes that a member of the media has failed to follow these guidelines should document the matter and forward it to the PIO.

12.20.060 Crime Scene Perimeters

Official, authorized media representatives shall be allowed to come within a reasonable distance of crime scenes or major catastrophic events so long as the media presence does not interfere with any law enforcement or rescue operation/function. Media representatives shall be required to obey police lines and not cross them. In situations with an extreme outer perimeter, media representatives may be allowed, with proper approval/ escort, to pass beyond the outer perimeter into a controlled area. Media representatives shall be required to adhere to all directives of police personnel at the scene, or they shall be escorted back to a location outside the crime scene perimeter.

NOTE: Media representatives shall, at a minimum, be granted the same unrestricted access to an area as that given to members of the general public. It is not proper to restrict media from passing beyond a certain point while, at the same time, granting access to members of the general public.

12.20.070 Guidelines

A. In criminal matters, the following information may be publicly released:

1. Adults: The accused individual's name, age, sex, residence, employment, marital status, and any similar biographical information.

2. Juveniles: The name, age and address of a juvenile between the ages of 14 and 17 who is charged with the following offenses may be publicly released: first-degree murder, second-degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

   The name and address of a juvenile charged with any other offense shall not be publicly released, nor shall a juvenile's prior criminal history.

   However, in the course of an investigation, the police department, by standing order of the Juvenile Court of Davidson County, may release certain specific information, including photographs, regarding an at-large, violent juvenile offender who is deemed to pose a danger to the citizens of Nashville. Generally, such juvenile should be named in an outstanding Juvenile Court petition charging homicide, aggravated assault, aggravated robbery or aggravated

rape. The department's statement about the juvenile should generally contain no information about his/her prior criminal history, the accused individual's name, age, sex, residence, employment, marital status, or any similar biographical information.

NOTE: The name and address of a juvenile charged with a criminal offense, other than those listed in #2 above, may not be released to the media. Information about any prior juvenile criminal history or other information contained in a juvenile's history file shall not be released.

3. The substance or text of the charge.

4. The identity of the arresting/investigating division or agency and length of the investigation.

5. The circumstances immediately surrounding the arrest, including the time and place of arrest, residence, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.

6. The name, address, age, and sex of most victims, so long as it is deemed the disclosure does not put the victim at further risk of harm.

B. Sex Offenses

VICTIMS OF SEX OFFENSES AND CHILD PHYSICAL & SEXUAL ABUSE ARE SPECIFICALLY EXLUDED FROM PROVISIONS OUTLINED IN "A" ABOVE.

1. In the case of adult sex offenses, only the age and sex of the victim, along with the general location of the incident, may be released.

2. In cases of child physical and sexual abuse, no information should be released regarding the person or entity reporting the alleged abuse.

3. No specific information should be released about an alleged child abuse perpetrator until an investigation has been conducted by the appropriate police department component, an arrest has been made, public safety mandates that the community be warned about an at-large suspect, or the public's assistance is needed in apprehending the suspect.

4. Upon arrest, a representative of the Sex Crimes Section and/or the PIO may release appropriate information about child physical and sexual abuse cases such as the type of force used against the victim and the extent of the injuries to both the victim and the assailant.

C. Prior Histories, Statements, and Examination Results

1. Members of the department shall not disclose to the media an arrest or conviction that has been expunged; however, pending criminal charges against a suspect may be disclosed. Members of the department should not make any comment about the character or reputation of the accused.

2. Members of the department may disclose to the media whether a suspect has given a statement but may not disclose the specifics of the statement except to the extent the specifics are revealed in public records (e.g., department originated warrants, affidavits and indictments on cases the department is investigating, etc.). Department personnel may discuss with the media specific information contained in public records.

3. The results of any examinations or tests conducted on the accused (CVSA, polygraph, etc.), or the refusal by the accused to submit to any examinations or tests shall not be disclosed except only to the extent that the examinations or tests are disclosed in public records (e.g., warrants, indictments, affidavits).

D. Witnesses

The identity of any prospective witnesses shall, in most instances, not be disclosed to the media. The credibility or anticipated testimony of prospective witnesses shall not be disclosed.

E. Suicides

The specific content of suicide notes shall not be immediately released. However, suicide notes in the police department's possession at the conclusion of an investigation are a part of the public record.

F. Opinions

1. Department personnel shall not give opinions to the media regarding guilt or innocence of the accused.

2. Department personnel shall not give opinions to the media regarding the specific merits of a criminal case, or the specific quality of evidence gathered.

G. A member of the department shall not prevent the photographing of any criminal defendants while they are in public places.

NOTE: While a member of the department will neither encourage nor discourage photographs, he must not pose the accused.

This section does not preclude a member of the department from masking a defendant's face if it is deemed crucial to preserve the integrity of a future line-up.

H. In situations involving the death or serious injury of a victim, the identity of the victim shall not be disclosed until the next of kin has been notified. Department personnel will refrain from releasing the identity of the victim until the department chaplain or other assigned department member confirms that the next of kin has been notified. (If the next of kin has not been located after a "reasonable" length of time, as determined by department personnel, the identity of the victim may be released.)

12.20.080 Interagency Cooperation

In situations where the Metropolitan Nashville Police Department deals with an incident involving the Fire Department or other local agency, the agency with primary jurisdiction over the incident will respond to media inquiries. In cases of inquiries about areas of special expertise, the agency with that expertise will respond.

Department personnel shall not disclose to the media information received from other law enforcement agencies unless those agencies have concurred in releasing the information.

12.20.090 Release of Mug Shots, Dissemination of Identification Records

A. Releasing Mug Shots to Media Representatives

1. Mug shots of arrested individuals fall within the Tennessee Open Records Act and should be released **UNLESS** (a) the arrest for which the photograph was made has been expunged; or (b) the release of a photograph would jeopardize an on-going investigation. The Public Information Officer shall have the authority to grant release requests.

2. When a request is made to the PIO for a mug shot involving an active, on-going case, the PIO will ascertain from other department personnel whether there is any reason why the requested material should not be released.

3. Generally, day-to-day requests from media representatives for mug shots should come through the department's Public Information Office; however, officers/detectives personally involved in a case/investigation, or the supervision thereof, may disseminate mug shots as appropriate, SO LONG AS THE MUG SHOT WAS NOT MADE IN CONNECTION WITH AN ARREST THAT HAS SINCE BEEN EXPUNGED.

4. From time to time, particularly after business hours, members of the Identification Section may be requested by the PIO to print a photograph and make it available to members of the media. In these situations, the Identification Section supervisor, or person in charge, should always be notified before mug shots are released. When the release is approved:

    a. Fill out an **MNPD** Form 720, "Request for Administrative Service," completely;

    b. Have the person receiving the mug shot sign the above form in the appropriate place; and

    c. Forward the completed form to the Identification Division Commander.

B. Releasing Photos of Personnel to News Media

1. The PIO, as a representative of the Chief of Police, shall have the authority to grant the release of department personnel photos, which are subject to disclosure under the Open Records Act, provided, however, that the requested photograph does not depict an officer currently working in an undercover capacity.

2. When members of the media come to the Identification Section window without prior authorization, they should be referred to the sergeant or officer in charge, who will make the determination as to whether the photograph can be released.

12.30 Management and Utilization of Automated Systems

12.30.010 Purpose

While the department encourages and supports employee use of computer systems as a means of improving productivity, certain restrictions are necessary to avoid improprieties, ensure that established standards are met, and maintain appropriate security of computerized data and equipment. A fundamental restriction relates to the policy that department computer systems are to be used for official business purposes only.

The department may find it necessary to access and disclose information from computer and network users' accounts to the extent required by law, to uphold contractual obligations or other applicable government policies, or to diagnose and correct technical problems. For this reason, the ultimate privacy of messages and files cannot be ensured. In addition, system failures may lead to loss of data, so users should not assume that their messages and files are secure. The department reserves the right to limit access to its networks or to remove material stored or posted on its computers when applicable departmental policies, contractual obligations, or state or federal laws are violated.

12.30.020 Definitions

For the purposes of the procedures in this directive, the following definitions shall apply:

A. **800MHz radio data wireless communications:** A form of wireless communication that connects computing devices to the mobile data computer message switch via Metro Government's 800MHz radio system. Due to the limited bandwidth available on the 800MHz system, MNPD has moved all data communications to cellular LTE based wireless networks.

B. **Aircard** – A form of wireless communication that connects computing devices to the MNPD computer network via a cellular 3G/4G data network service. The cellular network is owned privately, and airtime is purchased from private companies for use by authorized MNPD devices.

C. **Application:** The system, process or problem to which a computer, program or software is applied.

D. **Authorized user:** An individual sanctioned by the department, through MNPD Information Technology Division to utilize department computers. An individual may be sanctioned by the very nature of their training or assignment.

E. **Chain email:** An email directing the recipient to send out multiple copies of the email so that its circulation increases in a geometric progression as long as the instructions are carried out. These chain emails frequently focus on dire warnings about devastating new viruses, messages about free money, children in trouble, and other items designed to forward the message to everyone you know (or at least 10 people).

F. **Data file:** Collections of data accumulated for a definite use. Examples include word processing documents, spreadsheets, databases, etc.

G. **Electronic mail (Email):** Electronic messages sent from one person via computer to another.

1. Departmental Email**:** Electronic messaging sent from one department to another department.

2. Internet Email**:** Electronic messaging sent from one person via the Internet to another.

3. Attachments**:** Electronic files that can be sent with departmental or Internet email.

H. **Hardware:** The electric, electronic, and mechanical equipment used to gather, process, and communicate data. Examples include the central processing unit, keyboard, monitor, printer, digital camera, handheld devices, flash cards, etc.

I. **Electronic Signature:** The use of an electronic device to imprint or attach a signature to an electronic form, report, or other document. Such signature may be printed or digitally stored. The form of such signature may be in the electronic capture of an actual signature or the electronic affixation of a signature or employee number with the intention to authenticate a writing, record, or report.

J. **Log-in (Log-on) access:** Access to applications, files, peripherals and department computer using assigned user names and passwords for security purposes.

K. **Mobile Data Computer:** A laptop computer designed for use in in the field. The method of communications with the mobile data computer message switch is by a wireless connection.

L. **Network:** A system of interconnected computers that allows the sharing of files, software, printers, or peripheral equipment. Related items include but are not limited to:

1. VPN Access**:** The ability to access computers and files attached to a police local area network through security software installed on a computer using a non-MNPD network, typically from a wireless or public internet network.

2. Internet**:** The global system of networked computers around the world.

3. Local area network (LAN)**:** A group of computers and associated devices connected together that have the ability to share applications, data files, and peripheral devices.

4. Wide area network (WAN) – The interconnection of several local area networks by linking them with backbone connections.

5. Wireless**:** The ability to connect and send/receive information wirelessly (i.e., cellular phone system, cellular digital packet data (air-card), 800MHz radio data network, or other means).

M. **Program:** A unique set of instructions, created by MNPD Information Technology personnel or by consultants that tell the computer how to perform a function or series of functions.

N. **Software:** A set of programs that tell the computer how to perform a function or series of functions, usually created by commercial firms for sale and general use in specific types of applications.

O. **Remote Assistance Access:** A feature of the Windows operating system that allows screen, keyboard, and mouse sharing so that a computer user can be assisted by a remote technician. To initiate a Remote Assistance session, the user has to physically create and send the remote technician a “Remote Assistance invitation”. Before the remote technician can see or control the computer’s desktop, the user must also physically click a popup dialog box on the computer to allow this access. At which time both the user on site and the remote technician can view or control the computer simultaneously.

P. **Remote Desktop Access:** A feature of the Windows operating system that allows a user to remotely login to a computer from a different location on the network. The remote user does not need any physical interaction from a local user at the local computer to connect. At the time of a Remote Desktop connection, the local user login will automatically logoff the computer, and no sharing of screen display, keyboard, or mouse will occur.

Q. **Removable Media:** storage media which is designed to be removed from the computer without powering the computer off. This includes, but is not limited to, DVDs, CDs, memory cards, floppy disks, zip disks, tapes, USB flash drives, external hard disk drives.

R. **Sensitive Information:** any information classified as "Confidential" or "Restrictive" as defined by the Metropolitan Government Information Classification Policy.

T. **Software licensing:** Software that is legally licensed and is installed so that it complies with the associated license. Software purchased for one computer often cannot be legally installed on any other computer because the original license allows only one installation per license.

U. **Template:** A stored pattern of instructions or macros, developed in software, for performing the same repetitive process on different sets of data.

V. **Unauthorized software:** Any software that has not been approved by the MNPD Information Technology Director or designated representative. This includes any software not required for job related duties.

W. **NCIC Information:** National Criminal Information Center. NCIC is the United States' central database for tracking crime-related information. The NCIC is maintained by the Federal Bureau of Investigation's Criminal Justice Information Services Division, and is interlinked with similar systems that each state maintains. NCIC is a computerized index of criminal justice information (i.e. criminal record history information, fugitives, and stolen properties, missing persons). Data is received from federal law enforcement agencies, state and local law enforcement agencies, as well as tribal law enforcement agencies, railroad police, and non-law enforcement agencies, such as state and federal motor vehicle and licensing authorities. NCIC is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.

X. **ARMS Information:** Advanced Records Management System. ARMS is MNPD's Law Enforcement application that consists of Automated Field Reporting, Mug Shots, Records Management, Crime Mapping, and NCIC message switch. Access to any part of ARMS must adhere to all CJIS Security Policy restrictions as well as this directive.

Y. **CJI Information:** Criminal Justice Information (CJI) is defined as any information derived from the ARMS or NCIC systems.

12.30.030 Information Technology Security Policies

A. Metropolitan Government Information Security Policies

The Mayor has established the Metropolitan Government's Information Security Management Policy (ISM Policy), through Executive Order 038, to address the protection of Metropolitan Government information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction. The ISM is a group of Metro Policies to protect the confidentiality, integrity, and availability of data. Among the Policies that MNPD users should be familiar are the Metropolitan Government Acceptable Use of Information Technology Assets Policy, and the Teleworking and Mobile Computing Policy. A full listing of other Metro Government Information Security Policies and supporting documents can be found on the Metro Intranet website at http://im.nashville.org/ism/policies.

B. MNPD General Network Usage

To assist in employees' duties, the department provides an information systems network to employees. Access to the network and computer systems imposes certain responsibilities and obligations and is granted subject to department policies and local, state and federal laws. Appropriate use should always be legal, ethical, reflect department standards and show restraint in the use of shared resources.

1. Users are prohibited from attempting to circumvent or subvert any system security measures.

2. Although each user may have an individual account for access, the system and any data it contains belong to the department. Each user is given access rights to particular files and software applications. Department management reserves the right to inspect all files stored on our network in order to assure compliance with these policies. This includes any private, semi-private and public areas of the network, individual computer storage areas, and any other department-owned diskettes, backup tapes and other storage media.

3. No software may be installed, downloaded, copied or used on department computers without the permission of the user's chain of command and the MNPD Information Technology Director. Any such requests shall be made through the use of MNPD Form 209A, Computer Hardware, Software, and Service Request Form. All software must be properly licensed and all license provisions (installation, use, copying, number of simultaneous users, term of license, etc.) must be strictly adhered to. As a result, individual users may not install software brought from home or any other source. User-installed screen savers are not allowed. The screen

savers already provided by the windows operating system are approved for use on departmental computers. To the extent that these windows screen savers are user configurable, any images or messages used must not be visually offensive. In all circumstances, the MNPD Information Technology Director, or their designee, will determine if any software meets the department's licensing requirements. Non-standard hardware or software, discovered during routine maintenance operations, will be reported to the immediate supervisor of the user. Equipment identified as containing non-standard software or hardware may be examined by MNPD Information and Technology personnel to ensure its removal. Supervisors or employees observing unauthorized software on departmental computers shall report it to MNPD Information and Technology for review and shall request removal of the software on MNPD Form 209A, Computer Hardware, Software, and Service Request Form. Employees using unauthorized software on department computers may be subject to disciplinary action.

4. Users are not allowed to install or play games on any department- owned computer system. Employees doing so may be subject to disciplinary action.

5. Department-owned software is not to be taken home by employees, unless it is approved by MNPD Information Technology and licensing specifically allows for employee use at home.

6. The display of any kind of sexually explicit image or document on any department system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.

7. The department's computer systems shall not be used, under any circumstance, to libel, slander or harass another person, as defined elsewhere in department policies.

8. MNPD Information Technology and/or Metro ITS personnel may access the files of others for the maintenance of networks and computer and storage systems, such as to create backup copies of media.

9. Users should regularly review personal and departmental files, deleting any files that are no longer necessary on assigned network storage locations and local computer hard drives. Network storage space involves a significant financial investment to the department, and as such, file space must be regularly reclaimed to make space available to other users and projects. Files stored over a reasonable time, as determined by MNPD Information

Technology Director, may be automatically archived and deleted. Disk space storage limits shall be used to efficiently allocate available disk resources.

10. Installation of Software and Hardware

    Improper installation of software or hardware can damage a computer system or cause it to malfunction. Consequently, all software and hardware is to be installed only by MNPD Information Technology and/or Metro ITS personnel.

11. Relocation of Computer Systems

    Any moving, relocating, or rearranging of computer hardware shall be approved and coordinated with MNPD Information and Technology through the use of MNPD Form 209A, Computer Hardware, Software, and Service Request Form. Approval **MUST** be obtained **PRIOR** to any movement of Desktop or Laptop computers.

12. Ownership and Confidentiality

    All software, programs, applications, templates, data, and data files residing on department computer systems or storage media or developed on departmental computer systems are the property of the Metropolitan Government. The city retains the right to access, copy, change, alter, modify, destroy, delete or erase this property. Computer data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.

13. Use of Employee Computers to Work on Department Data Files

    Only MNPD Information Technology issued or authorized computers are allowed to connect remotely to MNPD computer systems. Employees are not allowed to use their personal computers on the MNPD Network. Employees can access departmental email remotely through Outlook Web Access using their personal computers, as long as they are not attached directly to the MNPD network, and it is approved and coordinated with MNPD Information and Technology through the use of MNPD Form 209A, Computer Hardware, Software, and Service Request Form Employees who wish to work from home using their department issued laptop/computer must submit a VPN Request Form to MNPD Information Technology.

C. Network Security

As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote/local systems is prohibited.

2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote/local system, is prohibited.

3. Decryption of system or user passwords is prohibited.

4. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license, is prohibited.

5. Any unauthorized activity that results in corrupted or disabled network systems or programs are punishable disciplinary offenses.

6. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.

7. The introduction of computer "viruses" or disruptive/destructive programs into the department's network or into external networks is prohibited.

8. Apple iPad/iPhone Policy: Apple iPad tablets and iPhones run a proprietary Apple operating system and application framework which are not supported on Metro Government networks. These devices cannot be administered and secured by Metro Government using deployed enterprise device/network management systems. Metro ITS and Police IT are researching the best approach to implement a management and security system to mitigate the risks of foreign devices accessing Metro information and networks. Until that solution has been tested and implemented, iPad and iPhone devices should not be used to store and transmit Criminal Justice Information (CJI).

    a. Access to MNPD email from an iPad/iPhone must be requested and approved through the Form 209A process.

    b. For any mobile device (iPad, iPhone, Smartphone, etc.) which accesses MNPD email, Police IT/Metro ITS will implement ActiveSync connection settings that will require the use of a six (6) digit PIN to access the device.

c. User must report a lost or stolen iPad/iPhone immediately to Police IT so that access is disabled, and a remote wipe command can be pushed down to the device to protect any residual sensitive information that may be contained in email files on the device.

d. iPad/iPhones should not be connected to MNPD Wi-Fi networks.

e. No Criminal Justice Information (CJI) may be stored on iPads/Phones.

D. MNPD Email Usage Policy

The department's email system is provided to help employees communicate with each other, citizens, service providers, and other agencies. Email users should adhere to all department standards of decency and should not abuse the resources that are available to them.

1. All email messages are department records. The contents of any email message may be disclosed within the department to management without your permission and without your knowledge. Therefore, you should not assume that email messages are confidential. The department maintains a policy of backing up and maintaining data files and email messages, so this applies even to messages and files that you have deleted. Deleting an email message or a file does not guarantee that it has been erased from the system.

2. Because the department provides the electronic mail system to assist you in the performance of your job, you should use it for appropriate government business. Your messages can be accessed by management without prior notice, you should not use email to transmit any message you would not want read by a third party.

3. Forwarding chain email is a violation of department computing policy. Chain letters are an unnecessary waste of resources and should be ignored and deleted. Chain email of any sort will not be tolerated on department systems.

4. Users should regularly review and discard messages that are no longer needed. This includes any items in user's personal folders, Sent Items and Inbox. Mailbox storage size limits will be used on user mailboxes to efficiently allocate available disk resources. For information concerning how to backup emails from your mailbox/inbox to your home folder, please contact the Metro ITS Help Desk.

5. Whenever you send electronic mail, your name, user id, and department name are included in each mail message. You are responsible for all electronic mail originating from your user id. Therefore:

    a. Forgery (or attempted forgery) of electronic mail messages is prohibited.

    b. Attempts to read, delete, copy, or modify the electronic mail of other users are prohibited.

    c. Attempts to send harassing, obscene and/or other threatening email to another user are prohibited.

    d. Attempts to send unsolicited junk mail; "for-profit" messages or chain letters are prohibited.

    e. Attempts to send political statements, solicitation, gain favors, intimidate, or to otherwise misuse authority are prohibited.

5. Employees with department email accounts, who are assigned a department computer, are required to check for new messages each day they report to work. Employees with department email accounts, who do not have daily access to a department computer, will check for new messages no less than once during their workweek.

6. Employees may utilize an email footer or signature block. If utilized, the footer or signature block may only contain content that is MNPD business related. Employees may use only department approved emblems or logos within the email footer or signature block. Examples include, but are not limited to employee name, rank, position, address, phone number(s), and approved unit, section, or division patch, coin, etc. No additional, non-business content may be included (e.g., quotes, images, etc.) without the approval of the Chief of Police or his/her designee. This includes email signature blocks for new emails, replies, forwards, and mobile devices, as applicable.

    If an employee chooses to include a legal disclaimer in the footer, the following shall be used:

    “This electronic message transmission contains information from the Metropolitan Nashville Police Department which may be confidential. The information is intended for the use of the individual or entity named above. If you have received this message in error, please delete it immediately and notify the sender.”

7. If an email account is no longer used (due to change in assignment, computer availability, etc.) the affected employee's immediate supervisor will notify the Metro ITS Help Desk so the users name can be removed from the email system.

8. Electronic Bulletin Boards provided as part of the department's email system is for the sharing of pertinent information as defined below. In general, postings to public folders are under the same appropriate use requirements as email messages. Personal opinions or politic messages are not authorized or allowed for any public folder.

   a. The "Police - Bulletin Board" is for police-related matters which needs dissemination to all police personnel.

   b. The "Police - Community Board" is to make information widely known but not necessarily related to employment or MNPD.

   c. All other Police Public Folders shall contain subject matter information as defined by the name of the public folder.

E. MNPD Procedures

The intent of these procedures is to ensure that use of the department's network is consistent with the best interests of the department. These procedures do not attempt to articulate all required or proscribed behavior by users, but merely cover the most conspicuous examples.

1. Department provided information resources shall not be used for any inappropriate use. Examples of inappropriate uses include (but are not limited to):

   a. Seeking to gain or gaining information for inappropriate purposes or unauthorized access to proprietary information.

   b. Seeking access to passwords belonging to other users.

   c. Infringing on third party copyrights or other intellectual property rights, license agreements or other contracts; for example, illegally installing or making available copyrighted software.

   d. Inappropriate copying, modifying, distributing, transmitting or displaying files or other data or information resources.

   e. Processing, distributing, transmitting, or displaying inappropriate stored electronic media, obscene, libelous or defamatory material, or files dangerous to the integrity of the department's network.

f. Using the department's network or knowingly allowing another to use the network for personal profit, personal business, commercial product advertisement, or partisan political purposes.

2. Access rights changes and changes to system functionality shall be requested through the chain of command up to at least Captain/Commander level. Upon approval of the chain of command, the request shall then be forwarded to the MNPD Information Technology Director or designee for processing.

F. MNPD Internet Usage

The department provides access to the vast information resources of the Internet to help you do your job faster and smarter, and be a well-informed employee. Internet access for the department is a business tool, provided to you at significant cost. The department expects you to use the Internet for business related purposes, i.e., to communicate with citizens and service providers, to research relevant topics and obtain useful business information. All existing department policies apply to your conduct on the Internet.

1. While Internet-based email will be provided for all employees, certain Internet services may be granted to only those employees who demonstrate a legitimate business need. The ability to surf the web and engage in other Internet activities is not a fringe benefit to which all employees are entitled. If an employee does not have sufficient Internet access, but needs such access for a particular project, he or she can request temporary access from the MNPD Information Technology Director on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

2. Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies and ties up printers and other shared resources. Unlawful or unauthorized Internet usage may also garner negative publicity for the department and expose the Metropolitan Government to significant legal liabilities.

3. The chats, newsgroups and email of the Internet give each individual Internet user immense and unprecedented reaches to propagate company messages and tell our business story. Because of that power, we must take special care to maintain the clarity, consistency and integrity of the department's image and posture. Anything any one employee writes in the course of acting for the company on the Internet can be taken as representing the company's corporate posture. That is why we expect you to forgo a measure of your individual freedom when you participate in

chats or newsgroups.

4. The department has software in place that monitors and records all Internet usage. We want you to be aware that our security systems record (for each and every user) each World Wide Web site visit, each chat, newsgroup or email message, and each file transfer into and out of our internal networks. No employee should have any expectation of privacy as to his or her Internet usage. MNPD Information and Technology personnel will review Internet activity and analyze usage patterns, and they may choose to report this data to assure that department Internet resources are devoted to maintaining the highest levels of productivity.

5. Requests from supervisors for an employee's Internet Web activity report shall be requested through the employee's chain of command up to at least Captain/Commander level. Upon approval of the chain of command, the request shall then be forwarded to the MNPD Information Technology Director or designee for processing.

12.30.040 Acquisition of Computer Hardware and Software

It is the policy of the department to maximize the cost-effective use of computer systems as a means of improving productivity. To ensure hardware/software compatibility and reliability and allow for provision of appropriate user support, all computer hardware and software will meet uniform standards established by the MNPD Information Technology Division. Adherence to these standards will be accomplished by having all computer related acquisitions coordinated through the MNPD Information Technology Division

A. Responsibility

1. Users are responsible for coordinating, through the MNPD Information Technology Division, all acquisitions of computer related hardware, software, and services. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.

2. MNPD Information Technology is responsible for maintaining department-wide computer standards and for evaluating and recommending computer related hardware, software, and services that cost effectively satisfies user needs. Accordingly, the MNPD Information Technology Director, in conjunction with Metro ITS is responsible for the requisitioning, receipt, assembly, installation, setup, and maintenance of all department computer hardware and software.

B. A user wishing to purchase computer hardware or software should consult the MNPD Information Technology Division early in the planning process. The MNPD Information Technology Division personnel will assist in assessing hardware/software requirements and in estimating costs. Unless an exception can be justified by user requirements, hardware and software will comply with Metro ITS standard configurations. The user will assure that the MNPD Information Technology Division is aware of the requests in time to be included in the next department's budget and capital needs fiscal planning process.

C. Acting on behalf of the user, the MNPD Information Technology Division personnel will initiate requisitions for computer systems, hardware, software, and services. Such requisitions received by Fiscal Affairs, which originated from the user will be returned to the user with instructions to complete an MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

D. All computer hardware and software will be shipped to the attention of the MNPD Information Technology Division, or in some cases directly to Metro ITS. Only authorized MNPD Information Technology Division personnel will be allowed to receive such shipments from Police Central Supply. MNPD Information Technology division staff and/or Metro ITS assigned staff will perform necessary tests, install software, setup the system and specialized furniture, and provide user instruction.

E. Purchases Procedures

1. To purchase new software or hardware, the requesting component must submit a written request, to their bureau commander, through the chain of command, regardless of funding source. This request shall be made on MNPD Form 209A, Computer Hardware, Software, and Service Request Form. The bureau commander will forward the request to the MNPD Information Technology Director or designee. A written justification for the equipment or software shall be made on this form and include:

   a. A needs analysis;

   b. A statement of how the equipment will benefit the department; and

   c. The training requirements if the equipment is approved.

2. The MNPD Information Technology Director or designee will have thirty days from the date of receipt to respond to the requesting component and the bureau commander, detailing whether the request is consistent with departmental standards and objectives.

3. With all the information and recommendations provided, the bureau commander will approve or deny the request, and will inform the requesting component and the MNPD Information Technology Director.

4. If the request is approved, the MNPD Information Technology Director or designee will forward a copy of the approved MNPD Form 209A, Computer Hardware, Software, and Service Request Form with MNPD Form 184, Request for Procurement of Goods and Services to Fiscal Affairs, and it will be processed in accordance with current department policy regarding purchases.

5. If the request is denied, MNPD Form 209A, Computer Hardware, Software, and Service Request Form shall be returned from the bureau commander to the requesting component detailing the reason(s).

6. When hardware or software is purchased through a grant, issuing of these items will be subject to the grant provisions. However, plans to purchase of this nature must follow the purchasing procedures outlined above.

F. Installation/Removal/Modification/Move of Software or Hardware

1. To request the installation, removal, modification or move of any software or hardware, the requesting component personnel must submit a written request, to their bureau commander, through the chain of command. This request shall be made on MNPD Form 209A, Computer Hardware, Software, and Service Request Form. The MNPD Information Technology Director or designee will review the request to establish:

   a. Compatibility with the existing hardware;

   b. Compatibility with the existing software;

   c. Compliance with software licensing agreements;

   d. Proper registration;

   e. Cost and available funding:

   f. Additional requirements needed to fulfill the request; and

   g. Proper (re) allocation of department Information and Technology resources.

   h. Compliance with MNPD Policies, State/Federal Laws and any

internal Standard Operating Procedures.

2. The MNPD Information Technology Director or designee shall respond to the requesting component and the bureau commander, detailing whether the request is consistent with departmental standards and objectives.

3. With the information and recommendations provided, the bureau commander will approve or deny the request, and will inform the requesting component and the MNPD Information Technology Director.

4. If the request is approved, the installation, removal, or move will be scheduled by the MNPD Information Technology Director and/or Metro ITS where appropriate.

5. No software or hardware will be installed, upgraded or removed from any department computer without the approval of the MNPD Information Technology Director or a designated representative.

6. No personal computer or any other equipment may be connected to the department network, in any manner, without the approval of the MNPD Information Technology Director or a designated representative. Only personnel authorized by the MNPD Information Technology Director or designated representative shall install approved equipment.

7. If the request involves the moving of computer hardware from one component to another, MNPD Information Technology will complete MNPD Form 111, Fixed Asset Disposition Change Request Form, and secure both component commanders signature on the form. MNPD Information Technology will forward the completed MNPD Form 111, Fixed Asset Disposition Change Request Form, to the Inventory Management Section.

G. Acquisition through Metro Government Surplus/Confiscation/ Donation

1. Only the MNPD Information Technology Director or designee will pick up computers or peripherals from Metro Government Surplus Property.

2. If it is reported that there is computer hardware at Metro Government Surplus Property, the MNPD Information Technology Director or designee may evaluate the usability of the equipment. If the computer hardware is found to be an asset to the department, MNPD Information and Technology will recondition or otherwise prepare the equipment for use within the department, and deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

3. Confiscated computer hardware cannot be accepted within the department without inspection and approval from the MNPD Information Technology Director or designee. Upon approval, MNPD Information Technology and/or Metro ITS will recondition or otherwise prepare the equipment for use within the department and deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

4. Donated computer hardware, software, or services cannot be accepted within the department without inspection and approval from the MNPD Information Technology Director or designee. The component will involve MNPD Information Technology as early in the planning process as possible. MNPD Information Technology will assist in assessing needs, and report any additional requirements needed for successful implementation with cost estimates. If the donated hardware, software, or services are not targeted for a certain component, MNPD Information Technology will deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

5. All acquisitions from Metro Government Surplus, confiscation, or donation will follow all applicable fiscal procedures as defined elsewhere in department policies.

12.30.050 Specific Provisions

A. Security/Storage:

1. A specific employee, assigned by their component commander, will be responsible for the assigned component computers physical security and for obtaining any required maintenance through the Metro ITS Help Desk.

2. It shall be the assigned employees' responsibility to safeguard the computer hardware using every precaution available (i.e. - locking their vehicle when left unattended, using a locking cable for a laptop, securing the digital camera when not in their possession, or locking their office).

3. To the extent possible, officers assigned computers utilized in the field shall use every available precaution (locking equipment in vehicle trunk, etc.) when the equipment is not in their immediate possession or the vehicle is left unattended.

4. Any use of a department computer by anyone other than authorized department employees requires authorization from the MNPD Information Technology Director or a designated representative.

5. It shall be the assigned employee's responsibility to ensure the security of the computer against unauthorized use. Employees will not give their passwords to any other persons to use nor will they leave the password in any discernible written form in or near their computer. If the assigned employee leaves the computer unattended then they are required to log off.

6. It shall be the employees responsibility to secure any printed reports or images from any Police automated system, and disposing of such reports in a manner consistent with department policy. The employee shall prevent any unauthorized persons from viewing their computer display screen.

7. Metro ITS will be responsible for loading and maintaining virus protection on all department personal computers and network drives. In addition, they will be responsible for providing information describing the use of utilities that safeguard the computer (virus scanning, file backup, etc.).

8. Authorized users of a shared component computer are responsible for the security and access to that computer whenever the computer is under their control or during any period when they are logged on to that computer.

9. The MNPD Information Technology Director must be notified immediately if department computer hardware or peripheral equipment is damaged, lost, stolen, or it is believed unauthorized access was attempted or gained.

10. An annual audit of all department computer systems for verification of the security of all passwords, access codes, or access violations shall be performed by Metro ITS at the direction of the MNPD Information Technology Director. An annual audit of the security of passwords, access codes, and access violations will help maintain the integrity of the system and security of records contained in the system.

11. Computer files on department network-based servers and mainframes will be backed up according to a regular schedule and comply with record retention laws and department regulations. The media, tapes, disks or drives shall be stored off-site in a secure facility or area. If used media is not recycled, the media will be destroyed to ensure that data is not retrievable from the discarded media. Users should take special care to ensure that critical data is not stored on local PC hard drives, but on a network-based server or mainframes.

12. Specialized Units with specific data requirements, such as the Crime Analysis Unit, may be authorized by the Chief of Police to store sensitive data on local drives and/or laptops and other media provided that the requesting unit has met security requirements of data encryption equal to or greater than U.S. Department of Justice standards (128-bit encryption minimum).

13. Prior to leaving the computer device's control area, the user must either log out or manually lock the device using the operating system lock function or any lock supported by the device's operating system. A non-password protected screensaver is not acceptable. Any exceptions to the logical locking of a device must be approved by the Director of Information Technology and fully documented.

14. Users shall only use Removable Media that has been approved by MNPD Information Technology Director for the storage of Sensitive Information. The user shall return the Removable Media to the MNPD Information Technology Division just as they would with any other MNPD issued computer equipment. Only departmental Removable Media shall be used on MNPD computers. Removable Media shall be secured if not in the possession of the User. Removable Media taken off-site and in transit shall not be left unattended. Users and their supervisors shall be fully aware of information contents and classification of information that has been stored on Removable Media. If there is any question as to the sensitivity of this information, it shall be treated as Sensitive Information, until it is classified as otherwise.

15. MNPD files or information shall be removed from all devices, such as hard drives, CDs, DVDs, copiers, computer memory, flash drives, etc., that have been used to store any MNPD information, prior to the device being retired or disposed of. The approved method of information removal is by destruction. In order to satisfy the destruction method, the media must be shredded or destroyed such that the MNPD information cannot be read or otherwise reconstructed. Information stored on USB or flash drives must be wiped using a MNPD Information Technology Director approved method or securely destroyed.

16. MNPD Information Technology Division shall be immediately notified by the user, in the case of lost or stolen electronic equipment, including but not limited to, MNPD issued laptop, tablet, blackberry, PDA, smart phone, or air-card, as well as any personally owned devices which has been approved and setup to receive MNPD user email.

17. No Remote Desktop access to any NCIC/TIES device is allowed. Remote Assistance access to a desktop with NCIC/TIES access may

be allowed only under all of the following conditions: NCIC/TIES information must not be displayed or open on the computer display at any time during the Remote Access session; the MNPD employee must be in front of the computer and monitoring the activity of the remote technician; and approved by the MNPD Information Technology Director or his designee.

B. Maintenance

1. Metro ITS in conjunction with the MNPD Information Technology Division is responsible for all maintenance, support and repair of department computers. All Information and Technology related requests shall be routed through the Metro ITS Help Desk at 862-6222. Contacting MNPD Information Technology division or Metro ITS department personnel directly is not preferred, since the tracking of problems is not possible. Assigned employees should notify their immediate supervisor of any maintenance problems not resolved in a timely manner. This information should then be forwarded through the chain of command to the assigned employee's bureau commander.

2. In an effort to assist Metro ITS support personnel in resolving computer problems, the person reporting should make every effort to document the nature of the problem. The following items should be documented:

   a. Date and time of occurrence; and

   b. Nature of occurrence (i.e. - computer out of memory, network services not available, or any message that appears in a dialog box showing an error.)

3. At the direction of the MNPD Information Technology Director, support personnel may be established for minor maintenance on department computers within a specified component. This minor maintenance must still be reported to the Metro ITS Help Desk immediately for documentation purposes. This minor maintenance does not alter the need for security or installation approval from the MNPD Information Technology Director or designated representative.

4. MNPD Information Technology and/or Metro ITS personnel will attempt to resolve and correct any defects or problems that could affect officer safety or reduce element efficiency, in a timely manner.

5. MNPD Information Technology and/or Metro ITS is responsible for packing and shipping faulty equipment to be returned to a vendor for repair, when appropriate.

C. Inspections

Department computers are subject to line or staff inspections at any time.

D. Training

1. All employees shall maintain eligibility, under FBI, TBI, CJIS, or other appropriate law, policy or procedure to receive or renew any operator and/or query certification that may be required as an essential function of their assigned position. Failure to maintain such certification or to maintain eligibility for certification may be grounds for corrective or disciplinary action.

2. All employees shall, at a minimum, acquire and maintain operator and/or query certification which may be required as an essential function of their assigned position (e.g. MDC use) or required as part of their regular duties. Sworn employees assigned to positions wherein queries are not part of their regular duties or an essential function may be exempted from the certification requirement upon approval of their Division commander.

3. It will be the responsibility of the Metropolitan Police Training Academy to design and administer additional computer training specific to the software available to the assigned employee, either directly through educational aids, or through third parties.

12.30.060 Mobile Data Computers

A. Assignment of Mobile Data Computers

1. Laptops and components which are not physically mounted in a vehicle shall be assigned to individually designated officers.

2. Any mobile data computer laptops assigned to individuals will adhere to current policy with regard to equipment remaining with specific components when employees are transferred.

3. Laptops which are physically mounted in a vehicle shall be assigned to the vehicle. Essentially, in this setup, the laptop and components will simply become another component of the vehicle like the voice radio and shotgun rack.

4. Any mobile data computer laptops assigned to component vehicles shall be the responsibility of component commander with respect to security, cleanliness, and maintenance.

B. Assignment of Investigative/Administrative Laptops

1. Investigative/Administrative laptops shall be assigned to individually designated employees of the department and the Section/Unit the employee is assigned. These laptops are not mounted in police vehicles and are the responsibility of the assigned employee with respect to security, cleanliness, and maintenance.

2. Any Investigative/Administrative laptops assigned to individuals will adhere to current policy with regard to equipment remaining with specific components when employees are transferred.

3. No Investigative laptop can be moved/assigned to another Bureau/Division/Section/Unit without Chain of Command and MNPD Information Technology Director approval.

C. Installation of Hardware/Software Components

1. Software to be used on mobile data computer laptops will be installed by MNPD Information Technology or Metro ITS assigned staff only.

2. Requests for additional hardware/software components will follow the same procedures as set forth in Article III., Acquisition of Computer Hardware/Software.

D. Specific Restrictions

1. The driver of any vehicle equipped with a mobile data computer may perform computer functions of a routine and brief nature while the vehicle is in motion. An example of such an activity is pushing the “enroute” button after being dispatched on a call. However, a driver is only authorized to perform such functions when he/she can do so and operate the vehicle in a safe manner. This provision shall not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons and property, nor shall such provisions protect the driver from the consequences of his/her own disregard for the safety of others.

2. No modifications of any kind are allowed to the components of the mobile data system. This includes laptop hardware and software, vehicular router, vehicle mounting bracket and radio antenna.

3. Sharing of laptops assigned to individuals, or using a laptop in a vehicle other than the vehicle it is assigned to, will require the permission of the assigned employees’ immediate supervisor.

4. Mobile Data Computers are designed to be easily removed from the patrol vehicles for the purpose of recording mug shot/crime

scene photos, signatures, DL/VIN scanning outside of the vehicle for use on MNPD Automated Field Reports. Vehicles will be equipped with portable keyboards for use with the MDC outside the vehicle as well.

E. Security/Storage

1. A specific employee, assigned by their component commander, will be responsible for the assigned component mobile data computer laptops physical security and for obtaining any required maintenance through the Metro ITS Help Desk.

2. Employees assigned an individual-assigned vehicle will be responsible for that vehicle's assigned mobile data computer laptop and associated equipment in the same manner as all other items within the vehicle.

3. Personnel having assigned vehicles should leave their mobile data computer laptop locked in the docking station inside their vehicle at the end of their shift. For personnel using unassigned vehicles or share cars, the mobile data computer laptop assigned to the vehicle should remain in the locked docking station inside its vehicle at the end of their shift. The intent of leaving a mobile data computer laptop locked in the docking station inside a vehicle at the end of an officer's shift is to prevent needless repairs from removing and later returning the laptop into its docking station. When a vehicle is undergoing maintenance or other type of repairs, the mobile data computer laptop will be removed from the vehicle and stored in a locked storage cabinet or stored by the officer in a secure location. Locking storage cabinets are available at each patrol station or precinct office for those who do not wish to leave the mobile data computer laptop in its assigned vehicle at the end of the shift.

4. MNPD personnel shall use due care and caution to ensure that restricted information, such as NCIC and CJIS information, that may be displayed on any MDC or laptop computer cannot be seen or accessed by non-authorized persons.

5. MNPD personnel shall not leave restricted information visibly displayed on any laptop or MDC when they are away from their vehicle. Personnel shall implement the screensaver, lower the display screen, and/or minimize the display brightness/contract levels, as appropriate, to ensure restricted information is not visible.

6. Additionally, MNPD personnel shall not allow any person not authorized to view restricted information that may be seated or riding in any vehicle equipped with a MDC or laptop computer to view any restricted information displayed on the computer screen.

F. Mobile Data Computer Laptop Maintenance/Data Updates

1. MNPD Information Technology Division is responsible for all maintenance, support and repair of department Mobile Data Computers. The Metro ITS Help Desk shall be utilized to report all requests for service pertaining to mobile data computer laptops. Any request for maintenance should be reported at once to the Metro ITS Help Desk or send an email to MDCSupport@nashville.gov.

2. Problems concerning the overall operation of a device concerning the vehicle mounting bracket and vehicular radio modem should first be reported to the Metro ITS Help Desk or MDCSupport@nashville.gov to verify the problem is not within the mobile data computer laptop itself. Once the problem has been clearly identified as being in the mounting bracket or vehicular radio modem, the person requesting maintenance may be referred to the Metro General Services Radio Shop for service.

G. Inspections

Mobile data computer laptops and Investigative/Administrative laptops and components are subject to line or staff inspections at any time.

12.30.070 Electronic Forms

A. Form Completion

1. When completing electronic forms, members shall ensure that they are appropriately logged on to and/or affix the appropriate electronic signature to the completed reports, when required.

2. Users shall follow established policy and procedure for report writing.

B. Submission & Review

Consistent with established policy and law, users shall ensure the accuracy of reports completed in an electronic format.

Prior to submission of a document with an electronic signature, members shall ensure the accuracy

C. Signatures

Notwithstanding any provision of law or policy to the contrary, the use of electronic signatures may be provided by the department for use in the signing of forms, reports, affidavits of complaint, arrest warrants, or other documents. An electronic signature may be used to sign a

document and shall have the same force and effect as a written signature.

12.30.080 Smartphones

Police Information Technology Division may issue smartphones to those personnel whose job descriptions, duties, or responsibilities are determined by the department to require enhanced levels of communications. Such smartphones, issued by Police IT, will be operated and utilized in accordance with the policies and procedures herein as well as Police IT policies, procedures and issued user guides. Applicable Metro ITS use and security policies are hereby incorporated by reference.

A. Definitions; as used herein:

1. **Application(s)**: a program or piece of software designed and written to fulfill a particular purpose of the user.

2. **Smartphone:** a mobile phone, issued by Police IT, that performs many of the functions of a computer, typically having a touchscreen interface, Internet access, and an operating system capable of running downloaded applications.

B. General Provisions:

1. All employees who may be provided a Police IT issued smartphone are required, in the course of conducting City business, to use these devices and applications properly and in compliance with MNPD policy and procedure, Metro ITS acceptable use and security policies, Police IT policies and procedures, and any other applicable policy or procedure of the Metropolitan Government.

2. With smartphones being in essence computers in their own right, Metropolitan Government policies and procedures applicable to computers shall also apply.

3. The act of carrying a Police IT issued smartphone while off-duty does not, in itself, constitute overtime. Overtime expectations vary by assignment. Supervisors will clarify their expectations for any off-duty use outside of existing policy on overtime for phone calls (3.60.060(E)). Unless an employee has been explicitly ordered by a supervisor to be available, check emails, or conduct other department business outside of normal shift hours, they are not expected or encouraged to do so.

4. Employees shall have no expectation of privacy with regard to any communications made with or stored in or through Police IT issued smartphones, nor shall there be an expectation of privacy in their location should the device be equipped with location detection

capabilities (GPS).

5. Employees issued such smartphones shall install, use and maintain applications only as directed or approved by Police IT.

    a. The installation of applications shall be limited to those that are consistent with departmental business and needs. Limited personal use is permitted, and limited to activities approved by Police IT.

    b. Police IT shall maintain a roster of approved or authorized applications for use on such smartphones. Such roster shall be reviewed and updated, as may be necessary, and shall include approved recommendations from employees for applications which have a business purpose or would enhance the ability of employees to fulfill their duties.

    c. Recommendations for additions of applications on smartphones shall be submitted through the employees' chain of command on a 209A form.

    d. Evidentiary Audio, Video or Photographs

        (1) Employees whose job duties require the ability to record interviews, etc., shall utilize only designated approved apps to provide the ability for smartphones to serve as recording devices that work in conjunction with the department's ability to securely store and transfer recordings to a server-based storage system.

        (2) Employees who capture evidentiary audio, video or photos on their smartphone shall follow existing policy and procedure (Manual 6.10) for the upload or transfer of such evidence prior to the end of their shift. Once uploaded or transferred, users shall not maintain evidentiary audio, video or photos on their smartphone.

        (3) Department-issued smartphones will be issued to the employee with an upload/charging cable, which shall be used to upload or transfer audio, video, or photos per Department Manual 6.10 Appendix 1.

C. Specific Provisions:

1. Rules for Smartphone use:

    a. Smartphones are intended for business use. Users must use smartphones in a professional, ethical and legal manner, regardless of whether such use is personal or business–related.

Occasional, limited, reasonable, and appropriate personal use shall be permitted when such use does not:

(1) Incur unnecessary cost to the department;

(2) Interfere with the User's work performance;

(3) Interfere with any other User's work performance;

(4) Store unlicensed, copyrighted materials;

(5) Unduly impact the operation of Metropolitan Government and/or its Information Technology Division;

(6) Violate any law, rule, regulation, or court order; or

(7) Violate any provisions of this policy, or any other Metropolitan Government policy, standards or practices.

b. Users are accountable for all transmissions made on issued devices. Inappropriate or unprofessional messages will not be sent via smartphones.

c. Inappropriate or unprofessional internet usage will not be accessed via smartphones.

d. Prohibited Use

These prohibitions shall not apply where such use has been explicitly authorized by the Chief of Police, or designee, or is directly related to an official law enforcement investigative need, or for the purpose of preserving evidence, or for other good reason.

(1) Users shall not use smartphones to engage in Internet based gambling or gaming, posting or chatting in non-business-related chat rooms or on non-business-related Internet Web logs (blogs), or to view pornographic or other inappropriate material.

(2) Smartphones shall not be used to upload, download, communicate, create, store, send or intentionally view, access or display material that is fraudulent, libelous, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate.

(3) Sending messages with derogatory or inflammatory remarks, including, but not limited to, remarks about race, color,

national origin, gender, age, religion, sexual orientation or disability may violate federal, state or Metropolitan Government laws, rules and policies on discrimination and sexual harassment. Such messages shall not be transmitted or forwarded using smartphones.

(4) International Use
Users shall not travel outside the continental US with a Police IT issued smartphone without the express permission of the Chief of Police, or authorized designee and the approval of the Director of Police IT.

e. Reporting
Users encountering or receiving any such prohibited messages or material shall report the incident to a supervisor without delay.

2. Use on Duty

a. Generally

(1) Smartphones should not be used if they may be disruptive to others.

(2) Ringer: Smartphone ringer should be set to silent or vibrate in situations where a cell phone ring could be disruptive, such as meetings, court, etc. They shall not have ring tones or carry cases that may be offensive to the public (e.g., fraudulent, libelous, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate).

b. Numbers: Dissemination of smartphone numbers to members of the public is at the discretion of the employee. Acceptable use examples include when immediate future contact between an employee and a victim, witness, or other person may be critical, furtherance of a community engagement program, etc. Personnel may not provide the cell phone number of any member of this department to a member of the public without the cell phone user's authorization.

c. Images

(1) The use of photo or video messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.

(2) Any photo or video captured during the course of an employee’s duties are considered to be department

documents and may only be distributed in accordance with department policy for record release or preservation of evidence.

d. Distraction: A cell phone shall not be used when it would unnecessarily or unreasonably divert the attention of an employee from official duties and/or cause a potentially hazardous situation.

e. Vehicle Operation: While operating a motor vehicle, sworn employees shall use due caution in the utilization of smartphones and limit their use to circumstances which require smartphone usage in order to meet core business functions and communications and in a manner consistent with state law. When possible, employees should pull off the roadway in a safe location when using smartphones unless hands-free operational devices are available. Officers are reminded that they shall be alert and vigilant at all times in the performance of their duties and exercise due care in the operation of Department vehicles.

3. Inspections:

   a. Smartphones and components are subject to line or staff inspections at any time.

   b. Data retention: Upon notification of a public record request, litigation hold, or subpoena, users will not delete requested items until authorized to do so. Department personnel may review content of any messages or photos contained on the device to make informed disclosure decisions.

4. Security:

   a. Employees using Police IT smartphones will follow the applicable security policies, including but not limited to:

      (1) Following Police IT smartphone user instructions, including password and access protocols;

      (2) Protect and never share access accounts, privileges, and associated passwords;

      (3) Maintain the confidentiality of sensitive information to which they are given access privileges;

      (4) Accept accountability for all activities associated with the use of their network accounts and related access privileges;

      (5) Ensure that use of smartphones and information stored, or

used on them is restricted to authorized purposes and defined use limitations;

(6) Not use unauthorized encryption tools;

(7) Maintain information security awareness, and

(8) Report all suspected security, unauthorized access, and/or policy violations to an appropriate supervisor. Police IT should be promptly notified so that any appropriate action can be taken to mitigate any security issues.

b. Employees shall promptly notify their supervisor in the event that a smartphone has been damaged, lost, or stolen. The employee or supervisor shall promptly notify Police IT (at 615-862-7860) in the case of a lost or stolen smartphone, so that the smartphone can be immediately remotely wiped and secured.

c. Users are prohibited from attempting to circumvent or subvert any system security measures or attempting to access other user's phones or applications.

d. All smartphones must be physically secured, against theft or unauthorized access when not in the possession of the user or in any location where unauthorized persons could easily gain physical access to the devices, such as vehicles, hotels, conferences, unsecured offices, etc.

e. Users should diligently protect against the disclosure of Metropolitan Government information in public areas by ensuring that the display of the device is not viewable by any unauthorized persons.

f. A smartphone case shall be used on all Police IT issued smartphones to help protect it from damage and drops.

12.40 Guidelines for Police Responses Using Mobile Data Computers

12.40.010 Purpose

The purpose of this directive is to establish procedures regarding police responses to calls for service electronically dispatched by the use of mobile data computers.

12.40.020 General Provisions

A. All department patrol vehicles that possess a mobile data computer shall have steps added in the call response process. In the past, the terms “dispatched” and “in route” have been considered to be synonymous. Now there is a distinct difference in the two terms:

1. Dispatched Status: An officer has been assigned a call for service via the mobile data computer but has not yet informed the dispatcher (either by voice or a mobile data computer) that they are in route to the call.

2. Enroute (in-route) Status: Assures Department of Emergency Communications personnel that a responder has received a call for service either electronically or by voice and are physically proceeding to the call.

B. Officers with mobile data computers shall acknowledge the receiving of a call for service from Department of Emergency Communications personnel, by selecting and pressing a pre-determined key on their keyboard. Immediately after this function has occurred, the Department of Emergency Communications personnel are assured that the officer has received the call information and started his vehicle towards the scene.

C. After a specified time frame, the Department of Emergency Communications Computer Aided Dispatch system is automated to alert the dispatcher if an officer has not acknowledged the receiving of a call for service or is enroute. If this occurs, officers will be called verbally by Department of Emergency Communications personnel to advise them of the routed call. (If the officer does not receive the call on their mobile data computer, the hardware should be checked for potential system trouble).

D. According to acknowledged Department of Emergency Communications policy, in addition to mobile data computer routing to police vehicles, calls for service voice broadcasting

should occur by Department of Emergency Communications personnel. The amount of information, which is broadcast verbally over the radio, shall be determined by the response codes assigned at the Department of Emergency Communications. These response codes and information to provide are as follows:

1. Code 1 Calls (routine calls): Department of Emergency Communications personnel will broadcast to the responding officers the incident type and location.

2. Code 2 Calls (urgent, but no emergency equipment): Department of Emergency Communications personnel will broadcast to the responding officers the incident type and location.

3. Code 3 Calls (emergency): Complete information will be transmitted over appropriate voice radio talk group(s) by Department of Emergency Communications personnel for any car in the area to respond.

NOTE: If any officer responding to a particular call does not have a mobile data computer in their vehicle, Department of Emergency Communications personnel have been instructed to broadcast the entire call over the voice radio.

E. Any time an officer requests that the entire call to be relayed to them over the voice radio, Department of Emergency Communications personnel have been instructed to comply. This is a safety measure in the event an officer cannot safely operate their vehicle and read information from a computer at the same time.

F. Police vehicles that are equipped with a mobile data computer shall utilize the resources of the computer system to assist in minimizing voice radio traffic. Specifically, officers will make status changes (in-route, arrived, location changes, availability) via the mobile data computer. Anytime an officer submits a transaction on the computer and does not get the proper acknowledgement, the officer should repeat the change by voice to ensure it was properly handled.

Exception: On Code 3 calls; officers shall voice their status changes (along with changing them on the mobile data computer) at least through the arrival on scene. This allows other responders, who may or may not have access to a mobile data computer to know exactly what to expect when arriving on an emergency call.

G. Officers who have a mobile data computer in their police vehicle shall also utilize it to put themselves on self-initiated calls (traffic stops, suspicious subject, etc.). **Utilizing the mobile data computer to put an officer on a traffic stop or any other officer-initiated activity should only be done when it does not pose a safety hazard to the officer.** At a minimum, officers must provide an acceptable location and any other information that would assist Department of Emergency Communications personnel with dispatching other units if back up is requested.

H. Officers should not allow a delay in checking out on a traffic stop or any other self-initiated call just so they can enter information into the mobile data computer software. If a delay in checking out via the mobile data computer is anticipated, officers should check out verbally.

I. Logging off of a mobile data computer, removes the unit from the Department of Emergency Communications personnel's status screen, therefore; no officer should intentionally log off of the mobile data computer until they have been relieved by the oncoming shift. If a mobile data computer is logged off during a shift, Department of Emergency Communications personnel have been instructed to re-enter the unit as on-duty or as a non-mobile data computer equipped unit.

NOTE: Verbal transmissions may be necessary to clear up any on-duty or off-duty confusion that may occur when a unit no longer shows on the Department of Emergency Communications status screen.

J. At any time, an officer is without the use of an mobile data computer, they should alert Department of Emergency Communications personnel that they are a non-mobile data computer equipped vehicle so that ALL calls for service may be dispatched orally.

K. This directive is to be used in conjunction with current department policy that addresses management and utilization of automated systems.

12.50 Citizen Online Reporting (CORe) Operations

12.50.010 Policy

It is the policy of the Metropolitan Nashville Police Department to provide the public with the best police services possible, within budgetary constraints. The department recognizes that officer and citizen safety is the **primary focus** of any law enforcement agency's efforts, and that non-emergency service delivery is secondary.

The mission of CORe is to enhance the level of emergency police services available to the community by providing the option to file certain low priority reports online via the LexisNexis Desk Officer Reporting System (DORS) application. Processing calls in this manner will increase officer and citizen safety by freeing field resources to handle higher priority "emergency" and "immediate action" calls. CORe will be processed through the Field Reporting Support Section of the Records Division with the use of the LexisNexis DORS application.

All personnel shall adhere to the provisions herein with respect to CORe.

12.50.020 Definitions

A. **Citizen Online Reporting (CORe):** The process of receiving and reporting specified non-emergency incidents online.

B. **DORS:** Desk Officer Reporting System is the interface used to implement citizen online reporting for certain non-emergency offenses. (Used by citizen to report minor traffic crashes – See MNPD Manual 18.20 Traffic Crash Investigating and Reporting)

C. **Field Reporting Support Services Section:** Section of the Central Records Division responsible for supporting the department and the community with the review/processing of reports from officers in the field and from citizens via online reporting options.

D. **TIBRS Reporting and Compliance Unit:** The TRAC Unit is responsible for the review of all incident and supplemental reports originating from MNPD officers, APR, and citizens online to ensure compliance with all TIBRS reporting requirements.

E. **TIBRS:** Tennessee Incident Based Reporting System is based on the FBI’s NIBRS program that outlines standard reporting requirements for data collection at the report level necessary for compliance with state and federal reporting guidelines.

12.50.030 Procedures

The procedures described herein will explain the responsibilities of the Department of Emergency Communications (DEC), Community Services Bureau, and the TIBRS Reporting and Compliance Unit regarding the handling of non-emergency calls online.

A. Call Screening

Calls received by the DEC will be analyzed, based on the facts and circumstances and established policy and procedure, to determine whether they meet the criteria for assignment to CORe.

B. Criteria for Response

The assignment of calls shall be handled in accordance with the following criteria:

1. Assignment to CORe (Citizen Online Reporting)

Calls for services that meet the criteria for the citizen to report online in lieu of officer response or via APR must be of a non-emergency nature and include, but are not limited to:

a. Shoplifting

b. Fuel Drive-off

c. Theft of Services from Restaurant (Dine and Dash)

d. Harassing telephone calls if **no threats** were made

e. Lost Property

f. Package Theft

g. Suspicious Activity (Not in Progress)

h. Retail Scam (Price Tag Switch)

i. Theft from a Residential Yard

j. Bicycle Theft

k. Identity Theft

l. Theft from a Detached Garage/Shed

m. Vandalism – Private/Business

n. Multiple Vehicle Minor Crash

o. Single Vehicle Crash

p. Hit and Run on Private Property

NOTE: It is the responsibility of the investigative elements that are assigned these reports to thoroughly review them as some will be classified as 'Unfounded' due to the TIBRS offense code used to generate the report.

Citizen Online Reports will be assigned complaint numbers beginning with the year of incident followed by the number 8, i.e. 20268000123. The complaint number is assigned once the report is approved by the TRAC Unit.

In addition, TRAC will closely review all Suspicious Activity Reports received via online reporting. Should it be determined that the information contained in the report is of a critical nature, or was mis-screened, the TRAC team will notify the appropriate investigative element of the report so the information can be quickly assessed, and resources allocated according to established MNPD guidelines by the assigned investigative element.

EXCEPTIONS: Calls described above will be dispatched to a patrol unit if the suspect is still at the scene, being actively pursued, the suspect is a police department employee, the victim is the Metropolitan Government, or the call appears to be mis-screened.

2. Assignment to Community Services Bureau

   Patrol units will respond to any of the above calls if the citizen requests an officer to be dispatched to their location to take a report. **At no time will an officer direct a citizen to use the online reporting system in lieu of the officer completing a report.** If there is insufficient information to complete a report, the officer shall follow established guidelines in handling the call for service.

C. Routing Calls to Citizen Online Reporting (CORe)

1. All calls meeting the criteria for Citizen Online Reporting when screened by DEC personnel shall be directed to the MNPD's Citizen Online Reporting webpage to complete their report. To file a police report online, the following criteria must be met:

   a. The Incident occurred in Nashville-Davidson County

b. Complainant must be 18 years of age or older

c. The report does not involve a crime in-progress

d. The report does not involve a domestic relationship

e. The report does not involve a firearm
f. The report does not involve an act of violence

g. The report does not involve a known suspect

h. Not an emergency

2. In the event the online reporting system is down, DEC will screen the call to see if it meets criteria for APR or officer response and refer accordingly.

3. Telephone calls shall not be forwarded directly to the TRAC Unit. All communications with citizens will be done via the online reporting system.

D. Responsibilities of TRAC Unit in Processing Online Reports

1. TRAC personnel shall be responsible for the review and processing of online incident reports that are submitted via the online reporting system.

2. Reports shall be reviewed in a timely manner in accordance with current TIBRS reporting provisions.

3. Reports that need further information will be rejected back to the citizen for follow-up.

4. Reports rejected by the TRAC Unit that do not receive the required information from the citizen necessary to complete the report within 7 days will not be approved. Once the citizen gathers all required information for completion of the report, the citizen can file a new report online.

5. Should the citizen have information they want to add to the report, i.e., serial number, or additional items, citizens shall be referred to APR and will need their original complaint number for the supplement to be completed.

6. Reports will be routed to the appropriate investigative element in accordance with established procedure. It shall be the responsibility of the investigative element to review and assign these reports per established guidelines.

7. Special attention will be given to Suspicious Activity Reports. Should it be determined that information found in the report is potentially time sensitive or critical, the TRAC reviewer will notify the appropriate investigative element of the report and report number for assessment and allocation of appropriate manpower, resources, etc.

12.60 Alternative Police Response (APR) Operations

12.60.010 Policy

It is the policy of the Metropolitan Nashville Police Department to provide the public with the best police services possible, within budgetary constraints. The department recognizes that the need for officer and citizen safety is the **primary focus** of any law enforcement agency's efforts and that non-emergency service delivery is a secondary concern.

The mission of APR is to enhance the level of emergency police services available in the community by handling low priority calls by telephone. By processing these calls in such a non-traditional manner, the department will be able to increase officer and citizen safety by deploying field resources to handle higher priority "emergency" and "immediate action" calls.

All personnel shall adhere to the provisions herein with respect to APR.

12.60.020 Definitions

A. **Alternative Police Response:** The process of receiving and reporting specified non- emergency incidents by telephone.

B. **Suspect:** The perpetrator of a criminal offense who was seen in the act of, or fleeing after, the commission of a crime by an eyewitness who can identify the person.

12.60.030 Procedures

The procedures described herein will explain the responsibilities of the Department of Emergency Communications, Community Services Bureau, and the Alternative Police Response Unit regarding the handling of non-emergency calls by telephone.

A. Responsibilities of Department of Emergency Communications (DEC). In accordance with established policy and procedure of DEC:

1. Department of Emergency Communications personnel shall receive all calls for service and screen them for appropriate handling.

2. The screening process involves analyzing facts and

circumstances of the call to assign it to the proper category based upon existing policy and response criteria.

B. Criteria for Response

The assignment of calls shall be handled in accordance with the following criteria:

1. Assignment to APR

Calls for services that meet the criteria for APR must be of a non-emergency nature and include, but are not limited to:

a. Thefts including vehicle parts and accessories, from residences or businesses, lawn furniture, of or from trailers (see exception below), from public storage/rental facilities, break-ins of detached garages, from railroad cars, from construction sites, from unfinished or damaged structures, by employees, and other miscellaneous thefts;

b. Damage to property incidents, if not domestic related;

c. **ALL** reports of lost property;

d. Harassing telephone calls, blackmail, and extortion, if not domestic related;

e. Adult escapees from penal institutions who are on furlough or work release and do not pose an immediate danger to themselves or the public;

f. Adult escapees from mental institutions who do not pose an immediate danger to themselves or the public;

g. All supplemental information reports except personal crimes and license and vehicle identification number information in auto theft cases.

h. All types of frauds, there is no limit on fraud or embezzlement.

i. Attempted motor vehicle thefts, where the vehicle was not moved;

j. Hospital walkouts, when they are self-admitted, there is not a criminal element, and do not pose a danger to self or others;

k. Delayed simple assault reports where there no domestic violence relationship. Assaults where the victim called

dispatch greater than 24-hours after the incident occurred and the victim refused medical treatment;

l. Delayed robbery reports where no weapon was used and there is no domestic violence relationship. Robberies where the victim called dispatch greater than 24-hours after the incident and the victim refused medical treatment;

m. Residential burglaries where the victim has already been through and deemed the location is safe. This does not include burglaries if the victim was home at the time of the incident or if it is believed to be domestic violence related;

n. Commercial burglaries where the business representative has already been through and deemed the location is safe. However, this does not include any serial commercial burglaries, burglaries where a vehicle was used as an entry method, or if it is believed to be domestic violence related.

o. APR will also take the majority of calls for service where the incident occurred in county, but the victim is currently located out of county or out of state and would like to report the crime.

**The intent of this policy is to prevent a patrol officer from having to take a report over the phone that could easily be taken by the APR staff. Certain types of calls will be reviewed by APR supervisors to determine the viability of providing the victim resources in their current location. When deemed necessary these calls may be sent to patrol or investigative elements for further guidance and follow-up to ensure we continue to provide the best services possible to our community.*

In addition, the criteria listed above does not preclude MNPD supervisory personnel from directing DEC to forward any type of call for service, that he/she deems necessary to Community Services for investigation.

EXCEPTIONS: Calls described above will be dispatched to a patrol unit if the suspect is being actively pursued, the suspect is a police department employee, or the victim is the Metropolitan Government. In addition, if a recovered trailer has a serial number or a VIN and has

been entered into NCIC as stolen; or, if the call involves a stolen and/or recovered trailer, a patrol unit shall be dispatched.

2. Assignment to Community Services Bureau

   Patrol units will respond to the following:

   a. Incidents defined as domestic violence related, violations of restraining orders or orders of protection, sexual assaults, assaults where a weapon was used or alleged to have been used, assaults where the victim requires medical treatment, aggravated robberies, stalking, hate crimes, or active and ongoing incidents;

   b. Juvenile escapees or runaways;

   c. Motor Vehicle thefts where the vehicle was successfully stolen or moved;

   d. Motor Vehicle VIN plate thefts;

   e. State license plate recoveries;

   f. Motor Vehicle recoveries;

   g. Any crime involving stolen firearms;

   h. Traffic crashes; and

   i. Missing persons, escapees, elopements.

C. Routing Calls to APR

1. All calls meeting the criteria for APR response shall be entered into the CAD system by Department of Emergency Communications personnel and sent to Countywide Dispatch for APR personnel, per DEC directive 04-1004.

2. In the event that the CAD system is down, DEC will fax calls for service to APR.

3. Telephone calls shall not be forwarded directly to APR unless prior approval exists from the APR Supervisor.

4. On calls involving out-of-town complainants, DEC personnel will advise the complainant that APR will call them back.

5. On local supplemental information calls, the complainant **must**

have the complaint number before the call can be sent to APR. The complainant shall be referred to the Records Division if the number is not known.

6. On long-distance supplemental information calls, the complaint number will be located by the APR personnel if it is not known.

D. Responsibilities of APR in Processing Calls

1. APR personnel shall respond to calls in the order in which they were received with the exception of hotel/motel immediate departures which shall be given priority status.

2. Calls received by dispatch which include a domestic violence element will not be changed to a lower priority call and sent to APR. Officers are required to respond to the scene prior to reclassifying this type of call for service.

3. Incident reports shall be completed in a timely manner in accordance with current report writing provisions.

4. On calls where APR does not make contact with complainant (busy, no answer, not present) the time of the attempt shall be noted, and the employee shall take the next call-in order.

5. On unsuccessful call-backs as described in #4, APR personnel shall complete the next call-in order and then re-try the unsuccessful call again.

    a. The second attempt must be at least 15 minutes after the first attempt.

6. If the second attempt is unsuccessful, repeat the procedures above.

7. If the third attempt is unsuccessful, note the time and complete the call "Code 10."

8. If contact with the complainant is made and they no longer wish to complete the report, the call should be closed “Code 14,” EXCEPT.

    a. When the officer, based on their knowledge, training, and experience, determines a patrol unit should be dispatched to the location for further investigation.

9. The APR supervisor shall have the authority to suspend the routing of calls to APR for a period of time; (to include the end of shift-2230hrs)

10. Upon receiving notification of APR suspension, the on-duty DEC

supervisor shall ensure:

a. Field units are notified in an appropriate manner considering the time of day, reason for suspension, and other variables.

b. Any remaining pending APR calls for service are assigned the lowest priority and forwarded to the appropriate precinct for dispatching.

E. Assignment to Community Services Bureau

1. The Community Services Bureau shall respond to all calls for service that do not fall into the APR criteria unless directed/authorized by a patrol supervisor.

2. When a Community Services Bureau unit responds to a call for service and determines that the call met the criteria as specified in this directive for APR operations, the officer shall complete the report and inform his/her supervisor of the incident during normal mail procedures.

F. Calls Not Meeting APR Criteria

1. When APR personnel determine that a call does not meet the criteria for APR reporting as specified in this directive, they shall notify DEC personnel of the nature of the call along with the reason(s) the call does not meet their criteria.

2. DEC personnel shall dispatch the call, with an explanation, simultaneously to the appropriate patrol unit and the immediate supervisor of that unit. The assigned unit will respond to the call unless otherwise directed by their supervisor.

3. All personnel involved (Department of Emergency Communications, APR, and Community Services) will be held accountable for their actions when referring calls and will adhere to the reporting criteria of this directive when evaluating and discussing such calls.

12.70 Communications Audio Log: Requests for Copies of Recordings

12.70.010 Purpose

The purpose of this policy is to establish policy and procedures for obtaining copies of audio logs stored by the Department of Emergency Communications (DEC).

12.70.020 General Provisions

A. Audio logs are stored by the DEC. Any request for duplication should be forwarded through the requester's chain of command for approval prior to submission to DEC.

B. Any employee of the department wishing to obtain a copy of any recording, must submit a completed DEC Form #004, Recording/CAD Review Report, to the DEC. All DEC Forms #004, Recording/CAD Review Reports, must be approved by the requesting employee's section commander/captain before submittal; incomplete forms will not be considered.

12.70.030 Audio Tapes for Pursuit Critiques

Pursuit critique tape requests can be made via email. The procedure for procuring a duplicate audio recording of a pursuit is as follows:

A. The supervisor requesting the recording shall complete DEC Form #004, Recording/CAD Review Report electronically.

B. Indicate on the request that the tape is needed for a pursuit critique, and the appropriate priority will be placed on the request.

C. The requesting supervisor's section captain\Commander shall forward the completed form electronically to the Department of Emergency Communications (DEC) at the following address: eccsupport@nashville.gov.

D. An email notification will be sent to the requesting supervisor when the tape is available for pickup.

E. The tapes may be signed for and picked up on any shift in the DEC supervisor's office.

12.100 Expungement of Arrest Records

12.100.010 Purpose

The purpose of this policy is to establish procedures for the administrative expungement of arrest records within the Metropolitan Police Department.

12.100.020 Definitions

A. The following definitions apply within this policy:

1. **"Administrative expungement of arrest records"** means the total removal and destruction of all arrest records, within the Metropolitan Police Department, of a person who has been charged with a misdemeanor or a felony.

2. **"Judicial expungement of arrest records"** means the removal and destruction of all public records of a person who has been charged with a misdemeanor or a felony, where the charge has been dismissed, or a no true bill returned by a grand jury, or a verdict of not guilty returned by a jury, or a conviction which has by appeal been reversed.

3. **"Law enforcement personnel"** means personnel employed by federal, state, and local government agencies with specific law enforcement authority. Specifically excluded from this definition are private investigative/security agencies, the general public, and officials of government agencies not actually charged with law enforcement responsibilities.

12.100.030 Policy

A. It shall be the policy of the Metropolitan Police Department that no person shall be eligible, nor considered, for an administrative expungement of their arrest record(s) unless that person has previously obtained a judicial expungement of that record pursuant to TCA 40-32-101 or 40-15-106 from the court(s) having jurisdiction in such previous action(s).

B. Any person requesting an administrative expungement of records shall be responsible for providing whatever information the Chief of Police may deem necessary in order that the Chief may make a fair determination as to whether the request should be approved or disapproved.

C. The Chief of Police or his designee shall, in the exercise of sound discretion, make a determination as to whether the arrest record(s) shall be administratively expunged. In making this determination the Chief may consider, but is not limited to, the following criteria:

1. Whether the person was factually innocent of the charge;

2. Whether the person has any other record of arrest(s);

3. The circumstances surrounding the arrest including but not limited to the intent of the person and the seriousness of the matter;

4. The person's employment;

5. The possible effect of the arrest record on the person's present or future employment;

6. The age of the person;

7. The recommendations of the private prosecutor, the victim of the offense and the police investigator, if available;

8. The recommendation of the district attorney general; and

9. The thoroughness and integrity of the person's affidavit explaining the incident and the need for the administrative expungement.

12.100.040 Procedures

A. Any person requesting an administrative expungement of arrest records from the Metropolitan Police Department files will complete MNPD Form 081 in its entirety and file it with the commander of the Records Division. Any additional documentation which may tend to support this request may be attached.

B. Additionally, any person requesting an administrative expungement of arrest records will provide, along with that request, a copy of the court order granting a judicial expungement

C. The commander of the Records Division, or his designee, will make formal inquiry of the Office of the District Attorney General for a recommendation as to whether the request for administrative expungement should be approved.

D. If possible, the commander of the Records Division, or his designee, will contact the victim, police officer, or other prosecutor in the case,

inform them of the request and advise them that they may submit a written statement expressing approval or opposition to the request.

E. The commander of the Records Division will then forward the request and its accompanying documentation to the Chief of Police for consideration.

F. The Chief of Police will approve or disapprove the request as per the criteria set out in 12.100.030(C) of this policy and return the request to the commander of the Records Division.

1. If approved, the commander of the Records Division will authorize the removal and destruction of the arrest records as per 12.100.050.

2. If disapproved the commander of the Records Division will inform the person making the request that the request has been disapproved.

12.100.050 Administrative Expungements

Upon receipt of a request for administrative expungement of arrest records approved by the Chief of Police, the commander of the Records Division shall cause all such records maintained within the Department to be destroyed. A notation of such action will be made upon the request and the request itself will be sealed and maintained in the office files of the commander of the Records Division and may be opened only by order of the Chief of Police.

12.100.060 Judicial Expungements

A. Any arrest record that has been judicially expunged, but maintained as a part of the files of the Metropolitan Police Department, shall be marked "EXP." Those records are not open to the public and under no circumstances will they be released to anyone except law enforcement personnel to be used for law enforcement purposes only.

1. However, pursuant to TCA 40-32-101(c)(3), release of arrest histories of a defendant or potential witness in a criminal proceeding to an attorney of record in the criminal proceeding shall be made to such attorney upon request. The attorney must submit the request by completing MNPD Form 082 in full.

B. Release of judicially expunged records or the information from these records in a manner inconsistent with this policy is a violation of

Metropolitan Police Department rules and regulations and is also a criminal offense (TCA 40-15-106).

12.110 MNPD Form 146, Citizen Information Notice

All sworn personnel completing either the MNPD Form 100 or 100-A, "Offense Report", or the SF-1481, “TITAN E-Crash Report, shall complete and issue the MNPD Form 146, "Citizen Information Notice" card, to the complainant, victim(s), and/or all other persons involved in the incident report who wish to receive the informational card, such as prosecutors, drivers, witnesses, etc., except suspects.

When completing the notice for the above reports, the reporting officer shall check the "A report of your incident has been completed" box provided, unless the officer is unable to complete a report of the incident due to the lack of any reporting person(s) on the scene. In that instance, the reporting officer shall check the “A report of your incident was unable to be completed at this time. Please call (615) 862-8600 and reference the above listed complaint number if you would like to make a report.” box provided and post the notice card in a conspicuous location. The reverse side of the notice card also provides for "Crime- Stoppers" information and other departmental assistance telephone numbers.

12.120 Social Media

12.120.010 Purpose

While the Department encourages the secure use of social media as described below to enhance community engagement, information distribution, and neighborhood safety, certain restrictions are necessary to avoid improprieties, ensure that established standards are met, and maintain appropriate security of computerized data and equipment.

12.120.020 Definitions

For the purposes of the procedures in this directive, the following definitions shall apply:

A. **Sensitive Information:** any information classified as "Confidential" or "Restrictive" as defined by the Metropolitan Government Information Classification Policy.

B. **Social Media:** a term that encompasses weblogs (blogs) as well other online channels (chat rooms, message boards, forums, podcasts, wiki, Myspace, Facebook, Instagram, Twitter, TikTok, YouTube, Shutterfly, etc.). Social media is in principle similar to other media in the sense that it places statements about the Metro Nashville Police Department or Metropolitan Government of Nashville on/in the public record.

12.120.030 Official Department Social Media Accounts

The MNPD encourages the secure and appropriate use of social media as a tool for the department to rapidly disseminate information, enhance community outreach and problem-solving, and to promote officer recruitment efforts and initiatives. Additionally, social media is a cost-effective tool and valuable resource that can be used when seeking information or evidence regarding missing persons and criminal investigations. The Social Media Coordinator will assist departmental personnel with the creation and management of social media tools.

A. Authorization

1. All requests to create departmental social media sites, pages or accounts must be submitted to the Social Media Coordinator and approved before creation.

    a. Assigned to the Office of Public Affairs, the Social Media Coordinator is responsible for providing general oversight, including quality control, and helps to monitor the integrity of

each official social media account and the content that is distributed.

b. The Social Media Coordinator will maintain a list of all active social media accounts. The list will identify each account and its respective platform, including a list of authorized users.

c. The Social Media Coordinator will have administrative access to department social media accounts.

d. The Office of Public Affairs may perform regular audits on all department social media accounts to help evaluate relevancy, performance and recommend improvement metrics.

B. Follow our existing rules of conduct: As a representative of Metro Nashville Police Department, you must act with honesty and integrity in all matters. This commitment is also true for all forms of social media communications.

C. When making statements on behalf of or when acting as a representative of the police department, employees shall follow established policy and procedures for public statements as contained in the Media Relations policy.

D. The following information shall be included on the social media page/profile:

1. Department contact information and link to the department website and primary social media accounts;

2. Notification the social media page is maintained by the department;

3. The purpose and scope of the Department's presence on the platform which is to be aligned with the current mission, vision, and values of the department;

4. Posted comments will be monitored and the department adheres to the Metropolitan Government of Nashville and Davidson County Social Media Consumer Terms of Use: https://cutt.ly/lWvAVxb

a. Department social media use and content will adhere to all applicable laws, regulations and policies including all information technology and record management policies, as provided by the Metropolitan Government of Nashville and Davidson County: https://cutt.ly/lWvAVxb, and any content posted or submitted for posting is subject to public disclosure.

E. Authorized Users

1. Component supervisors wishing to create a department social media account for their respective unit will submit a request to the Social Media Coordinator for approval.

2. Authorized account access should be restricted to no more than three (3) persons, not including the Social Media Coordinator.

3. Upon creation of a new departmental social media account, the approved user(s) will meet with the Social Media Coordinator to establish page presence and account requirements.

4. Each respective user shall update changes or modifications for social media account administrators to the Social Media Coordinator.

F. Approved Platforms

1. The MNPD utilizes multiple approved social media platforms, including Twitter, Facebook, Instagram, LinkedIn, Ring Neighbors Public Safety, NextDoor, and YouTube.

2. All components will be required to create and maintain an active Facebook account presence before requesting to register additional accounts on any other platform. The requestor will be asked to demonstrate the need for growing the component's social media presence via another platform.

G. Best Practices for Content Creation and Page Management

1. Monitor the page daily and be responsive to direct messages as soon as possible, when necessary.

2. Make it a priority to routinely post quality content that includes photos or videos that the audience will find helpful or interesting.

    a. Be strategic and operate with high level of awareness with each communication.

    b. Have your content peer-reviewed before you post.

    c. Do not focus on metrics (i.e. likes, shares), but rather the quality of the post.

d. Always try to be authentic and transparent on behalf of the department or agency in anything you send out.

e. Be polite and don't engage in arguments, even if provoked.

f. Speak in a professional, courteous manner, and avoid technical jargon and excessive humor.

g. Avoid plagiarism at all costs. Document all sources and give credit where credit is due.

h. Avoid posting anything that could be considered slanderous, libelous, or hurtful.

i. Do not post any material that is off topic including, but not limited to, posts that may be: irrelevant to the scope of policing, political, unnecessarily critical, or controversial.

3. If you need help, consult with your team or the Social Media Coordinator.

H. Authorized User Prohibited Speech, Expression and Conduct

To meet the Department's safety, performance, and public interest needs, publishing or posting of any of the following information may result in disciplinary or corrective action:

1. Speech or expression that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its employees.

2. Speech which otherwise violates MNPD policy. Please see MNPD Manual section 4.20 (Deportment and Personal Appearance) and 12.30 (Management and Utilization of Automated Systems).

3. Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, publishing statements or expressions in a form that glorifies or encourages the dishonesty of department employees or other law enforcement employees, statements or expressions that glorifies or encourages discrimination, bias, or illegal behavior.

4. Speech or expression in any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Department. For example, publishing a statement in any form that provides specific details regarding prisoner transportations could

reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

5. Unauthorized disclosure, through whatever means, of confidential or critical information (including photographs, video, or other recordings) obtained because of employment with the Department. Including, but not limited to, officer-involved or critical incidents, statements about the guilt or innocence of a suspect or arrestee; comments concerning pending prosecutions; confidential information; and information related to agency training, activities, or work-related assignments.

12.120.040 Non-Official Social Media Accounts for Investigations

A. Authorization

Any employee using non-official social media accounts for investigative purposes should obtain written permission from the commander of the division or his or her designee. Use of the account shall be consistent with state and federal law.

12.120.050 Employee Personal Social Media Accounts

A. Follow our existing rules of conduct:

As a representative of Metro Nashville Police Department, you must act with honesty and integrity in all matters. This commitment is also true for all forms of social media communications.

B. Communicating on behalf of Metro Nashville Police Department:

When making statements on behalf of or when acting as a representative or when perception indicates you may be making such a statement, employees are reminded to follow established policies and procedures for public statements as contained in the Media Relations policy.

C. Use appropriate disclaimers:

Only Authorized employees may make statements for the Metro Nashville Police Department. If you identify yourself as a Metro Nashville Police Department employee, or if you could be readily identifiable as a Metro Nashville Police Department employee you must unequivocally state that you are not commenting on behalf of the department. Accordingly, should you desire to make reference to

Metro Nashville Police Department on a blog, message board or other online community, you must unequivocally state that the views/opinions you are sharing are your own and not necessarily the views of Metro Police Department.

The following statements may be used for this purpose: “The expressed statement(s) or opinion(s) are solely mine. They do not purport to reflect the opinions of the MNPD or its members.” OR “The expressed statement(s) or opinion(s) are my own and are not the views of the MNPD.”

D. Act with respect and exercise common sense:

Online communications should not violate the department’s conduct-related policies, including its harassment and personal conduct/deportment policies. Do not engage in any online communications that could reflect negatively on the department or its members.

E. Safeguard the privacy of Metro Nashville Police Department activities:

Consistent with established policy and procedure on the security of department operations, you should not discuss departmental operations, make any comment concerning any active or ongoing departmental matter; or post a picture or video of departmental operation or investigation on a social media platform. It is a violation of Metro Nashville Police Department policy to disclose, use or refer to Metro Nashville Police Department confidential information in any form of online media.

F. You are responsible for your online actions and are personally liable for your posts:

With respect to online behavior, you are personally responsible for your activity conducted with a Metro Nashville Police Department e-mail address, and/or which can be traced back to a Metro Police Department or City of Nashville domain, and/or which uses Metro Nashville Police Department assets (such as a company-issued computer or internet-capable phone). You are personally responsible for your activities on social media applications and any content that you publish online. As such, do not post material that is defamatory, profane, libelous, threatening, obscene, harassing, or which violates the privacy right of any individual or entity. Do not disclose personal information (comments, pictures, video, etc.) about other individuals without their consent.

Please remember that outside parties could pursue legal action against you for your social media postings. In any circumstance where you are notified or otherwise learn that an outside party is seeking legal action against you (or Metro Nashville Police Department) in regard to your postings notify your supervisor immediately.

G. Safeguard Metro Nashville Police Department intellectual property:

   You may not post the Metro Nashville Police Department logo, any graphic materials that contain Metro Nashville Police Department insignia, logo, patch, similar indicia, or any other Metro Nashville Police Department materials without prior approval of the Chief of Police or authorized designee.

H. Do not respond to inaccurate information about Metro Nashville Police Department:

   If you identify a blogger or message board poster (or any other online participant) that has posted an inaccurate comment about Metro Nashville Police Department, *do not engage in the conversation*.

I. Do not manipulate polls and surveys:

   You cannot use the Metro Nashville Police Department network to influence polls, rankings, or to increase Web traffic.

J. Do not include your Metro Nashville Police Department e-mail address in your social networking profile:

   You may not include your Metro Nashville Police Department or government e-mail address in your personal profile on social networking sites or for contact related to such activity.

K. Protect the Department's reputation:

   What you say online is a reflection upon the Metro Nashville Police Department, as well as yourself. Every employee has a responsibility to protect the Department's reputation. Inappropriate online activities that reflect poorly upon Metro Nashville Police Department, its employees, or services can result in corrective and/or disciplinary action.

Title 13: Vehicle Operations

13.10 Vehicular Pursuit, Rolling Roadblocks, Vehicle Blocking & Jam

13.10.010 Policy

A. Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of the Metropolitan Nashville Police Department (MNPD) to protect all persons' lives to the extent possible when enforcing the law.

B. The decision to initiate a pursuit must be based on a reasonable assessment that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

C. The policy of the Metropolitan Nashville Police Department (MNPD) is that no pursuit shall be automatically approved or denied. Each pursuit should be evaluated on the facts and circumstances of that particular incident. The supervising unit shall develop clear and articulable reasons to pursue or not to pursue in every instance by following the guidance throughout this directive.

13.10.020 Definitions (for the purpose of this directive)

A. **Emergency Unit:** A clearly marked, four wheeled police unit fully equipped with all emergency equipment including blue lights and siren.

B. **Initiating/Primary Unit:** The police unit that initiates a pursuit or any other unit that assumes the lead position.

C. **Pursuit Termination Device:** A device that, when driven over, is designed to puncture and deflate a vehicle's tires at a controlled rate.

D. **Roadblocks:** A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle**.**

E. **Secondary Unit:** The backup unit following the primary unit.

F. **Serious Violent Felony:** A felony in which an officer has probable cause to believe the individual to be arrested has committed involving the infliction or threatened infliction of serious bodily injury. (Reference T.C.A. Section 39-11-620)

G. **Authorizing Supervisor:**

1. The initiating unit's on-duty supervisor.

2. The next available on-duty supervisor in the event that the initiating unit's regular supervisor is out of service or unavailable.

3. The on-duty supervisor responsible for the district/precinct where the pursuit was initiated, if the initiating officer is off duty or outside his/her area of command.

4. Personnel responsible for approving, reviewing, and controlling the pursuit.

H. **Terminate a Pursuit:** Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

I. **Vehicular Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

J. **Rolling Roadblock:** The placement of one or more police vehicles directly in front of the fleeing vehicle and directly behind the fleeing vehicle, in order to cause it to slow and/or stop. This is sometimes done by one vehicle, swerving back and forth from lane to lane (difficult, as it requires anticipation of the violator’s movements), and sometimes by two or three vehicles, moving along the highway in echelon or abreast.

K. **Emergency Roadblock:** a barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.

L. **Vehicle Blocking:** is the positioning of a police vehicle in the path of a stationary occupied subject vehicle where contact between the vehicles is not anticipated or is anticipated to be minimal. The intent of blocking is to prevent the escape of a subject by utilizing a vehicle to block the path of the occupied subject vehicle should the subject attempt to flee.

M. **Vehicle Jam:** is a supervisor approved, pre-planned

containment tactic that uses positioning of a police vehicle in the path of a stationary occupied subject vehicle where contact between the vehicles may be anticipated. This tactic is limited for use by specialized units whose members have received departmental training. The purpose is to render a vehicle immobile so that subjects can be taken into custody while minimizing the opportunity for use of the vehicle for evasion.

13.10.030 Pursuit Procedures

A. Members may initiate a vehicular pursuit when **all** of the following criteria are met:

1. A vehicle fleeing from a police officer on a public street is demonstrating a disregard for the safety of others; no matter what the offense, be it a serious felony or a minor regulatory offense;

2. The suspect operating the vehicle refuses to stop at the direction of the officer; and

3. The suspect, if allowed to flee, would present an imminent danger to human life or cause serious injury.

B. Evaluating the Circumstances

1. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:

   a. The performance capabilities of the pursuit vehicle and the vehicle being pursued;

   b. The condition of the road surface upon which the pursuit is being conducted;

   c. The amount of vehicular and pedestrian traffic in the area;

   d. Weather conditions;

   e. The threat posed by the suspect if not immediately apprehended; and

   f. The chance of apprehending the suspect(s) at a later date/time.

2. The extent or continuation of a pursuit must be re-evaluated as it progresses. Termination shall be considered as conditions change (i.e. dangerous speeds in traffic, entering a school zone, the weather becomes adverse).

3. In determining whether to initiate or continue a pursuit, officers and supervisors shall continually weigh the risk of injury to innocent third parties against the interest in the immediate apprehension of the suspect using the factors listed in (B) (1). Once a pursuit has been initiated, the balancing of these factors shall continue until the pursuit is terminated. A suspect's actions to evade pursuit, such as erratic driving, speeding, or unwillingness to stop, shall be considered minor offenses in evaluating whether to continue or terminate a pursuit.

4. A pursuit should generally be terminated where the subject's actions appear to be motivated merely by a desire to evade apprehension absent some further facts justifying continuation of the pursuit.

5. MNPD personnel shall be aware that in some instances the suspect driver may not immediately recognize that the officer is attempting to make a stop or may be looking for a well-lit area before stopping. Such an incident would not be classified as a pursuit.

C. Initiating/Primary Officer's Responsibilities

1. The pursuing officer shall immediately notify the appropriate Department of Emergency Communications (DEC) dispatcher that a pursuit is underway. The officer shall provide the following information:

   a. Unit identification;

   b. Location, speed and direction of travel of the fleeing vehicle;

   c. Description and license plate number, if known, of the fleeing vehicle;

   d. The number of occupants in the fleeing vehicle and descriptions, where possible, and, if possible, a description of the occupants; and

   e. The facts and circumstances that caused the pursuing officer to attempt a stop and decision to pursue.

2. Should a hostage be involved, this fact, along with a description and the exact location of the hostage in the vehicle shall be broadcast, if known.

3. An unmarked unit, motorcycle unit, van, or truck may initiate a pursuit. However, such vehicles shall abandon the effort immediately when an emergency unit assumes the position

of primary unit. Such initiating units shall monitor the pursuit until it is terminated. They shall then proceed to the termination point to affect the arrest for the offense that necessitated the pursuit.

4. The primary unit officer shall complete all necessary reports on the police action he/she took.

5. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit when:

   a. The fleeing vehicle comes under the surveillance of an air unit; or

   b. Another vehicle has been assigned primary pursuit responsibility.

6. Any primary or backup unit sustaining damage to, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify the DEC so that another unit may be assigned to the pursuit.

7. The initiating/primary officer in a pursuit, after providing information about the pursuit (e.g., location, speed, direction of travel of the fleeing vehicle, and facts surrounding the pursuit), shall contact his/her supervisor for authorization to either continue the pursuit or to discontinue the pursuit. If an appropriate supervisory unit **does not affirmatively authorize** the continuation of the pursuit, the initiating/primary officer **shall discontinue** the pursuit.

D. Secondary Unit Responsibilities

1. This backup unit or support unit shall also be an emergency vehicle.

2. This unit will advise the DEC dispatcher that he/she will be the secondary unit subject to approval by an authorizing supervisor.

3. This unit shall follow the primary unit at a safe distance and be ready to assume the primary unit's position should the primary unit be unable to continue the pursuit.

4. At the termination point, the backup officer shall assist in apprehending the suspect(s).

E. Dispatcher’s Responsibilities

After being advised of a pursuit, pursuant to Department of

Emergency Communications policies and procedures, dispatchers will do the following:

1. Clear the radio channel of all non-emergency traffic;

2. Immediately advise a supervising unit of essential information regarding the pursuit;

3. Obtain vehicle checks if the license plate number is known;

4. Criminal history checks may be requested by supervisory personnel if the suspect is known;

5. Coordinate and dispatch backup assistance and air support units under the direction of the authorizing supervisor;

6. Advise pursuit vehicles of any known hazard in the path of the pursuit (i.e., accidents, street closures, or repairs, et cetera);

7. Transmit all information pertinent to the pursuit to other police units on applicable frequencies;

8. Notify neighboring jurisdictions, where practical, when the pursuit may extend into their locality;

9. If an air unit is available, request response to the pursuit area;

10. Maintain communications with the pursuing units and supervising unit, as well as, repeat locations, direction of flight, and descriptions;

NOTE: Supervisory personnel may request the dispatcher not repeat the officer's transmissions for officer safety reasons.

11. Through the Computer Aided Dispatch system, record all times, unit numbers, and vital information;

12. If there are priority calls pending and/or other officers are involved in potentially volatile situations, the monitoring DEC supervisor may elect to shift units not involved in the pursuit to another frequency. The dispatcher shall clearly broadcast this change; and

13. Announce the termination point and call for any support personnel requested. Resume normal transmissions once the authorizing supervisor or a unit participating in the pursuit advises the situation has stabilized.

F. Supervising Unit's Responsibilities

1. Upon notification that a vehicle pursuit is in progress, the supervising unit shall **immediately** acknowledge the pursuit and assume responsibility for the authorization of the pursuit to continue or not, monitoring radio communications, and maintaining control of the pursuit as it progresses.

2. The authorizing supervisor shall develop clear and articulable reasons to pursue or not to pursue in each instance.

3. If the on-duty supervisor is out of service, the next available on-duty supervisor will respond and either authorize the pursuit to continue or direct the initiating/primary officer to discontinue the pursuit.

4. Pursuits initiated by officers outside their area of command or while off duty will be under the control of the supervisor responsible for the district/precinct where the pursuit was initiated.

5. The authorizing supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.

6. The authorizing supervisor may approve and assign additional backup vehicles or air support units to assist the primary and backup pursuit vehicles based on an analysis of:

    a. The nature of the offense for which the pursuit was initiated;

    b. The number of suspects and any known propensity for violence;

    c. The number of officers in the pursuit vehicles;

    d. Any damage or injuries to the assigned primary and backup vehicle or officers;

    e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and

    f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

7. In controlling the pursuit, the authorizing supervisor shall be responsible for the coordination of the pursuit

as follows:

a. Directing pursuit vehicles or air support units into or out of the pursuit;

b. Redesignating of primary, support or other backup vehicle responsibilities;

c. Approval or disapproval, and coordination of pursuit tactics; and

d. Approval or disapproval to leave this jurisdiction to continue the pursuit.

8. If a supervisor is directly involved in a pursuit (either primary unit, secondary unit or deploying stop strips), he or she shall not be the supervising unit to decide if the pursuit should continue or be terminated.

9. The authorizing supervisor shall respond immediately to the termination point and assume responsibility for any police action at the scene.

10. Ensure all proper reports are completed and notifications are made.

13.10.040 When to Terminate the Pursuit

A. A decision to terminate pursuit may be the most rational means of preserving the lives and property of the public, the officers, and suspects engaged in pursuit. The pursuing officer, the authorizing supervisor or any supervisor in the pursuing officer's chain of command may terminate a pursuit. The primary unit and the authorizing supervisor shall continually re-evaluate the pursuit situation based upon all the initiating factors and shall terminate a pursuit whenever he or she reasonably believes the risk associated with the continued pursuit outweighs the benefit of making an immediate apprehension.

B. Pursuit shall be immediately terminated in any of the following circumstances:

1. Weather or traffic conditions (both vehicular and pedestrian) substantially increase the danger of pursuit beyond the worth of apprehending the suspect;

2. The condition of the road surface becomes hazardous;

3. The distance between the pursuit and fleeing vehicles is so

great that further pursuit is futile;

4. The danger posed by continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect(s); and/or

5. If the identity of the suspect is known, the immediate apprehension is not necessary to protect the public, and apprehension at a later time is feasible.

C. The pursuing officer shall relay this information to DEC personnel, along with any further information acquired that may assist in an arrest later.

D. If a supervisor orders the termination of a pursuit, all officers directly or indirectly involved shall immediately reduce speed to the legal speed limit, comply with all applicable traffic laws, and turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

13.10.050 Forcible Stopping

A. The following methods of stopping a fleeing vehicle shall not be attempted:

1. Driving along the side of or in front of the fleeing vehicle in an attempt to force the vehicle from the roadway; and/or

2. Bumping or ramming the fleeing vehicle in an attempt to force it from the roadway.

B. Pursuit Termination Devices

1. Before using any pursuit termination device, an employee must have successfully completed MNPD approved training on the use of the pursuit termination devices.

2. Pursuit termination devices may be utilized to terminate a pursuit, or in non-pursuit situations, when a driver refuses to stop and presents an immediate danger to others. An example of immediate danger would result from a person driving on the wrong side of a divided highway and other attempts to stop the vehicle have failed.

3. Under no circumstances shall pursuit termination devices be

used against a motorcycle or three-wheeled vehicles unless the use of deadly force is justified.

4. Unless substantial risk to the public is imminent and apparent by not terminating a pursuit, pursuit termination devices shall not be used against:

    a. School buses transporting passengers;

    b. Buses transporting passengers;

    c. Trucks transporting explosives or other hazardous materials;

    d. Vans transporting passengers; and

    e. Any other vehicle, which could reasonably be expected to be above normal risk of causing serious damage or injury.

5. Reasonable efforts shall be made to avoid using pursuit termination devices on road surfaces that have in the immediate vicinity:

    a. Standing water;

    b. An exceptionally rough surface; and/or

    c. Other unique characteristics or circumstances, which would indicate a foreseeable increase in the risk of a serious crash.

6. Pursuit termination devices should be deployed in areas with unobstructed views of the roadways from both directions to aid in deployment and lessen the possibility of a crash. The safety of officers while deploying pursuit termination devices must also be considered in selecting a deployment location.

7. Once the pursuit termination device is in place; everyone at the scene should seek a secure location away from the path of the fleeing vehicle. Protection should be sought from barriers constructed in a manner capable to offer adequate protection to the on-scene officers. Deploying personnel should use their patrol unit for protection only as a last resort.

8. When the fleeing vehicle has passed the device's location, the pursuit termination devices spikes shall be retrieved so the pursuing vehicles may pass. The roadway shall be free of moving traffic before any attempt is made to remove the

device/device debris from the roadway.

9. Documentation of Deployment

   a. Deployment Resulting from a Vehicle Pursuit:

      Any and all use of the pursuit termination devices, during the course of a vehicle pursuit, shall be documented on a MNPD Form 116 Vehicle Pursuit Critique report and forwarded to the appropriate bureau commander via the chain of command.

   b. Deployment for Other Purposes:

      Preemptive deployment (vehicle block, warrant service, etc.), not involving or contemporaneous with a vehicle pursuit, shall be documented on an appropriate MNPD form (e.g., Incident Report for legal intervention when preemptive deployment results in a puncture; preemptive deployment without use may be referenced in arrest report, incident report, etc.). Supervisors reviewing these reports shall review documentation of such preemptive deployments for use consistent with training and policy.

13.10.060 Roadblocks, Vehicle Blocking & Vehicle Jam

A. **Training**

All training with emergency roadblocks, rolling roadblocks, vehicle blocking and vehicle jam techniques will be conducted with Training

Division approved lesson plans and documented by established methods.

B. **Deployment Requirements:**

Deployment of these tactics will be used only in accordance with policy and department training.

C. **Vehicle Blocking**

The officer has reasonable belief the subject has committed a crime and may use the vehicle to flee.

D. **Vehicle Jam**

May be used by specialized units who have gathered intelligence on a specific subject(s) requiring the application of the tactic based on the subject's potential for violence, disregard for public

safety and/or to prevent a potential vehicle pursuit. Supervisor authorization should be sought, unless exigent circumstances exist, prior to attempting a vehicle jam.

E. **Rolling Roadblock**

This method shall not be attempted unless authorized by a supervisor and should only be used as a last resort on a violator who is maintaining a legal speed or less but is willfully failing to yield to the officer's signal to stop.

F. **Emergency Roadblock**

The following methods of stopping a fleeing vehicle shall not be attempted unless authorized by a supervisor and then only as a **LAST RESORT** to apprehend a fleeing suspect who shows total disregard for his/her safety and the safety of others:

G. **Deployment Requirements**

Deployment of these tactics will be used only in accordance with policy and department training.

H. **Emergency Roadblocks**

A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle. Restrictions:

1. All roadblocks must be set up in a conspicuous manner, giving the fleeing driver the opportunity to stop if he/she chooses to do so. Every effort also should be made to divert other vehicular and pedestrian traffic away from the area of the roadblock.

2. Roadblocks should be located so that the visibility of oncoming traffic and the driver's reaction time is not impaired. There should also be an open avenue of escape in order to avoid unnecessary damage to persons or property in the vicinity of the roadblock.

3. Occupied vehicles and/or private vehicles shall not be used as a roadblock.

4. Marked police vehicles may be used for a roadblock if no other suitable equipment is available. Blue lights, headlights, spotlights, and emergency flashers shall be used on marked vehicles to form a roadblock. All relevant information concerning the roadblock will be relayed over the police radio to all vehicles involved in the pursuit.

5. Officers should exit the marked police vehicles used in the roadblock. They shall maintain cover at a safe distance between themselves and the roadblock vehicle(s).

6. Officers shall not solicit the assistance of civilians or their vehicle(s) in an effort to slow down or stop a pursued vehicle.

I. Deployment Considerations

Officers will consider the safety of the public and subjects before utilizing these tactics.

1. Environmental factors:

    a. Areas with pedestrians;

    b. Other vehicle traffic;

    c. Parked vehicles;

    d. Telephone/utility poles;

    e. Bridges;

    f. Areas adjacent to paved roads with a large elevation change.

2. Subject factors:

    a. The threat posed by the suspect if not immediately apprehended;

    b. The chance of apprehending the suspect(s) at a later date/time;

    c. Seriousness of the crime;

    d. Number of subjects and their reasonable relationship, or lack thereof, to a criminal act;

    e. Subject(s) known to have or has access to firearms;

    f. Potential of the subject to use the vehicle as a weapon;

    g. Potential of a tactical disadvantage due to close proximity of the subject(s);

    h. Potential of creating a crossfire situation;

    i. Size/weight of the subject’s vehicle compared to the police

vehicle.

3. Consistent with established use of force policy, employees shall not knowingly place themselves in a position where they would be in jeopardy of being struck by a suspect vehicle or knowingly stand and/or step into the path of a vehicle, creating circumstances where the use of deadly force may be necessary.

J. **Supervisory Considerations**

1. **Emergency and Rolling Roadblock**: Supervisory approval is required prior to initiation. In determining whether to initiate or continue a rolling roadblock, officers and supervisors shall continually weigh the risk of injury to innocent third parties against the interest in the immediate apprehension of the suspect using the factors listed in the vehicular pursuit guidelines.

2. **Vehicle Block:** Supervisors shall be notified of all vehicle block techniques prior to or as soon as practical after deployment. Supervisors shall order discontinuation of the vehicle block when the necessity for apprehension is outweighed by the dangers of the technique.

3. **Vehicle Jam:** This pre-planned tactic is not approved for routine use. Supervisors assigned to units authorized to use this technique will ensure all personnel operating department vehicles in authorized deployment have received departmental training.

   Ensure that other reasonable options have been evaluated and use of the vehicle jam and possible suspect extraction is the most appropriate tactic considering all available information.

   Supervisor shall be on scene and supervising the incident. Supervisors shall order discontinuation of the vehicle jam when the necessity for apprehension is outweighed by the dangers of the technique.

4. **Reporting:** The use of a rolling roadblock, vehicle block or vehicle jam technique shall be documented either in related reports or reports unique to the use of the technique as required herein. In circumstances where the officer initiates intentional vehicle contact, it is a reportable as an incident, typically as Legal Intervention. If the subject initiates vehicle contact and it is determined to be intentional, it will be reported as an incident. However, if the subject initiates vehicle contact and it is determined to be accidental, it will be reported as a

crash.

13.10.070 Inter/Intrajurisdictional Pursuits

A. When pursuits originate within this jurisdiction by members of this department and continue beyond this jurisdiction's boundaries, the primary officer must receive permission from his/her supervising unit before pursuing the suspect out of county. If permission is granted, the DEC supervisor shall advise the next jurisdiction's law enforcement agency. All pertinent information regarding the pursuit shall be relayed: the reason for the pursuit, vehicle and occupant description(s), et cetera. The other agency shall be asked to assume the primary position in the pursuit. Again, officers from this department must continually re-evaluate the pursuit.

B. When a pursuit initiated by an outside agency enters this jurisdiction, that agency shall remain responsible for the progress and conduct of the pursuit as their agency's policy dictates. Notification by that agency of a pursuit shall not be construed as a request to join or otherwise assist in the pursuit.

C. When another jurisdictional agency pursues a vehicle into Nashville/Davidson County and requests this department's assistance, a supervisory unit shall determine if the pursuit is within the Metropolitan Nashville Police Department's pursuit policy guidelines. If it is within the department's policy guidelines, the supervisor may approve assistance. If the other agency requests that a unit from this department assume the primary position, a supervisory unit must first approve this request. Otherwise, a unit from this department shall act as a backup unit.

D. When Assisting Other Law Enforcement Agencies with Pursuits in Davidson County:

1. If a single police vehicle from another jurisdiction continues a pursuit into, or initiates a pursuit within Davidson County, one Metropolitan Police Department unit and a supervisor may join the pursuit.

2. If two or more units from another jurisdiction are in the pursuit, Metropolitan Police Department units shall not join the pursuit unless directed by a supervisor.

3. If the police vehicle from another jurisdiction continues a pursuit into, or initiates a pursuit, in Davidson County and then the pursuit leaves Davidson County; all Metropolitan Nashville Police Department personnel shall cease involvement in the pursuit, unless the pursuit involves a serious violent felony (this excludes airborne air support units

that may continue monitoring the pursuit with supervisory approval).

4. If a pursuit:

   a. is initiated by another jurisdiction; and

   b. involves a serious violent felony; and

   c. cannot be maintained by any other jurisdiction; and

   d. the pursuit leaves Davidson County, and

   e. involves Metropolitan Nashville Police Department personnel;

   All Metropolitan Nashville Police Department units shall cease involvement as soon as another jurisdiction's law enforcement officers can assume responsibilities for the pursuit.

13.10.080 Pursuit Driving Guidelines

A. The following guidelines are presented to assist officers in conducting a pursuit in a safe manner:

   1. The police vehicle's emergency lights, siren, radio, brakes, steering, and other mechanical equipment must be in good operating condition in order to initiate or continue a pursuit.

   2. All police vehicles involved in a pursuit shall use emergency lights and sirens throughout the pursuit. Headlights shall be used both day and night.

   3. Officers engaged in a pursuit may proceed past a red light or stop signal but only after slowing down as may be necessary for safe operation. Officers must constantly be aware of other traffic and place his/her safety and the public's as a priority.

   4. Officers engaged in a pursuit may exceed maximum speed limits so long as life or property is not unduly endangered.

   5. Officers with a prisoner or a civilian/citizen rider in their police vehicle shall not become involved in a pursuit.

   6. There shall be no caravanning of units paralleling the pursuit or attempting to join the pursuit.

   7. Unless directed by the authorizing supervisor, no more

than two police vehicles may become actively involved in the pursuit.

8. Officers involved in a pursuit, or a unit paralleling the pursuit, shall not attempt to pass other units unless requested to do so by the primary unit or a supervisory unit involved in the pursuit.

9. Officers shall not pursue a vehicle on the wrong side of a controlled access highway.

13.10.090 Reporting and an Administrative Review of the Pursuit, Roadblock, Vehicle Block or Jam

A. The authorizing supervisor shall conduct a critique session, preferably just prior to the next workday roll call but no later than four days following the pursuit, roadblock, vehicle block or jam. Both positive and negative aspects of the incident may be discussed as a training aid. Those participating in the critique session should include the shift commander, the authorizing supervisor, and officers that were involved in the incident.

B. If a supervisor is the primary initiating unit in an incident, the supervisor's next highest-ranking supervisor shall conduct the critique session.

C. The critique session shall be documented on MNPD Form 116, Pursuit Critique if a pursuit; or other appropriate form if a roadblock, vehicle block or jam, and a comprehensive analysis of the incident shall be forwarded through the chain of command to the Chief of Police. The MNPD Form 116 requires that a control number be assigned for internal tracking purposes prior to submission through the appropriate chain of command. A copy of a pursuit critique shall be sent to the Community Services Bureau commander in which personnel shall enter the data from the pursuit critique into the department computerized pursuit database.

D. Personnel in the Strategic Development Division shall cause a review of the pursuit critique database and shall provide an annual documented analysis of pursuits to the Chief of Police. In conjunction with the annual pursuit analysis, a documented annual review of pursuit policies and reporting procedures shall be conducted. The analysis shall indicate if any patterns or trends are developing, and whether training and/or policy modifications are needed.

E. If, during any critique or review conducted pursuant to the requirements herein, issues are identified which warrant consideration for revision of policy or training, a copy of such

critique or review shall be forwarded to the appropriate Division commander.

13.20 MNPD Fleet Fuel Cards

13.20.010 Purpose

The purpose of this directive is to establish departmental procedures for the issuance and use of fuel cards by MNPD employees for departmentally issued vehicles.

13.20.020 Policy

Metropolitan Government will issue fuel cards for each vehicle in the fleet. These fuel cards allow MNPD employees to fuel or wash their department issued vehicles at participating locations which display the appropriate company fuel card logo. The use of this card will be monitored by OFM, MNPD Fleet Management Office, and through supervisors in the field.

MNPD Employees shall utilize the fuel card at participating locations only. While a majority of fuel stations accept the Wright Express fuel cards, some gas stations do not participate in the MNPD fuel card program.

The preferred method of refueling metro vehicles is to utilize the closest participating Wright Express fuel station to the employee's location; thereby reducing the amount of time and travel the employee would be out of service or away from his/her area assignment for the purpose of refueling their vehicle.

13.20.030 General Provisions

A. Issuance of Fuel Cards and OFM - Prokee

1. Each vehicle in the MNPD fleet shall be assigned an appropriate company fuel card to be used at participating vendors **and** an OFM - Prokee to be utilized at any approved OFM pumps.

   NOTE: If a vehicle is a "MNPD Direct-Billed" vehicle, it will not have an assigned Prokee, only an assigned Wright Express fuel card.

2. The vehicle decal number shall be printed on the fuel card. Generally, fuel cards and Prokees shall only be used for the vehicle to which they are issued.

   a. Under **emergency circumstances**, supervisors may use fuel cards assigned to their vehicles to refuel another MNPD vehicle. (MNPD Direct-Billed vehicles should use another MNPD Direct-Billed vehicle's fuel card only in an emergency.)

   b. The supervisor utilizing his/her fuel card shall document the circumstances of the emergency situation on an MNPD Form 104, Supplement Report and forward it to MNPD's Fleet

Management Section no later than the beginning of that supervisor's next regular tour of duty.

c. The report shall include the vehicle information of the vehicle fueled, the personnel assigned to the vehicle being fueled, the date and location of the incident, and the reason the assigned Prokee was not utilized to obtain fuel instead of an unauthorized fuel card from another vehicle. The current mileage of both vehicles should be included.

3. The fuel card **and** a Prokee issued to a departmental vehicle must remain with that vehicle (except when the vehicle is turned over to a non-Metro entity for repair or service). Personnel with vehicles assigned a fuel card and a Prokee should not carry the fuel card or key on their person. A protective sleeve will be issued with fuel cards to protect them while being stored in vehicles. The fuel card and Prokee should be secured in the vehicle glove box, or similar area so that the fuel card is always accessible to the current driver of the vehicle.

B. Approved transactions

1. Fuel and a limited number of car washes are the only transactions approved.

2. The fuel card shall only be used at participating locations which display the Wright Express logo. Generally, the logo will appear on the pump with other decals of approved payment options.

3. The fuel card will not work at non-participating locations.

4. If three (3) or more failed attempts are made to utilize the card, the card will "lock" for twenty-four (24) hours to prevent fraudulent use. Personnel who experience one failed attempt should immediately ensure the location accepts Wright Express Cards before making any further attempts to purchase fuel, so as not to have their cards locked out.

5. Personnel should only utilize the cards for fuel purchases at the pump itself. The card should NEVER be used inside the store. If the screen on the pump advises to "See Attendant" or refers you to go inside to complete the transaction, go to another location.

6. The supplied fuel card may be used to obtain car washes at participating merchants. Car washes are limited to a maximum of twenty-dollars ($20) per calendar month. Employees exceeding the monthly limit shall be financially responsible for any charges above the authorized limit.

7. To ensure personnel driving extra cars do not exceed the monthly twenty-dollars ($20) limit on car washes; all car washes of extra cars shall require the approval of a detail supervisor. Car washes of extra cars will be logged in the vehicle logbook.

8. As with fuel purchases, car washes may only be purchased at participating locations that accept Wright Express.

9. Employees shall be financially responsible for all unauthorized purchases utilizing the fuel cards. Unauthorized purchases shall also be grounds for corrective/disciplinary action. *(Violation of this provision shall vary depending on severity of offense: Category E-AA)*

C. Authorized Fuel

1. 87 octane fuel is the only authorized fuel type. Premium or other fuel types should not be used.

2. Any exceptions to this provision require appropriate supervisory and/or MNPD Fleet Management approval. Exceptions may include but are not limited to:

a. Vehicles with special fuel requirements

b. Fuel shortages

c. Emergency situations

D. An accurate odometer reading is required during every fuel transaction.

1. If ambiguous information is recorded, the user may be required to submit a supplement explaining the reason for entering incorrect information and/or the vehicle may be required to be brought to OFM or MNPD Fleet Management for inspection.

2. OFM and MNPD Fleet Management shall randomly monitor various aspects of the fuel card usage such as verifying odometer readings, types of fuel purchased, location of purchase, exact time, amount of fuel and who fueled the vehicle. Inconsistencies or unauthorized purchases that are found shall be reported through the appropriate chain of command.

E. Employee assigned PIN Numbers

1. Each MNPD employee has been assigned a PIN number to be utilized with the fuel card. Employees shall ensure proper safeguards are taken so that their assigned pin number is not utilized by unauthorized personnel.

2. Employees' unique PIN number shall be the last six-digits of their employee number.

3. Employees should not keep their PIN number and fuel card together. Employees shall not write their PIN number on the fuel card itself.

F. Fuel Card Failures and Lost or Stolen Cards and/or Prokees

1. Employees are to notify MNPD Fleet Management Office of all fuel card or Prokee failures.

   a. During regular business hours employees may phone the MNPD Fleet Management Office.

   b. After business hours, employees may email the commander of MNPD Fleet Management office so the information is received by the next business day.

2. Lost or stolen cards and/or Prokees shall be reported immediately utilizing the following procedure:

   a. Immediate notification to appropriate supervisor,

   b. Immediate notification to MNPD Fleet Management via email, and

   c. Complete appropriate documentation such as incident or supplement report.

13.30 Police Vehicle Policy and Procedures

13.30.010 Policy

It is the policy of the Metropolitan Police Department that all personnel adhere to the provisions herein regarding departmental vehicles.

13.30.020 Definitions

The following terms are identified or defined as follows:

A. **Emergency Equipment:** Visual and audible warning equipment of legal specifications concerning color, brightness, and audible intensity.

B. **Emergency Operation:** Operating a vehicle while using all available emergency and warning equipment while responding to an emergency incident or call-for-service.

C. **Emergency Vehicle:** A properly equipped vehicle, which has been authorized by the Chief of Police to engage in emergency operation, pursuant to state law and local ordinance.

D. **Marked Vehicle:** A police vehicle which is conspicuously marked with the department's decals.

E. **Special-Purpose Vehicle:** A vehicle used due to weather conditions, terrain, the need for inconspicuous appearance, quietness, storage requirements, special operational needs, etc. Includes, but is not limited to SWAT vehicles, bomb disposal vehicle, mobile communications vehicle, all terrain vehicles, boats, aircraft, prisoner transport vehicles, motorcycles, bicycles, and animals.

F. **Unmarked Vehicle:** A police vehicle which is inconspicuous in appearance, and, depending on usage, may or may not be fitted with emergency equipment.

13.30.030 Prerequisites to Operate

A. Driver License

1. All personnel must possess a valid Tennessee driver license in order to operate a departmental vehicle.

2. Any employee whose driver license is revoked, suspended, or canceled shall immediately cease operating departmental vehicles and notify his/her supervisor.

3. The supervisor shall notify the Chief of Police, via the chain-of-command, of the employee's driver license status. Notification will normally precipitate adjustment in the employee's work assignment pending resolution of the driver license status.

B. Training

1. All personnel must complete a Metro Government approved defensive driving course prior to operating a departmental vehicle. Sworn personnel will receive such training during recruit or in-service training.

2. Any employee failing to pass a driver training course will immediately lose authority to operate a department vehicle.

3. The Commander of the Training Division shall notify the failing employee's supervisor, who in turn shall notify the Chief of Police as described above, pending the employee successfully completing the course.

4. Metro Government approved driver training refresher courses shall be taken as required by the Office of Fleet Management or Metro Human Resources. Emergency vehicle operation refresher courses shall be taken as required by law.

5. Documentation of such training shall be maintained as part of the employee file in Police Human Resources or as part of the permanent training records maintained by the Training Division.

C. Aircraft, Watercraft, Off Road Vehicles, and Other Equipment

1. Those personnel assigned to operate departmental aircraft watercraft, off road vehicles or other equipment shall comply with the appropriate state and federal laws and regulations concerning safety courses, qualifications, and licensing.

2. All such personnel shall immediately notify their supervisor should restrictions or other conditions impact on their certification, license, or other authority to operate such aircraft or watercraft.

3. The supervisor shall notify the Chief of Police as described above, pending resolution of the matter.

13.30.040 Authorization to Use

The department will provide or assign vehicles for employees' use in assignments which necessitate the use of a vehicle. However, before any employee is allowed to operate a department vehicle, that employee's supervisor must confirm that the individual is qualified to do so (i.e.; licensing, training, etc.).

Use of a department vehicle shall be approved by a supervisor; unless the employee's rank, position, or assignment carries the implied authority to use a vehicle as needed (i.e., individual assigned vehicles).

Only authorized employees of the Metropolitan Government and/or the MNPD shall be allowed to operate a department/government vehicle.

A. Component-Assigned Vehicles

1. Component-assigned vehicles are for the use of all personnel in a given component. Component vehicles shall not be used in off-duty employment without prior approval of Chief of Police. Such vehicles shall be parked near the offices of such component, to facilitate their use as needed. Such vehicles are the responsibility of the Component Commander with regard to security, cleanliness, and maintenance.

2. The commander of components with shared or pool vehicles shall establish written guidelines that encompass all aspects of their operation and maintenance and compliance with the Office of Fleet Management policy and procedures regarding shared or pool vehicles.

3. The commander of components with special purpose vehicles shall establish written guidelines that encompass all aspects of their operation and maintenance.

B. Individual-Assigned Vehicles

Individual-assigned vehicles are for the use of the individual to whom they are assigned. There are two-types of individual assigned vehicles**:** "Twenty-four hour" and "Official Business".

1. Twenty-Four Hour Vehicles

Twenty-four-hour vehicles may be used by the individual to whom they are assigned on a twenty-four hour a day basis. Such personnel include**:**

a. Chief of Police, Deputy Chiefs of Police

b. Division Commanders/Captains

c. SWAT Team members

d. Police Negotiator Team members

e. "On-call" personnel

"On-Call" personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned. Lists of authorized on call personnel are maintained at the Department of Emergency Communications.

f. Others as authorized by the Chief of Police.

2. Official Business Vehicles

Official business vehicles may be used by the individual to whom they are assigned while conducting official business. Such business includes to and from work, court/other hearings, meetings, training sessions, vehicle repair appointments, car washes, and when otherwise authorized by the Chief of Police or his/her designee.

3. Employees who are operating a police vehicle while off duty are bound by current policy regarding the performance of duty. This includes assisting stranded motorists or motorists involved in traffic accidents, responding to emergency calls if in the immediate vicinity, and taking appropriate action at other such incidents that require an immediate police response until an on-duty unit can respond.

4. The employee assigned the vehicle will be responsible for maintenance, security, and cleanliness of the vehicle.

C. Supervisory Authority

1. Supervisors may issue vehicles under their control to subordinates whom they deem to be deserving of such individual assignment.

2. Supervisors shall employ sound judgment when assigning, or revoking, individual assignments. Factors such as work habits,

driving record, disciplinary record, seniority, and past vehicle care, among others, shall be considered.

3. Supervisors may assign new vehicles into their components by whatever means he/she deems appropriate.

4. Supervisors may temporarily remove individual-assigned vehicles when the employee will be on an extended absence (sick leave, wounded, vacation, etc.). However, such supervisor then becomes responsible for the vehicle's security, cleanliness, and maintenance.

13.30.050 Maintenance and Security

A. Departmental vehicles will be maintained in a state of readiness. Vehicles shall only be taken to authorized and approved maintenance facilities provided in guidance given by MNPD's Fleet Management Section.

B. All regularly scheduled maintenance shall be the responsibility of the employee assigned the vehicle. Maintenance of component vehicles or "extra cars" shall be the responsibility of the section commander, or their designee.

C. All non-scheduled maintenance (repairs) shall be completed or arranged by OFM or with the guidance by MNPD's Fleet Management Section.

D. Vehicles shall be driven or towed, as appropriate, for repairs. Service request forms shall be completed detailing the problem(s) with the vehicle.

E. Whenever a vehicle is towed or dropped off at an approved vendor or OFM after-hours for service, an email shall be sent to MNPD Fleet Management staff detailing the following information:

1. Decal number of vehicle towed / dropped off

2. Detailed reason the vehicle was towed or dropped off for repair – describing the problem in a sufficient manner for the mechanics to understand the problem.

3. Contact information for the person requesting the repair

F. Before a vehicle is left at any repair facility, all weapons shall be removed from the vehicle. Failure to remove any/all weapons from a

vehicle left for repair will be grounds for disciplinary action. Any reported incident of an employee leaving a firearm in a vehicle left for repair will be forwarded to the employee's Bureau Commander.

G. Warranty work shall be arranged by OFM.

H. At the beginning of the shift, or at refueling, all personnel shall inspect their vehicles. Such inspection shall include, at a minimum**:** oil and fluid levels, headlights, taillights, brake lights, turn signals, tires, window/windshield glass, emergency equipment, spotlights, and other items the employee deems appropriate.

I. When appropriate, employees will secure the vehicle when the vehicle will be out of sight of its operator(s); by removing the keys from the ignition, rolling up all windows, and locking all doors except when it is necessary to leave the vehicle idling for mechanical reasons or the health of a canine. This provision applies to on-duty personnel responding to calls-for-service, as well as off-duty personnel who have parked their vehicles.

J. Employees shall not display any sign or sticker on the vehicle except those authorized by the department.

K. All traffic crashes, theft from, or damage to a vehicle must be reported immediately to the appropriate supervisor and investigated in accordance with established department procedures. A traffic crash involving any department vehicle shall be reported on the Tennessee Uniform Traffic Crash Report. Reporting officers shall include the decal number of the vehicle in the narrative section. No Minor Traffic Accident Reports may be used on departmentally owned or issued vehicle.

L. A Form 105 shall be completed to document all incidents of damage occurring to Metro Vehicles. This includes incidents where the only damage is a cracked windshield.

M. Whenever a vehicle has damage reported on a Form 105, it must be taken to OFM for a damage estimate on the following Monday morning at 0845 hrs. These damage estimates will occur at the OFM garage at Metro Southeast. Supervisors shall ensure all reported damage is subsequently taken for an estimate on the Monday following the reported damage.

N. All vehicles will be refueled as necessary to assure that the fuel level does not fall below one-quarter (1/4) tank.

O. Employees with an assigned vehicle must park their vehicle at their residence or a Metropolitan Nashville Police Department facility that is in operation 24 hours a day, seven days a week unless otherwise authorized by the provisions herein or the Chief of Police.

P. Willful negligence on the part of an employee in the care, maintenance, or operation of an assigned vehicle or violation of any rules or regulations governing the use of said vehicle or other department policy may be grounds for revocation of the employee's assigned vehicle. Whenever negligence or abuse is discovered, i.e. low oil level or past scheduled oil change, unreported body damage, excessively worn tires or brakes rotors, and/or unclean vehicles will be reported to the employee's Bureau Commander.

Q. Metro motor vehicles are not exempt from tolls charged on highways or parking fees. Each individual operator is responsible to pay all tolls and fees and file for reimbursement with his/her individual agency as a part of the travel expenses.

R. Employees operating Metro motor vehicles are responsible for doing so in a safe and lawful manner, and shall be responsible for the costs of traffic or parking tickets issued to the motor vehicle while assigned to the employee, except as specifically provided herein. (Refer to applicable provisions in 4.20.040, B).

13.30.060 Equipment

A. Fleet Standard Equipment

1. The specifications for police vehicles and related equipment are maintained by the MNPD Fleet Management Section.

2. All purchases and/or installation of police vehicle equipment shall be approved by the commander of the MNPD Fleet Management Section.

3. Only departmental owned/authorized police equipment will be used in the performance of an employee's duties. No personally owned equipment will be used for traffic stops, emergency responses, or traffic/radar enforcement.

B. Modification/Alteration

1. Before any modification or alteration of a department vehicle is initiated, MNPD Form 430 (revised 5/08), Request for Police Vehicle Modification, will be completed by the employee requesting

the modification or alteration. The form will be forwarded to through the employee's chain of command, to include the section commander.

2. If the request for modification is approved, the requesting section shall identify the funding source that will be used to pay for the modifications requested and obtain a written estimate of the work to be performed.

   NOTE: All requested modifications must be completed at an approved vendor. Employees are NOT allowed to perform their own vehicle modifications to Metro vehicles.

3. Once Section approval has been obtained, a funding source identified and an estimate attached to the Form 430, it may be sent for review by the MNPD Fleet Management Section to ensure the requested modifications meet existing practice, policy and safety standards.

   Examples of modifications that will not be approved:

   a. Requests to place additional tint on marked patrol vehicles, absent unusual circumstances approved by the Bureau Chief.

   b. Requests to tint the front windshield of any vehicle.

   c. Requests to add extra lights onto a marked vehicle, absent unusual circumstances approved by the Bureau Chief.

   d. Hardwiring of personal equipment into a vehicle.

   e. Any modifications causing drilling into the body of the vehicle.

   f. Any modifications that would place an excessive strain on the electrical system of the vehicle.

   g. Any modification that would inhibit any safety feature of the vehicle.

   h. Any modification that is not necessary for work purposes.

   i. Any modification that cannot be performed by an authorized and approved vendor or involves excessive cost beyond what is reasonable.

4. After reviewing the Form 430, MNPD Fleet Management Section shall keep a copy on file in their office and forward the original to the Bureau Chief of the requesting party for final review and authorization. If final approval is granted by the Bureau level, they will notify the employee to proceed with the modification at the approved vendor.

5. All modifications are subject to inspection and revocation if they are deemed to be beyond what is acceptable or if they are deemed to create a safety or performance issue. MNPD Fleet Management Section shall have the authority to request any vehicle to be brought in for inspection at their office.

6. “Vehicle Modification” shall include any additions or modifications, as well as any subtractions or removal of equipment. Personnel shall follow the same process as above prior to removing any equipment, lights, or parts from the vehicle, to include computer mounts and antennas.

7. For any request that is not approved at any stage, the supervisory employee designating non-approval must state the reason for disapproval on the back side of MNPD Form 430.

8. If the request is not approved by the requesting employee's bureau commander and/or MNPD Fleet Management Section’s Commander, the employee will be notified by their chain of command.

9. Any employee who modifies/alters a department vehicle without prior authorization may be subject to corrective/disciplinary action.

13.30.070 Control Provisions – Vehicular Operations

A. General Operation

All personnel driving a departmental vehicle shall operate such vehicle in accordance with the "Rules of the Road" as established by state law and local ordinance.

B. Seat Belts/Safety Seats/Restraints

1. All MNPD employees shall wear seat belts in accordance with current law.

2. All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle

owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

C. Child Car Seats, Safety Seats and Booster Seats

When transporting children in an emergency vehicle officers shall consider the following:

1. T.C.A. 55-9-602 provides the child passenger restraint system laws for the State of TN.

2. There are NO exceptions for law enforcement vehicles transporting children contrary to state law. For additional info on the Child Restraint law, visit: https://www.tn.gov/safety/article/newCRD

3. Rear seat of screened vehicles: A car seat or booster seat should NOT be installed in police vehicles if a prisoner screen is present. Plastic or prisoner seats are also not compatible with car seats and booster seats and CANNOT be used.

4. Front seats: Transport in a size-appropriate child restraint system that complies with applicable law when such system can be appropriately installed in the front passenger seat (with air bags off).

5. In cases where police equipment is present (MDC, etc.) or the rear seat is not available or unsuitable for the child restraint system, officers should seek an alternative which allows for proper transport (unscreened vehicle with standard seating, detectives, etc.).

6. Officers are occasionally faced with extenuating or emergency situations which create circumstances where the need to immediately transport a child for their safety may prevent the immediate proper installation or use of the proper device. In these situations, transport decisions should be based upon a reasonable assessment that the risk of transporting the child away from the situation is less than the immediate danger of not transporting the child in the proper seating configuration. When this occurs, as soon as reasonably practical, the transporting officers shall stop and make arrangements for the proper seating/restraint configuration.

D. Authorized Passengers

Persons authorized as passengers are enumerated in existing policy on deportment.

E. Emergency Transport-Inclement Weather

The Deputy Chief, or designee, of the Community Services Bureau shall develop a policy concerning the transport of emergency police and hospital personnel during inclement weather. Such policy shall be in memorandum form and distributed to all concerned persons.

F. Geographic Limitations

Police vehicles shall not be driven outside of Davidson County except under the following circumstances:

1. In pursuit of an actual or suspected violator;

2. In response to an approved mutual aid request;

3. In response to a call-for-service when the most direct, safest, fastest, or only route available is to leave the county and re-enter;

4. To court or other official proceedings/business (i.e., investigation, extradition, meetings, etc. which requires compliance with Section F,1 below);

5. To the employee residence, consistent with Section G, 2 below;

6. When deemed necessary by an employee's supervisor; or

7. When deemed necessary by the Fleet Management Section or a supervisor of the Police IT garage for the care or maintenance of the vehicle.

G. Out of County Travel Procedures

1. On Duty Business Related Travel

    a. Assigned vehicles may be used for out-of-county travel if they are considered by the employee to be mechanically sound and have been approved by Police Vehicle Operations.

    b. MNPD Form 165, "Out-of-Town Travel," must be completed and sent through the requesting officer’s chain of command prior to

scheduled out of country travel. Proper approval and signatures are required. If the travel is out-of-state, Bureau Commander permission is mandatory.

c. A copy of the approved MNPD Form 165 shall be sent to MNPD Police Vehicle Operations.

d. If the employee does not have an assigned vehicle, one will be furnished by the commander of the employee's component.

e. The Metropolitan Department of Law, Division of Insurance and Safety shall be notified by Police Vehicle Operations when the travel will be out of state.

f. If a vehicle needs mechanical repair, contact Police Vehicle Operations for instructions. The Department of Emergency Communications will be utilized to contact the Police Vehicle Operations supervisor if after business hours.

2. Out of County Travel to Employee Residence

   a. Sworn or approved Professional Support Staff employees living outside of Nashville Davidson County may request, by completion of MNPD Form 166, to drive their assigned vehicle to their place of residence, provided that their residence is in a county adjacent to Davidson County or within thirty-five (35) driving miles from an MNPD facility. Changes in residence address or to the assigned vehicle require completion of a new form. An employee that has an approved MNPD Form 166 on file, may temporarily drive another vehicle out of county to their residence with supervisory approval, or approval of the commander of the MNPD's Fleet Management Section when necessary.

      ***NOTE**: Should a vehicle decal number change, employee residence change, a vehicle be removed from service, or any other relevant change to the status of the vehicle or employee occur, a revised form is required without undue delay.*

   b. The use of an assigned vehicle during off-duty hours will be considered a privilege and not an employment right. The Chief of Police, or authorized designee, will have the authority to assign, deny, suspend, or remove any officer from the take home vehicle program. Departmental vehicles will only be driven by the employee to whom they are assigned, or a

person authorized under this policy and will be driven for police department-related activities only.

c. For an employee to be authorized the use of a take home vehicle to be driven to a residence out of county, the employee must meet one or more of the following conditions:

   (1) subject to after-hours call back, response, or other unscheduled work;

   (2) subject to response to critical incidents, threats to property or life, or with a duty assignment requiring 24/7 on call status;

   (3) assigned to a specialized vehicle or equipment required to perform after hours assignments;

   (4) an assignment where an unacceptable delay in response would result from the requirement that an employee return to a duty station to retrieve a vehicle or equipment.

d. Transport of passengers for non-police activities shall be consistent with established MNPD policy regarding persons riding in police vehicles.

   NOTE*: Employees should be aware that MNPD in car radios have significantly more ability to reach the Metropolitan Government emergency radio repeater system than the issued handheld portable radios. An employee should keep a list of law enforcement agencies within the jurisdiction(s) they may be travelling within the contacts on their departmentally issued cell phone.*

e. MNPD Form 166 must be submitted through the established chain of command. Upon approval by the Chief of Police, the form will be transmitted to the MNPD Fleet Management Section. The MNPD Fleet Management Section will verify eligibility of the vehicle and notify the affected employee, via email, of the final approval. At any time MNPD Fleet Management Section determines a vehicle is not suitable for the program, they will cause notification to the affected employees chain of command that the vehicle has been removed from program eligibility.

3. General Provisions Regarding Out of County Travel

    a. At no time will employees leave weapons, portable radios or other valuable equipment unsecured in unattended vehicles.

    b. If the vehicle is vandalized, damaged, or stolen, report it to the appropriate police agency of that jurisdiction and make appropriate notification to the employee supervisor or appropriate on duty supervisor.

    c. The travel packet will include information regarding alternative transportation in case the vehicle is stolen or rendered inoperable.

    d. Employees operating a department vehicle while out of county and within the State of Tennessee, may assist on urgent or emergency incidents they may encounter; within the scope of their authority and limitations of the equipment and in a manner consistent with MNPD policy and procedure. When taking such action, the employee shall notify the law enforcement agency for the jurisdiction they are within and, without unnecessary delay, notify their supervisor or an on-duty MNPD supervisor. Any use of emergency equipment shall be consistent with MNPD policy and state law.

        NOTE: *MNPD employees have limited police authority while outside of Davidson County and should not engage in proactive enforcement activities or take official action unless immediately necessary to prevent serious bodily injury or significant property damage and the actions sought to be prevented constitute a violation of state law.*

4. If involved in a motor vehicle accident outside of Nashville/Davidson County, the employee shall:

    a. Immediately contact the appropriate law enforcement agency of that jurisdiction for an accident report;

    b. Cause notification to be made to the employees immediate supervisor and/or commanding officer as soon as possible;

    c. Obtain a copy of the accident report or, if a copy is not immediately available, record the report number and the mailing address of the reporting agency;

d. For insurance requirements, advise the other driver and the reporting officer that the Metropolitan Government is a self-insured entity and the contact information for claims is through the Department of Law, 615-862-6341 and claims may be filed online at:

https://www.nashville.gov/departments/law/webform/claims-division ;

e. Contact the MNPD Fleet Management Section for instructions on further actions regarding towing and/or return to jurisdiction information. The Department of Emergency Communication will be utilized to contact a MNPD Fleet Management Section supervisor if after business hours; and

f. Upon returning to Davidson County, the employee shall follow existing policy concerning documentation of the accident.

5. If a vehicle needs mechanical repair out of town:

Contact MNPD Fleet Management Section for instructions. The Department of Emergency Communications will be utilized to contact the MNPD Fleet Management Section supervisor if after business hours.

H. Use of Constant Blue Lights

Officers are authorized to use constant blue lights for high visibility patrols (parking and/or moving). Constant blue lights should not be utilized in circumstances where other traffic on the roadway could reasonably perceive the officer is requesting the right of way or otherwise operating as an emergency vehicle.

I. Emergency Operation

1. Only departmental vehicles equipped with **both** siren and one or more forward facing blue lights shall be designated and operated as emergency vehicles.

2. Regardless of the circumstances, emergency operation of departmental vehicles shall be conducted in accordance with applicable state laws, local ordinances, and departmental policy.

3. When responding to an emergency call, an employee operating an authorized emergency vehicle may exercise the privileges set forth in the Metropolitan Code, subject to the conditions below.

4. An employee operating an authorized emergency vehicle engaging in emergency operation may**:**

   a. Park or stand, irrespective of motor vehicle & traffic laws;

   b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

   c. Exceed the maximum speed limits, so long as it does not endanger life or property; or

   d. Disregard regulations governing direction of movement or turning in specified directions.

      Important: Tennessee Courts have held that the flashing of lights alone, without the sounding of the siren, does not extend emergency privilege to police vehicles. Therefore, when a vehicle being operated as an emergency vehicle is in motion, both blue lights and siren must be used. When such vehicle is not in motion (e.g. stopped or standing at the scene of accident, crime, etc.), only emergency lights are necessary.

   e. Sub-section (5)(a-d) 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 sub-section (5)(a-d) protect the driver from the consequences of the driver's own reckless disregard for the safety of others.

J. Emergency Escorts

1. Emergency escorts may be provided, under specific circumstances, with supervisory approval. Emergency escorts are authorized under the following conditions**:**

   a. Life-Threatening Medical Emergencies wherein a person is in need of emergency medical care. The sworn employee providing the escort shall consider all circumstances when selecting the destination of the escort. The destinations available include**:**

      (1) The nearest medical facility, or

      (2) A rendezvous point for Nashville Fire Department medical response equipment, or

(3) A Nashville Fire Department fire station.

b. Dignitary Motorcades wherein the personal safety of a government official, or the national security of the United States of America, will be enhanced by the provision of such emergency escort.

c. State law and local ordinance authorize emergency vehicles to proceed with special exemptions from traffic regulations when utilizing visual and audible warning devices but only when responding to emergency incidents or calls-for-service. The following types of escorts are prohibited unless otherwise authorized by the Chief of Police or a designee**:**

(1) Athletic teams proceeding to or from the airport, lodging, site of game, etc.;

(2) entertainers/celebrities/bands, etc. proceeding to or from the airport, lodging, performance site, etc.; and

(3) any other party proceeding to/from any location.

K. Funeral Escorts

The following provisions shall be followed by employees engaged in funeral escorts**:**

1. A funeral escort is not an emergency incident or call-for-service. Personnel should not engage in emergency operation, nor request the right-of-way, by using emergency equipment.

2. Applicable state law(s) and local ordinance(s) shall be obeyed.

3. All participating vehicles will be identified by using visual warning equipment only.

4. When approaching an intersection which has traffic control devices, the lead vehicle may accelerate ahead of the procession and "hold" the intersection by utilizing emergency lights and established traffic direction and control techniques. The lead vehicle should turn off its emergency lights if the funeral procession will be required to stop or yield for any reason such as an approaching emergency vehicle or a large group of pedestrians crossing the street. This provision is necessary to prevent confusing other motorists.

5. When approaching such an intersection, the lead vehicle should not engage in emergency operation and request the right-of-way by activating the siren.

6. Upon resuming movement (i.e., when the signal turns green or when the lead vehicle's turn to proceed occurs) the lead vehicle may again activate its visual warning equipment.

7. Other participating vehicles may block intersections which the procession has started into, by utilizing emergency lights and established traffic direction and control techniques.

L. Parking Tickets Issued to Departmental Vehicles

1. Parking tickets issued to departmental vehicles which are not adjudicated prior to their court date will be forwarded by the Traffic Violations Bureau to the Department of General Services. General Services will pay the fine and, in turn, bill the department for the cost of the fine plus an administrative handling charge. General Services will also provide a listing to Police Vehicle Operations identifying the individual vehicle, including the division, section, and employee to which it is assigned.

2. All employees operating vehicles will be held accountable for any parking tickets while it is assigned to their care. It is recognized that a vehicle may receive a parking ticket while the operating employee is engaged in a legitimate and official function. Those tickets may be disposed of as specified herein. However, if receipt of the ticket was reasonably avoidable, or cannot be justified by the employee, the ticket shall be the responsibility of that employee. Failure to accept this responsibility, which results in the cost of the ticket being billed to the department, shall be grounds for disciplinary action.

   a. If the vehicle in question is specifically assigned to an individual, that employee will be primarily responsible and accountable. However, that individual will not be held accountable upon a showing that the vehicle was in the care of another employee at the time in question. That alternate employee/driver will then be held accountable.

   b. If the vehicle in question is assigned to a component, it shall be the responsibility of the component commander to ascertain which employee should be held accountable.

3. All parking tickets received while an employee is conducting a legitimate and official function, and not reasonably avoidable, will be reported **immediately** on MNPD Form 185, "Request for Dismissal of Parking Ticket" to his/her immediate supervisor. That supervisor will make inquiry as to whether the ticket should be the responsibility of the department or the employee. Where a determination is made that the department is responsible, the form, with the ticket attached, shall be forwarded through the chain of command to the appropriate bureau commander. If approved, the bureau commander may forward the ticket and form to the commander of the Court Appearance Section.

4. The commander of the Court Appearance Section will cause all such tickets to be brought to the attention of the presiding General Sessions Judge in a timely manner. An explanation will be made concerning the circumstances of their receipt and a request made that consideration be given to their dismissal.

    a. A copy of all MNPD Forms 185's will be maintained as a permanent record by the Court Appearance Section.

    b. The fine for any ticket presented to the judge in this manner, but not dismissed, will be paid by the department.

M. Automatic Resource Locator (ARL)

1. Automatic Resource Locators (ARL) are devices installed in certain vehicles, by the authority of Component Commanders. An ARL is a device that uses signals from global positioning satellites (GPS) to calculate and transmit location data of the vehicle in which it is installed. This data is transmitted through the data modem it shares with the vehicle’s mobile data computers and the data is stored digitally. The data may then be retrieved, reported and inspected. Importantly, the data may be queried and monitored in real time, thus, greatly enhancing the ability of fellow officers to locate and aid an officer who may need assistance.

2. Personnel using a vehicle equipped with an ARL device shall adhere to the following provisions**:**

    a. When on duty, personnel shall log on to the mobile data computer in the vehicle. This is required for the ARL to transmit its data to dispatch. Personnel shall indicate their status as “available”.

b. Whenever utilizing a police vehicle equipped with ARL outside their regular work shift, such as when traveling to court, department personnel shall log on to the MDC but show their status as “not available”. This status change is required so that the vehicle’s location data is captured, but it will not interfere with the normal dispatching of calls.

(Category of offense for a violation of provisions outlined in sections J and K above would vary between Categories D through AA based on severity of offense.)

13.30.080 Control Provisions – Professional Support Staff Employees

In addition to the provisions previously set out in this order, the following provisions shall specifically apply to professional support staff employees**:**

A. Professional Support Staff employees shall not operate a vehicle which is marked except**:**

1. When the vehicle is in a garage for repair and operated by a mechanic for delivery or road testing purposes;

2. When the vehicle is assigned to the academy and operated by staff members or trainees during the course of duty or training; or

3. When otherwise authorized by a Bureau Commander or sworn supervisor.

B. Professional Support Staff employees shall not operate a police vehicle with any emergency equipment activated unless authorized by the Chief of Police.

C. Professional Support Staff may operate unmarked police vehicles providing they are in compliance with all conditions specified in Article 13.30.040 of this order.

13.40 Enforcement Roadblocks

13.40.010 Policy

The department may conduct roadblocks when it is determined that the roadblock is an effective means to address a matter of grave public concern. The Supreme Courts of the United States and the State of Tennessee have found roadblocks to be warrantless seizures. Therefore, the department must demonstrate that the interference imposed by the roadblock upon an individual's liberty and privacy is outweighed by the public interest served by the roadblock. Accordingly, the harm sought to be eliminated must present a substantial and imminent threat to public safety. Driving Under the Influence is a recognized example of such harm.

The Department's requirement to demonstrate the harm described above applies only to the suspicionless stops at investigatory, non-emergency roadblocks. An example of such roadblocks is a DUI roadblock. The demonstration of the same degree of harm may not be required for other types of roadblocks, such as those established to apprehend fleeing felons and other similar roadblocks in which more particularized suspicion exists. However, in all circumstances in which personnel of the Metropolitan Nashville Police Department are deciding whether or not to establish a roadblock, deliberate consideration shall be given to weighing the harm to be addressed by the roadblock against the liberty and privacy interests of individuals. The authorizing authority shall authorize a roadblock only when he or she can reasonably demonstrate that the public interest served by the roadblock outweighs the individual interest.

It is the policy of the Metropolitan Nashville Police Department that roadblocks be conducted in a safe and lawful manner. All employees shall adhere to the provisions within this order concerning law enforcement roadblocks.

13.40.020 Definition

Roadblock: for purposes of this order, shall be defined as any planned and supervised action taken by officers that restricts the movement of the motoring public for a specific law enforcement purpose.

NOTE: This definition applies only to roadblocks as that term is defined in this order. Roadblocks to terminate pursuits are addressed in the department's pursuit policy.

13.40.030 Authority to Establish Roadblocks

A. Only members of the Department holding the rank of Captain, or above, shall have the authority to authorize the establishment of a roadblock.

B. Any sworn supervisor of the Department may be appointed to establish a roadblock after it has been properly authorized. That supervisor establishing the roadblock shall serve as the roadblock safety coordinator. The roadblock safety coordinator shall be in command of the roadblock.

13.40.040 Establishing Law Enforcement Roadblocks

A. Roadblocks shall not be used as a pretext to actively engage in a suspicionless investigation of criminal activity unrelated to the purpose of the roadblock. The purpose of the roadblock must be clearly conveyed to all participating police personnel and motorists who are stopped. This does not preclude an officer from taking appropriate enforcement action for any law violation legitimately detected while conducting a roadblock.

B. A minimum of one supervisor and two officers with marked police units are required for a roadblock. All roadblocks shall have sufficient supervisory personnel present at all times to assure that the roadblock is operated in accordance with this policy and the operational guidelines herein. Further, supervisory personnel shall assure the roadblock is operated in a manner that minimizes intrusiveness and officer discretion.

C. All personnel assigned to a roadblock shall be supplied with the equipment needed to minimize the dangers which could result from fear or surprise to the motoring public, i.e. traffic cones, barricades, reflective vests, etc.

D. The site locations selected to conduct roadblocks must satisfy the following requirements**:**

1. The location will be selected for its safety and visibility for oncoming motorists;

2. The location must give motorists adequate prior warning that a roadblock is ahead;

3. The location must provide a safe area for the motorist to move the vehicle in the event the operator is unable to locate lawfully required documents immediately or if other enforcement action is necessary; and

4. The media shall be notified that a roadblock will be in operation, as well as its purpose, time and location when time permits, and the public's interest is best served by doing so.

13.40.050 Operational Procedures

A. Prior to beginning roadblock activity, the supervisor shall notify the dispatcher of the following**:**

1. That a roadblock is going to be conducted;

2. Who will be serving as the roadblock safety coordinator;

3. The location of the roadblock;

4. The unit numbers of the employees involved; and

5. The identity of any other agencies present.

B. Roadblocks may be held in conjunction with the Tennessee Department of Safety. When doing so, all participating Metropolitan Nashville Police Department personnel shall follow the guidelines established by the Tennessee Department of Safety for conducting a roadblock. Metropolitan Nashville Police Officers are not authorized to demand the exhibition of a certificate of vehicle registration, nor a valid driver's license unless the driver of the vehicle is engaged in, or immediately prior to such demand has been engaged in, a violation of state statute or local ordinance.

C. Personnel engaged in roadblock activities shall wear the department's prescribed uniform as well as the issued reflective vest. When conducting roadblocks during the hours of darkness, employees shall utilize red or orange flashlight wands.

D. Personnel shall follow current department policy regarding traffic direction and control.

E. Blue lights will be activated during the roadblock, whether day or night. During hours of darkness or low visibility, headlights and spotlights may be utilized to illuminate the area in which the roadblock is being conducted. Vehicles will be positioned in such a manner that the vehicle's headlights or spotlights do not blind drivers approaching the roadblock.

F. A roadblock shall remain in operation so long as it is reasonable to believe it will be sufficiently productive in addressing its stated lawful purpose. Generally, roadblocks shall remain in operation for a minimum of one hour. Additionally, a roadblock may be terminated in the event of inclement weather, emergency situation, or other similarly compelling circumstance.

G. It is the responsibility of the roadblock safety coordinator to establish guidelines or a system for the operation of the roadblock and to inform all personnel involved of that system.

1. Before commencing the roadblock, the roadblock safety coordinator shall decide the objective criteria to be used in determining which vehicles will be momentarily stopped at the roadblock. For example, it may be decided that all vehicles, or every 5th vehicle, or every 10th vehicle, etc., shall be momentarily stopped. Before commencing the roadblock, the roadblock safety coordinator shall also evaluate the purpose and circumstances of the roadblock and decide objective criteria for determining when the roadblock is to be considered as imposing an unreasonable traffic restriction or hazard and establish criteria to address those conditions. For example, the roadblock safety coordinator may decide that when fifteen (15) vehicles are waiting in line at the roadblock that such a condition represents an unreasonable traffic restriction. To address that condition, all fifteen vehicles shall be allowed to proceed through the roadblock unchecked. The roadblock shall then resume stopping vehicles using their initial objective criteria for doing so.

2. Personnel participating in the roadblock shall only make inquiries related to the lawful purposes of the roadblock when speaking with the operator of a vehicle stopped at the roadblock. This does not preclude an officer from making further inquiries if a violation of law is legitimately detected while conducting the initial inquiry.

3. If the roadblock creates an unreasonably hazardous condition either by its location or by its restriction of traffic flow, the roadblock safety coordinator shall take action, if possible, to eliminate the hazard, to suspend the roadblock or to terminate the roadblock, whichever is most appropriate.

4. The roadblock safety coordinator shall consider the purposes and circumstances of the roadblock and the public interest served by it. After considering these factors, the roadblock safety coordinator shall determine whether or not it is appropriate to establish the roadblock in a location that provides motorists with a readily available and apparent alternative route to use if they wish not to be

subjected to the roadblock.

H. A motorist who chooses to lawfully take an alternate route so as not to be subjected to a roadblock shall be allowed to do so unless a traffic violation is observed, or there is sufficient reasonable suspicion or probable cause to take other action.

I. Officers assigned to roadblocks shall identify themselves to the driver and advise them of the reason for the roadblock. If no violation is detected, the officer should return any documents and thank the driver for their cooperation.

J. When a violation is detected, the officer will direct the driver of the vehicle to a safe location and take the appropriate enforcement action. If a physical arrest is necessary, the officer will notify the roadblock safety coordinator.

1. If it is determined that a driver's privilege to operate a motor vehicle has expired, been revoked, suspended, or canceled or that the driver is unlicensed, they will not be allowed to drive away or further operate the vehicle.

2. If the violation requires immediate enforcement action, the officer will ensure the safe disposition of the violator's vehicle.

K. Upon completion of a roadblock, the roadblock safety coordinator shall**:**

1. Collect and total all enforcement activity from each officer;

2. Advise the dispatcher that the roadblock is being terminated and the status of the officers assigned to the roadblock; and

3. Forward an after-action report of the roadblock activity to the Traffic Analysis Unit and a copy to the Strategic Development Division.

Title 14: Emergency & Contingency Operations

14.10 Incident Command System, Emergency Response Exercises, and Contingency Planning

14.10.010 Definitions

For purposes of this order, the following terms are defined:

A. **Agency Representative/Liaison:** A Metropolitan Government department head (or designee) assigned to report to the Emergency Operations Center during certain emergency situations.

B. **Area Command:** ICS Command structure that is established when very complex incidents, or multiple concurrent smaller incidents each with their own command. An area command oversees the management and prioritizes scarce resources among the incidents.

C. **Contingency/Emergency Operations Plan(s):** Document(s) that provide responding personnel a guide on which to base their management of emergency operations. This may vary with the individual situations. These documents will always have a basic listing of goals and objectives and will also contain a policy statement covering the particular incident it references.

D. **Emergency Operations:** The departmental response to any number of unusual occurrences, such as**:** natural and man-made disasters, civil unrest, barricade/hostage tactical situations, unusually large and/or lengthy enforcement or investigative activities, etc.

E. **Emergency Operations Center ("EOC"):** A facility from which staff provide information management, resource allocation and tracking, and/or advanced planning support to personnel on scene or at other EOCs (e.g., a state center supporting a local center).

F. **Emergency Response Exercise:** A maneuver or simulated emergency condition involving planning, preparation, and execution carried out for the purpose of testing, evaluating, developing, training, and demonstrating individual components' capabilities so as to identify areas of strength and weakness for improvement of emergency operations activities.

G. **Evaluators:** Observers who critique the progress of the exercise, with emphasis on monitoring the efforts of the particular element to which they are assigned.

H. **Exercise Facilitators:** Responsible for ensuring that the exercise objectives are sufficiently exercised to permit evaluation, that the level of activity keeps participants occupied and challenged, and that the pace of the exercise proceeds according to the scenario.

I. **Full-Scale Exercise:** Emergency response exercise designed to challenge the emergency management system and its elements. A full- scale exercise is thoroughly planned and handled as though it were “the real thing”. A full-scale exercise might be a simulated natural or man-made disaster, civil unrest, or mass casualty/transportation accident.

J. **Functional Exercise:** Emergency response exercises held by the individual elements of an emergency plan and are completely separate from the rest of the elements. A functional exercise might be the MNPD conducting a police-only exercise of the contingency plan for an off-airport aircraft crash.

K. **Incident Command Post (ICP):** A geographic location where the tactical-level, on-scene incident command organization of emergency operations is located. The Incident Commander and staff are located at the ICP.

L. **Incident Command System (ICS):** A standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. ICS is the combination of procedures, personnel, facilities, equipment, and communications operating within a common organizational structure, designed to aid in the management of on-scene resources during incidents. It is used for all kinds of incidents and is applicable to small, as well as large and complex, incidents, including planned events. (See the current NIMS Doctrine and NIMS Training Program document)

M. **Incident Commander (IC):** The individual responsible for overall incident management within the Incident Command System and within departmental supervisory guidelines. This includes the development of incident objectives, and for ordering and releasing resources. Radio call sign for the incident commander is “Command”, preceded by the name of the incident, i.e., “Main Street Command”.

N. **Incident Complex:** An ICS structure that contains two or more individual incidents located in the same general area and assigned to a single Incident Commander or Unified Command. Each incident becomes branches or divisions under the incident complex structure.

O. **Intelligence/Investigations Function:** The efforts to determine the source or cause of the incident (e.g., disease outbreak, coordinated attack, criminal act, fire). Placement of this function may be in the Planning Section, Operations Section, Command Staff, General Staff, or combination of places. Proper placement is dependent on the nature of the intelligence/investigations being conducted.

P. **Joint Information Center (JIC):** A facility in which personnel coordinate incident-related public information activities. The JIC serves as the central point of contact for all news media. Public information officials from all participating agencies co-locate at, or virtually coordinate through, the JIC.

Q. **Local Emergency Planning Committee:** A federally mandated committee of emergency responders and citizens which administer the SARA Title III "Right-to-Know" regulations regarding the storage of hazardous materials and ensures appropriate pre-planning for hazardous materials incidents.

R. **Mayor's Office of Emergency Management:** Operates the emergency operations center (EOC) and is a cooperating agency who holds procurement contracts for various resources to be utilized in major incidents or a full-scale exercise.

S. **Multiagency Coordination Group (MAC Group):** A group, typically consisting of agency administrators or executives from organizations, or their designees, that provides policy guidance to incident personnel, supports resource prioritization and allocation, and enables decision making among elected and appointed officials and senior executives in other organizations, as well as those directly responsible for incident management.

T. **National Incident Management System (NIMS):** A systematic, proactive approach to guide all levels of government, NGOs, and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from the effects of incidents. NIMS provides stakeholders across the whole community with the shared vocabulary, systems, and processes to successfully deliver the capabilities described in the National Preparedness System. NIMS provides a consistent foundation for dealing with all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response.

U. **Participants:** Response resources holding a functional assignment or a management position at the incident command post or emergency operations center.

V. **Special Events Coordinating Committee:** A committee operated by the Mayor's Office which has the responsibility of coordinating city

services participating in, or affected by, special events.

W. **Special Events Section Supervisors:** The department's representative on the Special Events Committee.

X. **Tabletop Exercise:** Emergency response exercise held in a controlled environment and begins with a simulated event described in narrative form. The participants generally work from a pre-approved contingency plan and use maps, charts, and resource lists.

Y. **Tactical Operations Center (TOC):** The centralized control location of the SWAT operation. The TOC is near but separate from the ICP. TOC may be called on the radio.

Z. **Unified Command:** A command structure necessary when more than one agency has incident jurisdiction, or when incidents cross political jurisdictions, the use of Unified Command enables multiple organizations to perform the functions of the Incident Commander jointly. Each participating partner maintains authority, responsibility, and accountability for its personnel and other resources while jointly managing and directing incident activities through the establishment of a common set of incident objectives, strategies, and a single Incident Action Plan (IAP).

14.10.020 Establishing, Transferring, and Terminating Command at Incidents

A. Establishing Command

1. The first arriving unit shall establish command on any incident as required by this order, or as needed to effectively manage an incident. In the event another responding agency arrives on the scene first, check-in with that agency and either become part of their command or establish the appropriate command structure (e.g., unified command, incident complex, area command).

2. Command shall be established by transmitting the following to the Department of Emergency Communications (DEC):

   "Car _____, I am establishing the _____Command. The Incident Command Post is located at _____. I will be command."

B. Assuming Command

1. The preferred response of supervisory personnel is to assume command.

2. Supervisors arriving at ICS incidents shall not assume command

until being briefed by the current incident commander.

3. Supervisors are accountable for incidents occurring within their assigned responsibilities whether they assume command or not.

4. Upon arrival, personnel shall check on the scene with the Department of Emergency Communications and then report to the ICP.

5. To assume command, transmit the following to the Department of Emergency Communications**:** "Car __to communications. I am assuming (name of command) Command."

C. Terminating Command

1. Command shall be passed down to the last unit remaining on the scene or the assignment.

2. Upon completing duties associated with the incident, this unit shall transmit the following to the Department of Emergency Communications**:** "_____Command to communications, terminate command. Car ____ is 10-98, code____".

D. Completing MNPD Form 301, Incident After Action Report

1. The Incident Commander shall complete MNPD Form 301, Incident After Action Report, to document any of the following incidents:

   a. Any "Signal 1" activation of the Incident Command System for management of the situation,

   b. Any parade, festival, fair, celebration, dignitary protection, felony stake-out, search warrant service, drug sweep, sting operation, or other pre-planned event occurs-whether staffed by on duty or off-duty personnel,

   c. Any Explosives Ordnance Disposal (EOD) or "bomb threat" call involving found explosives, suspicious packages, building searches, or actual detonations, or

   d. Any other incident at which the on-scene supervisor deems it necessary.

2. After completing MNPD Form 301, Incident After Action Report, the incident commander shall forward the form through their chain of command to the Chief of Police for review. The office of the Chief of Police will then scan the approved document to a designated network-based storage location and retain the original report.

3. The Contingency Preparedness Section will review the forms to evaluate training needs and conduct an analysis of incidents. This is an ongoing process and shall be evaluated annually to ensure the annual training is correcting any deficiencies.

14.10.030 Responsibilities of Line Personnel

All line personnel shall adhere to the following when emergency operations are in effect, or ICS has been activated:

A. Communicate by "clear text" on the talk group assigned for the individual's job task. **Do Not Use 10-codes** which may confuse responders from other agencies.

B. All formal communications shall be through the Incident Command System chain of command (unity of command). Personnel should not communicate directly with the TOC, Department of Emergency Communications, Incident Commander, or any other party outside the individual's ICS chain of command. Remember that the ICS supervisor may not be the normal duty supervisor.

C. Perform the task assigned by the ICS supervisor.

D. Do not abandon post or position until relieved or re-assigned by the ICS supervisor.

14.10.040 Responsibilities of Supervisory Personnel

When Emergency Operations have been activated, all appointed Incident Command System supervisors shall adhere to the following:

A. Operate assigned position and supervise assigned subordinates per the National Incident Management System modules.

B. Brief assigned subordinates on job task, radio talk group, and situation status.

C. Monitor subordinate's radio traffic for conformity to NIMS standards.

14.10.050 Role of the Department of Emergency Communications

By agreement with the Director/Chief of the Department of Emergency Communications and the Metropolitan Nashville Police Department, the Department of Emergency Communications shall adhere to the following when emergency operations are in effect, or the ICS has been activated.

A. Communicate only with the Incident Commander

B. Once command has been established, key all airs and announce: "Attention all cars, car_____has established the _____Command on a (type of incident) at (location). Car_____ is command."

C. Notify dispatch elements of any agency / department that may be affected by an incident that MNPD has established command.

D. DEC personnel will be responsible for assigning any radio talk groups as requested by the incident commander.

E. **DEC personnel will not act upon any request for additional resources from any personnel other than the incident commander**.

F. Upon being advised of termination of command, key up all airs and announce**:** "Attention all cars, the _____command is terminated at _____hours.

14.10.060 Identification of The Incident Command Post and ICS Positions

A. Identification of ICS Positions – Vests

1. On any major incident at which the ICS is activated, members staffing various ICS positions shall wear the vest bearing the appropriate positional title.

2. Members driving/operating the mobile command vehicle shall maintain the vest and oversee their issuance and collection.

14.10.070 Personnel Mobilization Plan

The Incident Commander may initiate a mobilization or "call out" of off-duty personnel. The call-out must be initiated by an Incident Commander holding the rank of captain or above or by an Incident Commander of a lower rank acting upon the authority and direction of a captain or above.

A. Protocols for Initiating Personnel Mobilization Plan.

At least one of the following conditions must exist before a call-out may occur.

1. At least one third (33%) of all on-duty uniformed, mobile resources must be assigned to an Emergency Operation. This would generally include Patrol, Traffic, and Tactical personnel. Other uniformed elements may be figured into the equation at the discretion of the Incident Commander or,

2. A tactical, sniper, hostage, or barricade situation must exist, or

3. A natural or man-made disaster must have occurred, or

4. Civil unrest that is planned, anticipated, or occurring or

5. A large response is required (in accordance with mutual aid agreements or consistent with written policy) into another geographic/political jurisdiction.

B. Callouts consist of five (5) levels:

1. Limited-specific individuals or a group, usually specialists.

2. Detail-a detail of Community Services personnel from one or more precincts.

3. Precinct-all Community Services personnel from a given precinct.

4. Division/Section-all personnel assigned to a division/section.

5. Department-all personnel, sworn and/or professional support staff.

Nothing herein shall be construed as prohibiting the call-out of personnel as required by current policy. Examples would be certain cases that require the use of investigators and/or technicians from specific elements. This Personnel Mobilization Plan only affects Emergency Operations activities.

C. Mechanisms of Notifications

Notification of personnel to respond to a call-out may be accomplished by the chain of command, Communications Unit at the Incident Command Post, Department of Emergency Communications, professional support staff clerical/administrative personnel, Cadets, or any other appropriate means deemed necessary by the Incident Commander.

D. Content of Notification

Notifying personnel shall be briefed on what information to provide the responders. This will generally include**:** nature of events, location of staging area, special equipment/supplies/clothing to bring, and time to report to the staging area.

E. Documentation of Notifications

Notifying personnel shall record in writing the names of all responders

contacted, and the time of notification.

14.10.080 Staging and Staging Levels

Emergency operations, as well as day-to-day operations, will often require that personnel be near a crime scene or target location without being actually on the scene.

In order to facilitate this "staging" of personnel, the Metropolitan Police Department will utilize two types of staging-Level I and Level II. These staging levels shall be used whether or not command has been established.

A. Level I Staging

Level I Staging is a response by personnel to an area near the scene/target of police activity. Personnel should remain in their vehicles in preparation for a quick response, if needed.

Example**:** Two patrol units and their sergeant respond to a "violent mental patient" call. Upon arrival, they discover that the very large and strong subject is agitated by police presence. However, progress is being made to convince the subject to go voluntarily for psychiatric evaluation. To be safe, the sergeant orders two more units to a Level I Staging—in case the subject becomes combative.

The response of the units called to Level I Staging shall be:

1. Proceed to the designated location
2. Park with emergency equipment turned off, facing the scene/target
3. Remain in vehicle
4. Monitor radio for instructions.

B. Level II Staging

Level II Staging is a response by personnel to an area somewhat removed from the scene/target. Personnel shall check-in with the Staging Area Manager before entering. Personnel shall stand by for an assignment from the Staging Area Manager.

Example**:** A large civil disturbance is in progress at a local university, necessitating a response by the Metropolitan Nashville Police Department (MNPD) and the Tennessee Highway Patrol (THP). A staging area is designated at a shopping mall about ½ mile from the incident. The staging area manager, a THP lieutenant, has checked-in

42 MNPD units, 27 THP units, eight Nashville Fire Department (NFD) engine companies, three NFD truck companies, and eight NFD ambulances.

1. The response of the units called to Level II Staging shall be:

    a. Proceed to the designated location

    b. Check-in with the Staging Area Manager

    c. Stand by with emergency equipment turned off, facing the designated exit

    d. Receive instructions from the Staging Area Manager

    e. Do not respond unless directed by the Staging Area Manager

2. The Staging Area Manager:

    a. Will not assign resources unless ordered by the Incident Commander ("Command") or Operations Section Chief ("Operations")

    b. Will maintain a log of available resources

    c. Will document when an "available resource" is given a job and becomes an "assigned resource"

    d. Will use radio call sign "Staging"

14.10.090 Training, Planning, and Designing Exercises

A. New Police recruits, current Officers, and any professional support staff working within an incident command shall receive at a minimum, instruction in ICS-100 and ICS-700 within in the Incident Command System. This instruction will follow the National Incident Management System Doctrine and the National Incident Management System Training Program document for "All Incident Personnel".

Sworn personnel of the rank of Field Training Officer shall receive additional training to include all the above and ICS-200 and ICS-800, as specified under "Incident Personnel with Leadership Responsibilities".

Sergeants and above, as well as any professional support staff with a supervisory role working within an incident command, shall receive, in addition to the above, training to include ICS-300, ICS-400, and G-0191 as specified under "Incident Personnel Designated as

Leaders/Supervisors". Applicable personnel shall receive this training after promotion to the positions requiring the training.

All sworn personnel shall receive Incident Command System training annually or more frequently based on identified need and/or at the direction of the Chief of Police or his/her designee. This training will be in the form of classroom presentation, tabletop exercises, functional exercises, or full-scale exercises; and will be conducted by members of the Contingency Preparedness Section.

The Contingency Preparedness Section shall be responsible for maintaining FEMA training records of departmental employees. All personnel shall submit a PDF copy of their certificate(s) and/or transcript(s) of any and all FEMA, TEMA, DHS, CDP, etc., to the Contingency Preparedness Section upon completion.

B. There are three types of exercises in which the MNPD will participate:

1. Tabletop Exercises

   The Bureau Commanders of all involved parties must approve tabletop exercises, due to their nature of involving field and command personnel. Tabletop exercises may be requested by:

   a. Any Bureau or Division Commander, or

   b. The department's designated Agency Representative/Liaison, or

   c. The Commander of the Strategic Development Division, or

   d. Contingency Preparedness Section.

   e. These exercises will be conducted at least once annually.

2. Functional Exercises

   The Chief of Police must approve functional exercises, due to their disruptive nature and consumption of resources. Functional exercises may be requested by:

   a. Any Bureau or Division Commander, or

   b. The Department's designated Agency Representative/Liaison.

   c. Will be conducted based on identified need and directed by the Chief of Police or his / her designee.

3. Full-Scale Exercises

   Full-scale exercises, by their very nature, involve the commitment of significant resources and limit the coverage afforded the remainder of the county. Full-scale exercises must be approved by the Chief of Police and may **only** be requested by the department's Emergency Services Coordinator or the Contingency Preparedness Section as a result of their membership on the Local Emergency Management Council and/or their work with the Metropolitan Office of Emergency Management (OEM).

C. Planning and Designing Exercises

1. The Commander of the Contingency Preparedness Section will be responsible for planning, designing, and conducting exercises for the department.

2. Identifying the need for Tabletop and functional exercises are to be designed by a committee consisting of:

   a. The Commander of the Contingency Preparedness Section who shall serve as chairperson;

   b. The Commander of the Strategic Development Division, or his/her designee;

   c. The Commander of the Training Division, or his/her designee;

   d. The Commander of the Community Services Bureau, or his/her designee; and

   e. A Precinct Commander who will not be evaluated in the exercise.

3. The Metropolitan Office of Emergency Management (OEM) may coordinate full-scale exercises. The Contingency Preparedness Section will participate in the design of such exercises and may call upon other departmental elements for assistance as necessary.

4. When planning and designing exercises, personnel shall ensure that the process is conducted in accordance with the most recent reference sources for exercise design. The design shall always include:

   a. Goals and Objectives

   b. Adequate scenario to test contingency plan

c. Messages, problems, and challenges

d. Selection of exercise staff

e. Briefing of exercise staff

f. Post-exercise critique

14.10.100 Conducting Exercises

A. Notification

1. Tabletop exercises will be held at the appropriate site, and the participants will be directed to appear at that site with specified equipment or materials (generally contingency plans and ICS materials).

2. Functional and full-scale exercises will be held at the designated site, and the participants will be notified as if the incident were actually occurring.

3. Functional and full-sale exercises will be dispatched as though the incident were occurring, as such**:** "Attention all cars, this is a (functional/full-scale) exercise. Repeating, this is a (functional/full-scale) exercise. A code ____ is in progress at (location). All units dispatched are to respond non-emergency and handle the call. Repeating, this is a (functional/full-scale) exercise on a code ____ at (location)." The dispatcher with primary responsibility will then dispatch appropriate units and will handle the traffic as if this were an actual incident.

B. Response

1. Tabletop exercise participants will arrive at the appropriate site and meet with the exercise team for a briefing.

2. Functional and full-scale exercise participants **will respond non-emergency** to the scene or command post as directed. After arrival, personnel shall utilize the NIMS/Incident Command System to manage the incident. The exercise team will terminate the exercise.

14.10.110 Post-Exercise Critique and Report

The exercise team shall advise the participants to report to a debriefing site upon termination of the exercise. The critique is then conducted in two phases**:** participant critique and evaluator critique.

A. Participant Critique

The participants may be asked to fill out a questionnaire about the exercise, and will be invited to participate in a group discussion.

B. Evaluator Critique

The evaluators will discuss with the participants the observed quality of performance. The completion of stated goals and objectives as set in the contingency plans will be of primary concern.

C. Exercise Evaluation Report

The Contingency Preparedness Section will prepare a report to the Chief of Police. At a minimum, this report will contain:

1. A summary of the exercise,

2. An evaluation of the performance of the participants, and

3. A summary of any recommendations regarding the exercise design, performance, or policy changes.

14.10.120 Contingency Planning Process

A. Development

The Contingency Preparedness Section, with the Strategic Development Division, shall develop and distribute contingency plans. These plans shall be developed as necessary to prepare for unusual occurrences and potential disasters upon direction by the Chief of Police or his/her designee. Contingency plans shall be documented and distributed by written directive or electronically as is deemed appropriate by the Chief of Police.

B. Maintenance

The Strategic Development Division, with the Contingency Preparedness Section, shall maintain the above-described contingency plans. These plans shall be reviewed annually and amended or rescinded, as necessary, by written or electronic directive.

C. Structure of Contingency Plans

Contingency plans shall be one-sided documents, with the name of the plan or situation at the top. The format shall include:

1. Determining jurisdiction, authority, and role of the Police Department

2. Response Priorities (“or task priorities”)

3. Strategic goals and tactical objectives

4. Applicable to current departmental policies and guidelines.

14.10.130 Planning Meeting, Committees and Advisory Groups

A. Participation

The Commander of the Strategic Development Division, the Commander of the Contingency Preparedness Section, and/or their designee(s) shall participate in all planning sessions which result in the establishment of contingency plans as defined in this order.

B. Types of Planning Sessions

Such planning sessions shall include meetings with representatives of various government, private, or volunteer agencies during which a specific emergency operation contingency plan is discussed, drafted of finalized.

C. Sessions Excluded

Any meetings that will not result in a contingency plan are excluded. Examples would include planning a parade route or public event, a tactical police operation, or any special event.

14.10.140 Emergency Operations and ICS Activation

A. “Emergency Operations” are specific responses to unusual occurrences, which generally will be dictated by a pre-approved contingency plan. Emergency Operations must meet specific protocols to be implemented. A “Signal 1” will result in activation of the Incident Command System for management of the situation.

Note that each incident requiring ICS implementation is not an emergency operation. For example, a serious traffic crash may require ICS implementation, but does not qualify as a contingency operation.

B. The ICS shall be implemented if any of the following situations or incidents occur:

1. Any Contingency Plan (pursuant to a “Signal 1) is required, or

2. A violent death results in a criminal or other investigation (ex**:** a homicide, fatal traffic crash, or accidental death), or

3. A multi-discipline response is required at the scene of a traffic crash or fire which will involved the closure of a roadway and/or the extrication of victim(s), or

4. A felony investigation is undertaken involving a search for suspect(s) in various locales and/or on foot, or

5. Any parade, festival, fair, celebration, dignitary protection, felony stake-out, search warrant service, drug sweep, sting operation, or other pre-planned event occurs-whether staffed by on duty or off-duty personnel, or

6. Any search for a “missing person,” as defined by current policy, which involved the systematic search of an area by mobile or on-foot personnel, or

7. Any Explosives Ordnance Disposal (EOD) or “bomb threat” call involving found explosives, suspicious packages, building searches, or actual detonations, or

8. Any other incident at which the on-scene supervisor deems it necessary.

C. Personnel are directed to contact the on-scene supervisor of any corresponding agency, particularly the Fire Department, to determine if command has already been established. If so, we will fit into the established ICS structure as necessary.

D. When an IC is established, equipment that may be required for the effective mitigation of an incident can be obtained from the Emergency Services Division. This equipment includes the Mobile Command Vehicle and personnel that may provide support to the incident commander as an advisor for ICS protocols. Personnel in this section are assigned in an on – call status and are versed in incident management. Other specialized equipment that is available includes the civil disturbance trailer and HAZMAT response trailer.

14.10.150 Contingency Plans

The Contingency Preparedness Section is responsible for developing new or updating current contingency plans, coordinating with the Strategic Development Division to ensure compliance with CALEA standards and to ensure that the order stays current with the needs of the Department.

Contingency plans for various unusual occurrences are included in the MNPD Incident Command Contingency Plans Manual.

14.10.160 MNPD Facilities Emergency Contingency Response Guides

A. Development

The Facilities Management Division, with the Strategic Development Division, shall develop and distribute MNPD Facilities Emergency Contingency Response Guides. These guides shall be developed as necessary to prepare for unusual occurrences and potential disasters at MNPD facilities, upon direction by the Chief of Police or his/her designee. Contingency Response Guides shall be distributed by written directive or electronically as is deemed appropriate by the Chief of Police.

B. Maintenance

The Facilities Management Division, with the Strategic Development Division, shall maintain the above-described contingency guides. These guides shall be reviewed annually by the Commander/Program Director whose Division occupies each specific facility/space and amended or rescinded, as necessary, by written or electronic directive.

C. Structure of Contingency Response Guides

Contingency Response Guides shall be one-sided documents, with the name of the guide or situation at the top. The format shall include:

1. Determining jurisdiction, authority, and role of the Police Department
2. Response Priorities (“or task priorities”)
3. Strategic goals and tactical objectives
4. Applicable to current departmental policies and guidelines.

14.10.170 MNPD Form 444, Incident Response Card

A. Purpose

MNPD Form 444, Incident Response Card, was developed as a guide when dealing with incident command responses and biological and chemical terrorism situations. The card lists reminders for incident response and establishing command posts. Also covered are basic guidelines about what to do, and not do, when responding to a chemical or biological incident.

B. Card Location

Sworn uniformed employees are urged to carry MNPD Form 444, Incident Response Card, in their left front shirt pocket. Plain-clothes sworn employees should carry MNPD Form 444 in their badge case, or with their department identification. By carrying the card in identical locations, the card could be located quickly if an employee is unconscious or unable to provide needed medical information.

C. Personal Information

MNPD Form 444, Incident Response Card, has a section for personal information. Employees are requested to complete the name, date of birth, employee number, and emergency notification areas. The blood type, allergies, and current medications areas are optional and may be completed at the employee's discretion.

D. Replacement Cards

If an Incident Response Card becomes damaged or lost, replacements are available in the Inventory Management Section.

14.20 Mutual Aid, Assisting and Coordinating with Other Agencies

14.20.010 Definitions

A. **Emergency Situation:** An actual or potential condition that poses an immediate threat to life or property. In the context of mutual aid, it means a situation that exceeds the capability of a local agency to successfully respond to the situation.

B. **Mutual Aid:** For the purpose of this order, mutual aid shall be defined as official service or support between separate agencies or jurisdictions.

C. **Mutual Aid Radio System:** A communication network that permits the public safety agencies within the State to communicate with each other directly or by means of a relay system.

14.20.020 General Provisions

A. As provided by the Local Government Emergency Assistance Act, emergency assistance means any resource provided upon request of one local government to another. With regards to requests for such assistance from law enforcement agencies, it means providing one or more specialized services to assist with an unusual situation.

B. Should a request be made for emergency assistance; it shall be the responsibility of the Chief of Police or designee to determine if a response is warranted.

C. All Metropolitan Nashville Police Department (MNPD) policies and procedures will apply to members of this department when responding to a request for emergency assistance in another jurisdiction.

D. The senior officer of the requesting party on the scene of the emergency shall be in command of the emergency as to strategy, tactics, and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior officer in command of the responding party. When the Metropolitan Nashville Police Department (MNPD) provides "emergency assistance" within any other jurisdiction, the "Officer-In-Charge" of the department's responding party shall coordinate efforts, and cooperate with, the requesting party, in so much as circumstances permit and/or require. However, the officer-in-charge of the department's responding party shall comply with the policies and procedures of the MNPD and shall exercise discretion to depart the

scene of an emergency when remaining would result in a violation of departmental policies or procedures, or when in his/her judgment it is in the best interests of the department to withdraw.

E. To ensure the integrity of any emergency assistance provided by the department outside this jurisdiction, each member participating shall act in accordance with established standards of conduct and performance as if he/she were on duty and within this jurisdiction. Failure by any member to observe such standards, as they apply to the situation, may be grounds for disciplinary action.

F. Any request for "emergency assistance" by the Metropolitan Nashville Police Department shall be made by the Chief of Police or designee, upon the advice and consent of the mayor, whenever circumstances permit prior consultation. The Chief of Police or designee shall have authority to direct the responding party to depart the scene of the emergency.

G. In requesting mutual aid, the MNPD shall utilize existing policies and procedures for incident command in assigning or allocating received resources. ECC shall remain responsible for assignment and delegation of radio communication frequencies and resources consistent with established protocols for radio communications interoperability and shared frequency abilities.

H. Expenditures or reimbursement to other agencies for costs associated with MNPD receiving mutual aid will be governed by existing OEM and Metro Finance policies and procedures.

14.20.030 Handling Calls within Goodlettsville City Limits

A. MNPD personnel shall adhere to the following procedure when disregarding calls within the Goodlettsville city limits:

1. On emergency incidents which necessitate the dispatch of personnel from both MNPD and Goodlettsville Police Department (GPD), **each agency has equal authority to have the other disregard the call, but only upon arrival at the incident.**

2. ECC dispatchers shall immediately relay the cancellation if received from Goodlettsville Police-Fire Communications or from an MNPD unit on the scene of an incident.

B. 911 calls and non-emergency calls in the Davidson County jurisdiction of the city of Goodlettsville.

Whenever an emergency or non-emergency call for service is received

at the Metro Nashville Department of Emergency Communications (DEC), the DEC personnel will take the following action consistent with ECC policy and procedure:

1. The DEC call taker will question the caller and enter the information in the Computer Aided Dispatch System (CAD).

2. The information will be entered into the CAD system and automatically sent simultaneously to the appropriate DEC dispatcher, as well as the Goodlettsville Police Department (GPD) dispatcher.

3. The DEC dispatcher will be responsible for dispatching the call for service unless given a cancellation by the Goodlettsville Police dispatcher.

4. Either agency, DEC or GPD, has the option of canceling a call for service from the other agency if an officer is on the scene of an emergency call.

5. In the case of a non-emergency call, Goodlettsville Police Department may cancel an MNPD response even if they are not on the scene.

14.20.040 Specific Provisions

A. Emergency Assistance

1. The Department of Emergency Communications (DEC) will, pursuant to their policies and procedures and upon notification from a requesting agency of an emergency situation:

a. Request for Mutual Aid by Outside Agencies Mutual Aid channels are monitored 24 hours a day, 7 days a week by the Metro Office of Emergency Management (OEM). Upon receipt of a mutual aid request, the following steps will be followed:

(1) OEM will notify the on-duty DEC supervisor via the most appropriate method.

(2) The on-duty DEC supervisor will notify the affected precinct dispatcher of the request.

(3) The DEC dispatcher will notify the highest ranking on-duty supervisor of the personnel or resources being requested and all pertinent details available, and handle the call as described in Article IV, Request for Mutual Aid by MNPD, section (3). If supervisory personnel are not on duty, notify the Precinct

Commander based on where the incident is taking place.

(4) The DEC dispatcher will advise all units involved in the incident to switch to that assigned mutual aid channel. A dispatcher will be assigned to the mutual aid channel to provide communications support throughout the incident.

b. Request for Mutual Aid by the Metropolitan Nashville Police Department (MNPD)

(1) Notify the highest ranking on-duty supervisor of the personnel or resources being requested and all pertinent details available. If supervisory personnel are not on duty, notify the correlating Precinct Commander.

(2) Request mutual aid cooperation from the requested agencies via the hailing channel (A11 – 8CALL90). If no response was received from the requested agency, they would then be notified by phone.

NOTE: Some agencies (Berry Hill, Belle Meade, Goodlettsville, Tennessee Highway Patrol) have been granted limited rights to different talk groups. These agencies may have access to specific precinct talk groups as well as the full A zone (A1-16). Communication between members of different agencies can take place on the precinct talk group or be moved to a mutual aid frequency upon request of the field or DEC supervisor for safety reasons, to free working frequency or repeater locations for the best reception on out of county incidents.

(3) Activate the appropriate mutual aid channel for communicating with the involved agencies based on repeater location.

NOTE: Mutual Aid channels are analog, and some static may be present.

(4) Upon notification of the outside agency, the DEC dispatcher will advise all units involved in the incident to switch to that assigned mutual aid channel. A dispatcher will be assigned to the mutual aid channel to provide communications support throughout the incident.

2. The approving supervisor, as described in section 1 above, shall upon notification of an emergency assistance request:

a. Determine if an emergency exists and the level of resources

available.

b. Cause the appropriate supervisor of the requested unit or resource to be notified to determine the appropriate response. (Such supervisor shall make any required chain of command notifications.).

c. Proceed to or assign a supervisor, as required by unit procedures, to respond to the scene to evaluate the incident (unless not required by the requested unit); and,

d. Cause the situation to be monitored and reevaluate.

3. Responding Supervisor, upon dispatch to the requesting agency shall:

a. Proceed directly to the requesting agency's command post or other meeting site;

b. Report to the requesting agency's Incident Commander or highest-ranking officer on the scene;

c. Determine the exact duties and tasks requested of responding personnel, and evaluate compliance with MNPD policies and procedures;

d. Coordinate response between requesting and responding personnel;

e. Relay situation status to the appropriate supervisory personnel on a regular basis;

f. Terminate assistance when the situation is resolved, when assistance is no longer needed or effective, or when it is in the best interest of the Metropolitan Nashville Police Department; and

g. Cause appropriate MNPD reports to be completed at the termination of the incident.

4. Responding Officer, upon dispatch to the requesting agency shall:

a. Proceed directly to the requesting agency's command post or other staging area;

b. Report to the appropriate supervisory personnel and perform assigned tasks and duties;

c. Relay pertinent information to appropriate supervisory

personnel; and

d. Terminate assistance when it is apparent that further action is in violation of department policy and/or applicable laws and immediately report to appropriate supervisory personnel.

B. Non-Emergency Assistance

1. All requests for non-emergency assistance must be approved by the Chief of Police or his/her designee.

2. Non-Emergency requests are governed by applicable state law and will generally not be entered into except when deemed by the Chief of Police or designee to be in the best interest of the Department.

14.30 Bomb Threats & Explosive Device Procedures

14.30.010 Definitions

As it pertains to this order, the following terms are defined as follows:

A. **Hazardous Devices Unit:** A team of personnel of the Metropolitan Police Department who has successfully completed the FBI Hazardous Devices School or its re-certification course within the past three years and meets the standards for bomb technician certification as defined by the National Bomb Squad Commanders Advisory Board.

B. **Certified Bomb Technician:** A sworn officer of the Metropolitan Police Department who has successfully completed the FBI Hazardous Devices School Basic Course or its Re-certification Course within the past three years and meets the standards for bomb technician certification as defined by the National Bomb Squad Commanders Advisory Board.

C. **Bomb Emergency:** The threat to use explosives, non-criminal misuse of explosives, and/or the presence of explosives, which is illegal and/or contrary to public safety, or any criminal use of explosives.

D. **Explosive:** Any compound, mixture or any other type device with the purpose to function by detonation, explosion or chemical reaction. An explosive could be commercial, military or improvised. Only members of the Hazardous Devices Unit who are certified bomb technicians are authorized to handle, move, transport or touch any explosive.

E. **Suspicious Items:** Any item that has any suspicious or extenuating circumstances.

Suspicious items that may be found during a bomb threat:

1. Items or packages that an Explosive Detection Canine has alerted on.

2. Items or packages that are ticking, beeping or have visible wires protruding.

3. Items or packages that are emitting smoke, vapors or an odor.

4. Items or packages with any unknown powders or liquids.

5. Any other item or package of a suspicious nature that would lead one to believe an explosive and/or incendiary device, or hazardous substance may be present.

14.30.020 Responsibilities of Hazardous Devices Unit

The Hazardous Devices Unit is charged with the responsibility to respond to any situation involving the criminal use, threatened or misuse of any type of explosives, or when an on-scene supervisor determines that Hazardous Devices Unit personnel's assistance is necessary and/or desirable, or when an event or dignitary security sweep is deemed necessary.

Some of the tasks for Hazardous Devices Unit personnel are to:

A. Perform render safe procedures on explosives, explosive and/or incendiary devices that are real or suspected.

B. Recover, transport, and disposal of explosives and explosive and/or incendiary devices.

C. Function as advisors to public safety personnel and the public regarding any situation involving the use, misuse, or the threat to use explosives.

D. Provide protective security sweeps or Hazardous Device Canine detection activities as deemed necessary in support of special events or dignitary protection.

E. Provide any other support as required by the Chief of Police, Deputy Chief of the Community Services Bureau, or Commander of the Special Operations Division or their designees.

14.30.030 Bomb Threat Calls

A. Initial response to a bomb threat will be handled by the Patrol Division.

The first arriving officer shall:

1. Make contact with the complainant for a debriefing and an evaluation of the facts. The initial response by officers is NOT to make immediate evacuations of the place or business UNLESS there are clear indicators that the threat is authentic. Initial evacuations are to be left up to the management team of the place or business.

2. Request a representative from management and advise that a search of the facility and grounds needs to be made by managements' designated search teams.

3. When based on the officer's evaluation of the facts it appears the threat is a hoax, the management at the place that received the threat will be responsible for making the decision to evacuate.

4. A Non-Domestic Aggravated Assault Detective will be called to the scene, unless the location is a school (the SID Security Threat Section works Bomb Threats at a school), and will conduct the initial investigation on the threat. The Hazardous Device Unit shall be notified, and assist Non-Domestic Aggravated Assault Detectives as subject matter experts if;

    a. Non-Domestic Aggravated Assault Detective determines explosive materials may exist, with the help of the Hazardous Device Unit; or

    b. There are indicators of explosives being used by the suspect (background in explosives, household items found that are commonly used in explosives, items purchased that are common with Home Made Explosives (HME), etc.).

5. If the threat appears to be authentic, or when any item and/or package has been located and is suspicious, the officer shall have the facility evacuated immediately. The officer shall also:

    a. As soon as practical, establish "Command" and implement the Incident Command System.

    b. Request Hazardous Devices Unit, supervisory, and support personnel.

    c. Establish a perimeter for a minimum of 300 feet in all directions.

    d. Cease use of radio and cellular communications equipment inside the perimeter.

    e. Locate all witnesses and persons with knowledge of the incident, and put them in an area outside the perimeter in a safe zone to be interviewed by Hazardous Devices Unit personnel.

    f. Maintain the perimeter until Hazardous Devices Unit personnel release the inner perimeter. Do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit personnel.

    g. Request a Non-Domestic Aggravated Assault Detective to respond to the scene, unless it is a school (the SID Security Threat Section works Bomb Threats at a school), and conduct the initial investigation with the Hazardous Device Unit serving as a Subject Matter Expert and assisting the Non-Domestic Aggravated Assault Detective with the investigation.

6. **At no time should any unauthorized person touch, handle, move, remove or transport items in question**. Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any item or package deemed to be suspicious.

7. Complete an Incident Report, using the appropriate offense and classifications. The Incident Report should then be forwarded to the Non-Domestic Aggravated Assault Detective to be investigated.

B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Hazardous Devices Unit Personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

14.30.040 Found or Recovered Explosives

A. Initial response to any bomb emergency incident will be handled by the responding officers.

The first arriving officer shall:

1. Make contact with the complainant for debriefing and an evaluation of the facts.

2. Establish a perimeter for a minimum of 300 feet in all directions.

3. As soon as practical, establish "Command" and implement the incident command system.

4. Request the Hazardous Devices Unit to respond, along with supervisory and support personnel as danger exists when on the scene of **any** found or recovered explosive.

5. Evacuate the immediate area around the explosive in question and maintain the perimeter.

6. Cease use of radio and cellular communications equipment inside the perimeter.

7. Locate all witnesses and persons with knowledge of the incident and put them in an area outside the perimeter in a safe zone to be interviewed by Hazardous Devices Unit personnel.

8. Maintain perimeter until the inner perimeter is released by Hazardous Devices Unit and do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit.

9. **At no time should any unauthorized person touch, handle, move, remove or transport items in question**. Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any explosives or explosive materials.

10. Complete an Incident Report using the appropriate offense and classifications

B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

14.30.050 Suspicious Items and/or Packages

A. Initial response will be handled by the responding officers. The first arriving officer shall:

1. Make contact with complainant for debriefing and an evaluation of the facts.

2. If the item or package would lead one to believe it could contain an explosive, explosive and/or incendiary device, the area shall be evacuated, and a perimeter established for a minimum of 300 feet in all directions.

3. As soon as practical, establish "Command" and implement the incident command system.

4. Request the Hazardous Devices Unit, supervisory, and support personnel to respond.

5. Personnel must consider the presence of additional devices that may be present to target emergency responders and visually inspect the surrounding area accordingly. *(Suspicious items and/or packages may be in the form of a vehicle bomb, concealed in a trashcan, or any other item large enough to hide or contain explosives.)*

6. If the suspicious item or package contains, or is large enough to contain an explosive, explosive and/or an incendiary device and contains or is contaminated with a powder, unknown liquid or any other possible hazardous substance, personnel shall request the Hazardous Devices Unit and Metro Fire Department Hazardous-Materials.
7. If the item or package is suspected to contain any explosive, personnel will cease use of radio and cellular communications equipment inside the perimeter.

8. Locate all witnesses or persons with knowledge of the incident and put them in an area outside the perimeter in a safe zone to be interviewed.

9. **At no time should any unauthorized person touch, handle, move, remove or transport items in question.** Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any item or package deemed to be suspicious.

10. Maintain the perimeter until Hazardous Devices Unit personnel and Metro Fire Department Hazardous-Materials release the inner-perimeter. Do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit or Metro Fire Department Hazardous-Materials personnel.

11. Complete an Incident Report using the appropriate offense and classifications.

B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

14.30.060 Bomb Explosions

A. Initial response to an explosion will be handled by the responding officers. The first officer shall:

1. Evaluate the overall situation and request Fire and EMS assistance.

2. As soon as practical establish "Command" and implement the incident command system.

3. Cease use of radio and cellular communications equipment inside the perimeter.

4. Request the Hazardous Devices Unit, supervisory, and support personnel.

5. Establish perimeter around affected area; this area should be a minimum of 300 feet in all directions or an area that encompasses any apparent evidence, debris or damage.

6. Responding personnel should be aware of concerns, in addition to the primary threat, in the form of:

   a. Additional devices

b. Blood-borne pathogens

c. Hazardous Chemicals

d. Potential for Structural Collapse

7. Once Fire Department and EMS have completed their tasks, no one should be allowed to enter the post blast crime scene until Hazardous Devices Unit has cleared the area.

8. Blast debris will not be moved or examined by anyone except Hazardous Devices Unit personnel.

9. Locate all witnesses and persons with knowledge of the incident and put them in an area outside the perimeter in a safe zone to be interviewed by investigators.

10. Maintain the perimeter until Hazardous Devices Unit personnel release the inner perimeter. Do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit personnel.

11. Personnel who might encounter body fluids or tissue shall wear personal protective equipment, including masks, gloves, jumpsuit and shoe/boot covers.

12. Complete an Incident Report using the appropriate offense and classifications.

B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

14.30.070 Command Authority of Hazardous Devices Unit

A. Upon arriving at any bomb emergency, the Hazardous Devices Unit Commander or his/her designee will assume complete and total control of the inner perimeter.

B. Hazardous Devices Unit personnel will recognize, cooperate with, and coordinate with line supervisory personnel. This interaction shall be conducted through the incident command system.

C. While maintaining control of the inner perimeter, Hazardous Devices Unit personnel may make reasonable requests of, and give instructions to line personnel and/or supervisors.

D. All personnel on the incident shall comply with all reasonable requests and instructions of the Hazardous Devices Unit supervisor or bomb technician while the Hazardous Devices Unit is maintaining control of the inner perimeter.

14.30.080 Relinquishing Control of Scene and Joint Investigations

A. Upon determining that the scene is stable and secure, the Hazardous Devices Unit Commander, or his/her designee, will relinquish the scene to the Incident Commander.

B. The Incident Commander will maintain the crime scene perimeter, and will allow investigative personnel to begin processing the crime scene.

C. Departmental on-scene investigator(s) may request the presence of other investigative personnel or agencies. Such requests shall be conducted via the incident command system.

D. Other agencies or resources that may be considered, but not limited to:

1. Nashville Fire Department
2. Office of the Medical Examiner
3. Office of the District Attorney
4. Federal Bureau of Investigation
5. Bureau of Alcohol, Tobacco, Firearms and Explosives
6. U.S. Secret Service
7. U.S. Marshal’s Service
8. U.S. Postal Inspectors
9. Ft. Campbell EOD Unit

14.40 Canine Unit – Policy and Procedure

14.40.010 Introduction to Canine Procedures

The use of the police canine is a valuable and legitimate tool in law enforcement for **use in certain designated felony apprehensions** as well as the deterrent effect of their presence in areas of high criminal activity. The use of the police canine in making and maintaining felony arrests is authorized when circumstances of a particular incident justify such use. In this connection, all members of the Department must bear in mind that the use of the police canine in making or maintaining an arrest constitutes the use of force or an implied threat of the use of force. Therefore, it is imperative that an officer requesting canine assistance as well as the canine personnel involved be reasonably cognizant of all available facts and circumstances before a decision is made to utilize the canine team.

The MNPD also employs the use of non-aggressive canine tracking teams. Such teams are trained for searches that involve missing persons and cadaver searches.

14.40.020 General Provisions

A. The Canine Section, in general, by the nature of its training, is a responding felony unit. The canine handler must bear in mind that in each situation where canine assistance is requested, he alone is responsible for making the initial decision as to utilize the canine, unless he is relieved of the responsibility by a Canine Section supervisor on the scene. When any sworn supervisor makes the decision to use the canine team against the advice of the canine handler, that supervisor alone assumes full responsibility for the canine team's actions, and thus will be held accountable for the results of his/her decision(s).

B. The primary purpose of the Canine Section shall be to develop and maintain highly trained canine teams (i.e., handler/dog) to assist line elements of the Department in the accomplishment of the following common objectives:

   1. The apprehension of felony suspects

   2. The deterrence of criminal activity.

   3. Assisting in the search for missing persons

   4. Assisting in the search for narcotics or other contraband

C. Keeping in mind that the Canine Section is primarily a Felony Response Unit, such assistance to line elements shall include:

1. To effect the arrest of suspects believed (based on probable cause) to have committed at **least one (1)** of the offenses specified in 14.40.030**.**

2. To conduct building search.

3. Felony tracking.

4. To conduct open area search.

5. To conduct evidence search.

6. To conduct explosive search.

7. To conduct a missing persons search.

8. Felony riot control - **To be utilized only in dire emergency situations.**

14.40.030 Utilization and Deployment Policies

A. An aggressive canine team may be used only when there is probable cause to believe the suspect has committed or attempted to commit one (1) of the following offenses:

1. Murder of the first or second degree or voluntary manslaughter, vehicular homicide;

2. Aggravated or especially aggravated robbery;

3. Rape or aggravated rape;

4. Kidnapping- including aggravated and especially aggravated kidnapping;

5. Use of explosives to injure persons;

6. Burglary (excluding freight or passenger cars, automobiles, trucks, trailers or other motor vehicles);

7. Aggravated assault;

8. Assault of a Police Officer; or

9. Escape (when the person was being held for at least one (1) of the aforementioned offenses), unless otherwise authorized by a Canine supervisor who is on the scene.

B. At the scene of a tactical incident upon approval of a canine supervisor

on the scene or SWAT supervisor.

C. When felony suspects evade arrest: AND

1. There is reasonable belief the suspect(s) are armed with a deadly weapon; OR

2. The suspect(s) hide or remain concealed in an area where entry by officers other than the canine unit poses a serious safety risk to police.

D. A Misdemeanor suspect, only when all the following conditions are met:

1. A suspect uses or displays a firearm during the commission of a criminal offense; AND

2. The suspect(s) hide or remain concealed in an area where entry by officers other than the canine unit poses a serious safety risk to police; AND

3. Allowing the suspect(s) to remain at large would pose a serious risk to the safety of the general public or police.

IMPORTANT: Regardless of the offense(s) involved, any time a canine team is used to conduct a search, the handler must have his/her dog under control at all times.

E. A building search shall be defined as the search of a building or other structure for the purpose of locating and apprehending a felony suspect who has concealed himself for the purpose of avoiding arrest.

1. The initial officer(s) arriving on the scene where a canine team is dispatched shall not enter the building or structure to be searched but will secure the outside perimeter and allow no one to enter until the arrival of the canine team, at which point the officer(s) will maintain perimeter security of the building until the canine team has completed the search.

2. Before releasing a canine in a building, the handler will issue the standard verbal warning: **"METRO POLICE K-9--COME OUT NOW--OR A DOG WILL BE USED TO FIND YOU AND MAY BITE YOU,** in a loud, clear voice with the intention of warning the suspects(s) inside that the canine will soon be released in the building to search for the suspect(s) if he/she doesn't come out, and wait at least 60 (sixty) seconds after giving the warning before releasing the canine, unless articulable exigencies require a release without warning, or a shorter or longer wait after the warning before releasing the canine.

3. No one will accompany the canine team during the building search

unless requested to do so by the handler.

4. It cannot be stressed strongly enough that when the use of a canine team is contemplated, every effort should be made to insure against contamination of the search area. Contamination occurs when any other human scent is allowed in the search area other than that of the suspect. Unnecessary contamination greatly reduces the canine team's effectiveness and places the handler conducting the operation in a greater degree of danger.

F. Felony tracking is the process of utilizing the canine to follow (track) a felony suspect from his/her last known location to the point of concealment.

1. When a canine team has been dispatched or has been requested to assist in a felony tracking operation, it shall be the responsibility of the initial officer(s) arriving on the scene to secure the suspected search area and avoid contamination of a search area.

2. All officers involved in the operation shall try to coordinate their positions with the canine handler so as to facilitate a perimeter security around the search area.

3. The success or failure of a tracking operation often depends on the amount of contamination in the search area which has occurred prior to the canine team's arrival.

4. If a track is started inside Davidson County and continues into an adjacent county, the canine handler has the discretion to continue with the track. If the canine handler arrives on scene of a crime and determines the track could possibly go into an adjacent county, he/she should contact their supervisor prior to starting the track. A second canine team is preferred to accompany the primary canine handler, but at a minimum, a back-up officer is required.

G. Open area search is the search for a felony suspect in an area where there is no specific point at which to initiate a tracking operation (i.e., no exact last known location of suspect).

1. The same responsibilities and operational procedures apply here as those involved in a tracking operation.

2. All personnel must be made aware in this particular operation that the police canine will be working off-lead. The responsibility for this awareness is shared by all involved personnel.

3. The police canine will not be taken off-lead unless the handler and all personnel involved are reasonably certain that there are no innocent bystanders in the area.

H. Evidence Search is the utilization of the police canine team for the purpose of locating lost and/or concealed articles of evidence at or near a crime scene.

1. As with all operations involving the utilization of the canine team, every effort must be made to guard against unnecessary contamination of the area which is to be searched.

2. It is the responsibility of the officer(s) on the scene to keep all foot traffic in the search area to that which is absolutely necessary until the arrival of the canine search team and the completion of the search.

I. Explosive Search (see detailed policy concerning E/D teams)

J. It is the policy of the Metropolitan Police Department to place strict limitations on the use of police dogs in crowd control, civil disorders, or riot situations.

In the event of such an occurrence, the canine teams may be dispatched to the problem area in a standby status. The canine team(s) are only to be utilized in a dire emergency situation at the direction of the Chief of Police or his/her designee. Such an emergency would be for crowd control in conjunction with an all-out police effort to rescue isolated officers or citizens in danger of being injured or killed.

K. In the event that an apprehension is affected by a member of the Canine Section involving any of the aforementioned circumstances, the person apprehended will be turned over to the officer(s) who received the initial call. It will be the responsibility of that officer(s) to handle the person apprehended in the appropriate manner (i.e., medical treatment, booking, etc.).

L. A Precinct Investigation Unit shall be called to investigate dog bites on suspects and others that have been injured by dogs of the Canine Unit. It will be the responsibility of the canine handler and handler supervisor to ensure that a precinct investigator is properly notified. Precinct Investigators will in turn forward copies of their investigation to the Chief of Police and Deputy Chief of Police as soon as possible.

14.40.040 Out-of-County Call-out Procedures

From time to time the Canine Section is called upon to assist other agencies outside Davidson County. When this assistance is requested, the following policy and procedure shall apply.

A. The basis for the call-out shall be limited to those situations where assistance is requested to effect the arrest of a suspect believed (based

on probable cause) to have committed at least one (1) of the felonies as specified in 14.40.030., A. of this order, or involve a situation that is non-criminal in nature as specified in 14.40.050., herein.

B. A minimum of two canine teams should be dispatched in order to provide adequate safety for handlers as well as the canines involved.

C. A canine supervisor should accompany the teams on out-of-county callouts, whenever possible.

D. The approval of the Special Operations Division Commander or on duty Field Supervisor Section Captain is required on all out-of-county callouts.

14.40.050 Non-Felony Utilization Procedures

The Canine Section is often called upon to respond to non-felony type requests. Such request shall be for assistance in order to locate missing and/or lost children, or mentally ill persons. There exists the ever-present possibility of physical contact between the canine and the person whom we are attempting to locate. Because of this possible contact the following procedure must be followed:

A. The non-aggressive tracking team is trained to search for missing persons, children, elderly persons, mental patients, etc.

B. A non-aggressive tracking team is not trained in handler protection and **cannot** be used for felony or misdemeanor apprehensions.

C. To conduct a successful search for a person, the search area should not be contaminated by foot traffic. If the search area has been contaminated by officers, search parties, media etc., it is extremely difficult to conduct a successful search.

1. When a canine team has been requested to assist in a non-aggressive tracking operation, it shall be the responsibility of the initial officer(s) arriving on the scene to secure the suspected search area and avoid contamination of that area.

2. All officers involved in the operation shall try to coordinate their positions with the canine handler so as to facilitate a perimeter security around the search area.

3. The initial officers on the scene shall supply the canine handler with a detailed description of the subject/suspect.

4. The initial officers on the scene shall supply the canine handler with the last known location of the subject/suspect. This should be the starting point of the track.

D. Weather and time are important factors when attempting to follow an individual's trail. In determining the length of time a trail will remain, consideration should be given to the type of terrain, lighting, and weather conditions at the current time and when the subject was last seen.

E. Missing person searches will be generally conducted at the request of the highest-ranking field supervisor at the search scene.

F. Prior to initiating a missing person search, MNPD Form 700A, Canine Liability Release, shall be completed, signed and witnessed.

G. The police canine should never be utilized unless a non-aggressive canine is not available and there exists the likelihood of serious bodily injury or death if the person who is lost is not located quickly (i.e., a small child lost in sub-zero weather).

14.40.060 Rules, Regulations, and Procedures for Members of the Metropolitan Police Canine Section:

A. The Canine Section is an assisting unit to all other divisions of the Department, and this should be foremost in the canine handler's mind.

B. All Department personnel, particularly the canine handler, must recognize that the use of the police canine in any situation constitutes the use of force, or the implied threat of the use of force. Therefore, it is imperative that, prior to actual use of the canine, the decision to utilize the canine be made with full knowledge of the degree of force justified.

C. The canine handler is responsible for the proper care and maintenance of his assigned canine as well as his/her assigned equipment.

D. The canine handler has the responsibility of maintaining his/her canine at an acceptable level of proficiency. If at any time the handler becomes aware that his/her assigned canine is not at an acceptable level of proficiency, his/her immediate supervisor will be contacted so that corrective action can be taken immediately.

E. Canine handlers will receive shift assignments in accordance **with** current department policy.

F. The police canine will not be utilized in any manner so as to cause or appear to cause a threat to the general public.

G. Public demonstrations will be conducted only with the authorization of the Section Commander.

H. An opportunity to surrender will be given to all suspects before releasing the canine, unless articulable exigencies require a release without warning. All handlers will issue the standard verbal warning: **METRO POLICE K-9--COME OUT NOW--OR A DOG WILL BE USED TO FIND YOU, AND MAY BITE YOU".**

I. When a member of the Canine Section effects an arrest, he will turn the suspect(s) over to the initial officer(s) responsible for the call and return to service as soon as possible.

J. The first canine handler arriving on the scene where another handler has been injured will be responsible for the safe disposition of the injured handler's canine and the immediate notification of a canine supervisor.

K. Canine handlers will not leave their canines in any vehicle and/or other enclosure for an undue period of time that may reasonably be foreseen to cause discomfort to the canine.

L. Handlers must secure their canine in an assigned kennel during the period of time that the canine is not under the direct control of the handler. The kennels are to be secured with a galvanized fork latch and a Yale lock which are to be periodically checked by the handler for potential safety corrections. All canine handlers will adhere to a co-residency requirement, whereby the assigned canine will be kenneled at the location where the handler resides.

M. The canine handler will utilize only that equipment which has been issued to him/her. The handler will be responsible for the periodic inspection of their equipment to insure the safe condition of same.

N. Handlers will be held accountable for the actions of their assigned canines, unless relieved of this responsibility by a supervisor.

O. All medical needs will be provided by an approved veterinary service as designated by the Section Commander.

P. The canine will not be utilized in areas where conditions exist that are averse to the canine's health or welfare.

Q. All canine handlers are to adhere to all scheduled training and/or retraining assignments.

R. A standard training and performance record shall be kept on each canine, designed to assist in evaluation of the canine.

S. Any training which the handler conducts on his/her own must be authorized by his/her supervisor and must be documented so as to be a

permanent part of his/her training record.

T. Upon the retirement of a handler's canine, the handler in question will be re-evaluated by his/her supervisors and training personnel before he/she commences any further training.

U. All reports pertaining to an apprehension made by a canine team will be reviewed and approved by a canine supervisor.

V. All circumstances pertaining to any physical apprehension made by a canine will be reviewed and evaluated by a canine supervisor. Such evaluation of circumstances will take place at the crime scene or at the appropriate medical facility whenever possible. The canine Unit supervisor will report on his review and evaluation of the physical apprehension to the Section Commander and a record of the evaluation will be maintained.

14.40.070 Canine Section Training Personnel Duties, Responsibilities, and Procedures:

The duties of Canine Section Training Personnel shall include but are not limited to, the following:

A. Schedule, conduct, and supervise the training of canine teams (handler/dog) from the beginning of their service with the Canine Section until the conclusion of said service.

B. Maintain complete documentation of all training in which each team is involved.

C. Schedule and coordinate continuous re-training activities so as to identify and eliminate any problems which may arise with individual teams.

D. Submit periodic evaluation reports on each canine team to all levels of command within the Bureau, as well as within the Canine Unit.

E. Monitor and evaluate periodically the actual on-the-street performance of all canine teams, so as to identify any deficiency and correct same.

F. Make recommendations as to the discontinuance of training or certification of any officer or canine whose performance does not meet acceptable standards.

G. Purchase, inventory, and maintain supplies and equipment which are necessary for the normal operation of the Canine Unit.

H. Coordinate all training activities with the Canine Unit Shift Commanders, so as not to impede the Unit’s state of tactical and operational

readiness.

I. Keep informed as to new training techniques and/or operational procedures which may improve our present training and/or operational standards.

J. Maintain the highest possible standards in the Unit's training and/or retraining operations.

K. Coordinate all requests for public demonstrations and assign adequate personnel to perform said demonstrations.

L. Schedule, conduct, and supervise all specialty training (i.e., explosive detector team, competition training).

M. Schedule, conduct, and supervise all out-of-county agency training and/or retraining.

N. Maintain all training equipment in good functioning order.

14.40.080 Metropolitan Police Canine Explosive Detection Team Utilization and Call-out Procedures:

A. The Canine Explosive Detection Team (i.e. handler/dog) is a trained unit designed for the purpose of locating explosive devices which are not easily detectable by other means. These teams can search in an expedient manner while exposing a minimum number of officers to danger. While these teams are highly proficient, they are not trained to perform simply for visual effect or to be utilized in a manner which is beyond their ability. When the team is requested, it should be handled as an actual threat and total cooperation from all personnel involved is required.

The Explosive Detection Teams are trained and possess the ability to detect modern explosives which may be concealed in the following locations:

1. Small buildings (example: local branch bank, McDonald’s restaurant, etc.) Canine can be utilized for a maximum 10 to 15 minute search.

2. Various containers (example: luggage, packages, etc.)

3. Vehicles (canine's capability limited to 12 vehicles)

4. Aircraft

5. V.I.P. security clearance sweeps

B. Policy for Requesting Explosive Detection (E/D) Team

When making a request for an Explosive Detection (E/D) Team, the following guidelines should be followed:

1. No E/D Team should be dispatched until the ranking police supervisor on the scene has evaluated the situation and made the request.

2. The primary concern when a police supervisor is making his/her evaluation is the size of the area to be searched. The normal search time for the E/D Team, while maintaining search proficiency, is 15-20 minutes. After this, the dog must be rested or another E/D Team called into complete the search. It is impossible and unrealistic for the E/D Team to attempt to search large buildings such as: multi-level office buildings, schools, factories, shopping malls, etc. If, however, there is reason to believe that a device has been placed in a "specific" area within one of these structures, then the E/D Team may be utilized to search that "specific" area (i.e. cafeteria, break room, lobby, restroom). E/D Teams cannot be utilized in areas with harmful chemicals, or in structures with ceilings higher than 10 feet.

3. The secondary concern before requesting the dispatch of an E/D Team is that the complainant be willing to totally evacuate the premises to be searched.

4. If all of the aforementioned conditions have been met, the supervisor on the scene is authorized to make a request for an E/D Team. If a E/D Team is not on duty, the dispatcher will notify one from the emergency on-call roster.

5. Prior to the E/D Team's arrival, the following requirements should be met:

    a. Building and/or area to be searched should be "totally" evacuated.

    b. Persons evacuated should take their personal possessions with them.

    c. Someone who is familiar with the building should be standing by to brief the canine officer upon his arrival.

    d. All fans, blowers, and air-conditioning units should be turned off prior to the team's arrival.

    e. The requesting police supervisor should be standing by to brief the canine officer upon his/her arrival.

    f. No one will accompany the team during the search unless the handler requests.

g. The ultimate decision as to whether or not a search will be conducted will be left to the determination of the canine handler.

h. If an indication of time of detonation has been given the E/D Team will not enter the building 30 minutes before nor up to 30 minutes after indicated detonation.

14.50 Active Deadly Aggression Incidents

14.50.010 Purpose

The goal of police intervention in active deadly aggression incidents is to neutralize the threat(s) by preventing access to potential victims, rescuing injured persons and potential victims, or a movement to neutralize the deadly aggressor(s). This goal can be achieved by various means, up to and including, the use of deadly physical force.

14.50.020 Definitions

A. **Active Deadly Aggression Incident:** An incident where an armed person or persons have used or are reasonably likely to use deadly force on other persons or continues to do so while having unrestricted access to additional victims.

B. **Immediate Action Rapid Deployment:** The swift and immediate deployment of law enforcement personnel and resources to ongoing, life threatening situations where delayed deployment of personnel could otherwise result in death or great bodily injury to innocent persons. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.

C. **Active Status:** Law enforcement personnel are on scene and there is *stimulus* driving and/or directing the personnel towards the active aggressor/s.

D. **Inactive Status:** Law enforcement personnel are on scene and active aggressor stimulus has stopped. There are *indicators* driving and/or directing the personnel toward the direction they believe the active aggressor/s was last observed. During this time law enforcement personnel will be conducting slow methodical searches for the active aggressor/s.

E. **Active Aggressor Stimulus:** Intelligence gathered by first responding law enforcement personnel that provides immediate indication of the direction of the active aggressor violence. Examples: gunshots, explosions, running victim and witness statements, etc.

F. **Active Aggressor Indicators:** Intelligence gathered by first responding law enforcement personnel that lead personnel to believe that the active aggressor has travelled in a certain direction. Examples: ammunition casings, blood trails, evidence of gunshots on surroundings, explosion debris, victim and witness statements, etc.

G. **Hot Zone:** An area where a direct and immediate threat exists. A direct and immediate threat is very dynamic and is determined by the complexity and circumstances of the incident. It's an area within the range of active gunfire or secondary devices immediately dangerous to life and health. This area could also be classified as the "Inner Perimeter".

H. **Warm Zone:** The area where a potential threat exists, but the threat is not direct or immediate. It's an area ***within*** the inner perimeter that officers have done preliminary clearance of any potential threats or hazards, evaluated the level of security the area offers and taken steps to establish reasonable security measures. Examples: assigning officers to cover entry/exit points, etc.

I. **Cold Zone:** An area where no significant danger or threat can be reasonably anticipated. This could be achieved by distance, geographic location or inaccessible areas from the incident. The cold zone is the location for staging of resources, ICP, treatment and transportation of patients. This area could also be classified as the "Outer Perimeter"

J. **Evacuation Chain:** A quick and efficient method to evacuate ambulatory victims from a scene. This method places officers within line of site view of fellow officers giving verbal directions and pointing at the next officer they wish the victims to move towards, eventually leading to a safe containment area for victims. **No bags, purses or personal articles (to include cellphones)** of any kind are allowed to be taken with them from the area as they evacuate.

K. **Containment Area for Victims:** A safe area inside the perimeter for victims without life threatening injuries. This area is away from any other staging areas or the command post. To ensure there are no persons possessing any weapons and/or devices in this safe area, officers shall direct the victims to line up and be frisked before they enter this area. **No bags, purses or personal articles (to include cellphones)** of any kind are allowed to be taken into this area.

14.50.030 Policy

It is the policy of the MNPD, based on training and experience, to permit initial responding officers the authority and responsibility to take immediate action to contain and if necessary, neutralize active deadly aggression incidents to reduce or eliminate the likelihood of additional violence or threat to life.

14.50.040 Procedure

A. Introduction:

It is not unusual for a tactical team to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of the suspect(s) escaping. Once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, there are scenarios that require immediate action and rapid deployment of patrol personnel prior to the arrival of a tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve an ongoing "shots fired or downed officer/citizen rescue." It may also necessitate the immediate and rapid deployment of law enforcement personnel to contain and prevent the escape of an armed and dangerous person(s).

The active deadly aggression concept represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial police responders arriving on the scene to have the authority and the capability to take action without waiting for command staff or for the arrival of specialty units such as SWAT or Crisis Negotiators. This policy contains the following information concerning active deadly aggressor incidents:

1. Characteristics of active deadly aggressor.

2. Procedures for active deadly aggression incidents.

3. Guidelines for development of tactics for use in responding to active deadly aggression incidents.

B. Character:

The following is a list of characteristics commonly associated with active deadly aggressor suspects. The list is compiled from descriptions of past active deadly aggressors and not meant to be a comprehensive list describing all active deadly aggressors: Each active deadly aggressor situation is unique.

1. Active deadly aggressors usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred or rage rather than the commission of a crime.

2. An active deadly aggressor is likely to engage more than one target. Active deadly aggressors may be intent on killing a number of people as quickly as possible.

3. Generally, the first indication of the presence of an active deadly aggressor is when he or she begins to assault victims.

4. Active deadly aggressors often go to locations where potential victims are close at hand, such as; schools, theaters, concerts or shopping malls. Active deadly aggressors may act in the manner of a sniper, by assaulting victims from a distance. Active deadly aggressors may also engage multiple targets while remaining constantly mobile.

5. Tactics such as containment and negotiation, normally associated with standoff incidents may not be adequate in active deadly aggressor events. Active deadly aggressors typically continue their attack despite the arrival of emergency responders.

6. Active deadly aggressors are often better armed than first responders, sometimes making use of explosives, traps and body armor. Active deadly aggressors are not limited to the use of firearms in accomplishing their attacks on victims. Active deadly aggressors may also use bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.

7. Active deadly aggressors may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active deadly aggressors have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active deadly aggressor.

8. Active deadly aggressors may employ some type of diversion.

9. Active deadly aggressors often experiment with explosive devices prior to committing their acts of violence. First responders should use caution in where they park and set up Command Post locations.

10. Active deadly aggressors may be indiscriminate in their violence or they may seek specific victims.

11. Active deadly aggressors may be suicidal, deciding to die in the course of their actions either at the hand of others or by a self-inflicted wound.

12. Active deadly aggressors usually have some degree of familiarity with the building or location they choose to occupy.

13. Active deadly aggressor events are dynamic and may go in and out of an "active" status; a static incident may turn into an active deadly aggressor event or an active deadly aggressor may go "inactive" by going to a barricaded status without access to victims.

C. Response Guidelines:

The following seven (7) tenets set general response guidelines for active deadly aggressor incidents. Again, these incidents are sufficiently unique in such that their effective handling cannot be totally reduced to procedures. These procedures are not meant to limit conventional police tactics, which are appropriate to a crisis situation. The significant factors regarding these tactics are that they represent a means of intervention available to the officers and there is the potential of elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives. Another significant aspect of the active deadly aggressor tactical doctrine is that officers arriving at the scene of an active deadly aggressor incident are authorized to intervene prior to the arrival of command personnel and special units.

1. Goal:

   The overall purpose of these tactics is to save lives and prevent serious injuries. The goal for police response at an active deadly aggressor event is neutralization by denying access to additional victims, rescuing injured victims and/or rescuing potential victims.

2. Assume Tactical Responsibility:

   One initial officer must take charge of the active deadly aggressor incident. Assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both the Communications Centers and other officers, who is in charge. An officer of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to Dispatch and other officers.

3. Situational Analysis:

   The officer taking charge must, based on all information available, make a situational analysis. The analysis will be continuous, taking into account new information from Dispatch and observations from officers and citizens. The analysis must lead to a decision as to whether the situation is an active deadly aggressor event, whether an opportunity exists for immediate intervention leading to accomplishment of one of the goals

listed above, and how responding resources should be employed at the scene.

4. Incident Command:

   An active deadly aggressor event is a complex situation requiring considerable assets for success. Large, unfamiliar locations such as schools, businesses, or other public venues pose serious problems from the command and control aspect. A successful outcome can only be accomplished if command and control is established early on; otherwise it may never be obtained. No action will be taken that is unplanned or without controls. The first officer arriving on scene will initiate incident command. It is important to understand this is a mobile command as they enter into the scene to stop the threat.He/she will initiate the situational analysis and determine initial deployment of responding resources. As more personnel start to arrive, at least one person possessing all available information on tactical plans will remain at the command post to brief arriving personnel and assume the appropriate role in the Incident Command to direct resources. Command personnel en route to the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Command personnel must be on scene and fully briefed before assuming incident command.

   The Incident Commander (IC) must demonstrate clear, expedited and decisive leadership. Furthermore, active deadly aggressor events challenge the ability of the supervisor to rapidly gain control of an incident, unlike other tactical situations. The Incident Commander should:

   a. Assess the situation

   b. Establish communication with the initial Contact Team

   c. Coordinate and deploy responding resources

   d. Assemble additional Contact and Rescue Teams

   e. Broadcast a situation estimate (prioritize):

      (1) Location and number of suspects and type of weapons involved

      (2) Estimate size of the crowd and number of casualties and fatalities – if known

      (3) Additional assistance needed (fire, medical, etc.)

f. Maintain the Radio Frequency (i.e., if the incident starts on South air, it must stay on South air)

(1) Critical Incident Command does NOT change channels until the situation has been mitigated and it is safe to do such
(2) The Department of Emergency Communications (DEC) will divert the Radio Frequency handling routine communications such as calls for service to an alternate channel

g. Establish Incident Command to coordinate resources and gather/disseminate information

(1) Location of Hot, Warm and Cold Zones

(2) Location of Staging Area and Incident Command Post

(3) Location for witness and bystanders

(4) Staging for EMS, Media, etc.

(5) Ingress/egress routes for emergency vehicles,

(6) Provide ongoing information to Public Information Officer as needed for public notification during and after incident.

h. Request additional resources; if necessary

(1) Specialized resources (SWAT, Canine, Bomb Squad)

(2) Fire Department and Paramedics

(3) Federal, State and/or Local Agency assistance

(4) Establish command and control

5. First Responder Tactical Intervention:

When responding to active deadly aggressor incidents, the MNPD endorses the concept of first responder tactical intervention. It is critical that all officers, supervisors, and command personnel are familiar with the definition of an active deadly aggressor as well as the tactics deemed appropriate for active deadly aggressor response. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and Crisis Negotiators may not be adequate in an active deadly aggressor incident.

6. Deployment and Entry

    a. The obvious problem of deployment into large structures is hindered by the fact that the suspect may not be readily identifiable. Additionally, there may be more than one suspect. The suspect has a distinct advantage when lying in wait while the Contact Team is at a disadvantage in searching for and apprehending this suspect. Depending upon the size of the venue (school, workplace, etc.), officers may encounter anywhere from 100 to 5,000 innocent victims who are potential targets and/or hostages, as well as 50 to 500 entrances and exits that have to be secured, watched or breached. To give themselves every possible advantage prior to an incident, officers should be familiar with the layout of possible targets, such as schools.

    b. Upon arrival at the scene where aggressive deadly behavior is ongoing, intelligence may be sparse and fragmented. Information may be obtained “on the run” from fleeing witnesses, spent casings on the ground, observing damage from fired rounds and any information reported by Emergency Communications. Broken windows are an excellent indicator for locating where violent acts have occurred or are occurring.

    c. There will be numerous distractions during entry. These may include, but are not limited to carnage, explosive devices, activated fire sprinklers, noise from fire alarms, school bells and people screaming. Victims might be confused and frightened. Therefore victims may become physically aggressive, cling to rescuers, and may not respond to police directions while hiding. If the incident is at a school, teachers may lock the classroom door and have students sit on the floor until they receive police or school official instructions.

    d. In evaluating the scene, the following information should be obtained as soon as practical and disseminated to Emergency Communications and other responders:

        (1) Who is the assailant?

        (2) What does the assailant look like?

        (3) Where is the assailant?

        (4) How many assailants are known?

        (5) What weapon(s) does the assailant possess?

(6) What is known about the assailant's tactical abilities or specialized knowledge?

(7) What is the assailant's agenda or motive?

(8) Location of any known victims?

(9) Any other known threats to responders (explosives, traps, etc.)?

e. The first officer on scene will need to consider the following:

(1) Rescue/Contact Team:
First responder intervention will be based on opportunity. Rescue teams will be in the form of officers with an identified element leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the element leader.

The first priority is to locate the assailant(s) and STOP the aggressive deadly behavior. A single first responder intervention can stop the aggressive deadly behavior. If feasible and based on the officer's discretion this method of response is permissible and possibly necessary.

(2) First responders must:

(a) Form a Contact Team

(b) Notify Communications of the Contact Team number (Contact Team 1, 2, etc.)

(c) Communicate a quick overview of the incident while deploying

(d) Communicate team movement

(e) Proceed to contact the active aggressor

After the initial Contact Team has been deployed, the next officer on scene must assume the role of Incident Commander to facilitate the information gathering and dissemination process.

f. Rescue/Contact Considerations
Ideally, the Contact Team should consist of four officers. Although four officers are considered an adequate number to form a Contact Team, exigent circumstances may make it necessary to proceed with fewer than the desired amount (i.e.single, two or three officers, SRO, etc.). Each circumstance is situation driven and requires the first officer(s) on

scene to rely upon prior training and good judgment when forming a Contact Team with less than four officers. Responding personnel must keep in mind that their primary role is to protect innocent persons at risk. The following is a brief description of position responsibilities based on a four-officer team. These team members should have overlapping fields of coverage in all directions.

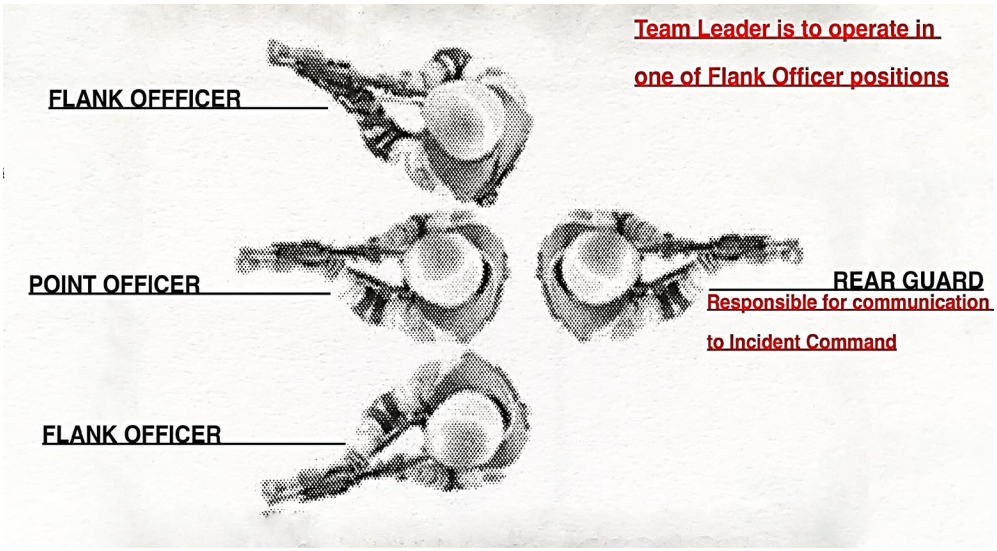
(1) **Team Leader (TL)** - delegates' team member responsibilities, formulates and directs the plan of team movements.Maintains a **flank position** during team movements.

(2) **Rear Guard (RG)**- Maintains a rear guard position during team movements. Maintains communication with the incident commander and other units during deployment.

(3) **Point Officer (PO)** –preferably deploys a shotgun or aPolice Rifle (if qualified). Takes **centerpoint position** during search and provides cover forward of the team.

(4) **Flanking Officer (FO)** - Provides cover to a **flank position** (left or right side) during team movements.

Fig – 1



The primary mission of the Contact Team is to stop the assailant's deadly behavior and prevent escape. Communication is maintained with the Incident Commander and other officers to keep them informed of the ContactTeam's progress. The secondary mission is to direct victims out of the crisis site through secured areas to the staging

location. The goal is to save lives by containing the assailant and allowing the safe and orderly evacuation of victims.

As first responding officers arrive and enter into the area where the active aggressor is believed to be, officers should form into Contact Teams. These Contact Teams will move in a **T-Formation.** The T-Formation is fluid and can be changed to adapt to the crisis-site environment. This allows for 540-degree coverage to be maintained while moving.

Travel is conducted in a fluid movement - aggressive, controlled and precise. Each officer must remain flexible as individual responsibilities can vary in an ever-changing and unpredictable environment. In addition, communication within the team and with the Incident Command Post is critical. Never assume everyone else sees what you see. When you see a threat, ***communicate*** the threat and verifyall team members are aware of it.

The team leader will be responsible for ensuring other team members (preferably rear guard) is broadcasting the information to the Incident Command Post. This will prevent incidents of friendly fire, and assist the Incident Commander in coordinating the search for the suspect and rescue of victims.

7. Use of Deadly Force

When a suspect's actions present an immediate defense of life situation to an officer or otherpersons, it may be appropriate to use lethal force. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Departmental policy regarding use of force shall apply.

8. Cover Fire

Cover fire is defined as “controlled and deliberate fire, directed at a life-endangering threat, where an officer reasonably believes the threat to be located.” It can be utilized when exposed to an immediate life endangering threat in order to protect othersand stop the threat. The decision to utilizecover fire should be consistent with thethreat presented and should be considered deadly force. A supporting contact team can utilize controlled cover fire to distract the assailant from shooting officers moving to gain a tactical advantage or conduct an officer/victim rescue operation. Example: Bounding and Over-watch tactics.

Prior to using cover fire, the following should be considered:

a. All concerned personnel must be alerted that cover fire will be employed prior to its use;

b. A safe background

c. Cover fire should not be used when it places innocent persons at a greater risk than the actions of the assailant.

9. Explosive Devices or Booby Traps

a. Incidents may occur that involve unexploded improvised explosive devices (bombs). If live bombs are encountered, the contact team must visually inspect the devices for potential detonation mechanisms (timing device, trip wires, lit fuse, etc.). **Do not move or touch the device**. Officers may need to consider an alternate route based on the condition of the device, (i.e., timer activated or a burning fuse). The officer who sees the bomb needs to verbalize its location and move past it, if possible. Do not assume that other team members have seen the device. Mark the area and verbally report the location of the bomb to the Incident Command Post. If possible, an officer should be posted to control the area surrounding the bomb as soon as possible. Always be aware of potential booby traps even on a rapid deployment. Terrorists are routinely trained on how to make and place booby traps using hand grenades to avoid capture and facilitate their escape.

b. What to do when a Contact or Rescue Team locates a possible explosive device:

(1) Visually inspect the device.

(2) Consider alternate route based on condition of device, i.e., timer activated or burning fuse. Move quickly away from device.

(3) Do not move or touch the device.

(4) Verbalize location of the device to team.

(5) Report location to ICP.

(6) Limit use of radios, cell phones or MDT’s.

(7) Move past device quickly and continue search.

(8) Mark location of device and post an officer to warn others.

(9) Be aware of possible booby traps

10. Rescue Teams

The priorities for a Rescue Team are to locate, recover, and facilitate the evacuation process of victims to safe areas or to medical personnel for treatment. If there is a non-ambulatory victim who needs medical attention, a rescue team is required to extricate the individual. Victims who are able to walk should be directed to a triage or safe area. The Rescue Team members will proceed in a T-Formation, providing 540-degree coverage during ingress and egress movement. Rescue Teams should broadcast the location of the suspect if known. If a Rescue Team encounters the suspect, it should convert to a Contact Team and stop the suspect's deadly behavior.

a. Rescue Team Mission

Depending upon the situation, a Rescue Team can follow behind the Contact Team. During that movement, the Rescue Team may encounter multiple victims within the crisis site who are in close proximity. If so, the Rescue Team can establish fields of cover and provide a "warm zone" for the victims. This warm zone may be used to establish triage and/or a subsequent rallying point for additional Rescue Teams. If the victims are scattered, individual rescues may be necessary. After the Rescue Team has reached the victim, the Team Leader will coordinate efforts amongst the team to maintain security while the additional officers will transport the victim out to safety.

b. The victim will be carried out as safely and expeditiously as possible. After evacuating the location, the victim is taken to the medical triage staging area for treatment. **Remember** to remain alert during the recovery for the possibility of contacting an armed assailant.

11. Aggressive Deadly Behavior

a. When an assailant's location is known or detectable and the aggressive deadly behavior is ongoing, the Contact Officer and/or Team must move with determination and aggressiveness to stop the assailant's behavior. Officers must be mentally prepared to engage the assailant with innocent persons in close proximity. When contact with the assailant is imminent, officers should exploit available cover when appropriate. Officers should use tactics in an attempt to locate the assailant prior to making entry in to a room. Officer safety is increased when the assailant can be engaged from outside of their

current room. If entry into a room is necessary to contact the assailant, movement should be fluid and aggressive.

b. If contact is made, officers will take appropriate action to take the assailant into custody or stop the deadly threat posed by the suspect. After an assailant has been taken into custody, the Incident Commander will ensure that the crisis site is thoroughly searched for additional assailants and victims before the area is considered "CLEAR."

12. Evacuation of Victims

a. During this process victims may be attempting to leave the area. It is important that officers understand that it is possible for the suspect/s to disguise themselves as a victim in an effort to escape or carry out further acts of violence. Due caution should be exercised by officers in this situation.

b. Once the active aggressor has been contained, and there is a sufficient amount of officers for the contact teams, officers may begin the evacuation of ambulatory victims. The easiest method to achieve this will be to set up an Evacuation Chain.

c. The Evacuation Chain preferably can be established by police officers. If necessary, members of the site location staff or onsite security, who have special knowledge of the facility, could be utilized.

d. The members of the Evacuation Chain should be giving the victims clear and simple verbal instructions:

(1) **Hands on top of their head**. All victims are to be instructed to Place their hands on top of their head the entire time.

(2) **No bags, purses or personal articles (to include cellphones)** of any kind are allowed to be taken with them from the area as they evacuate. They will be allowed to come back and retrieve at a later time.

(3) **Direction they are to travel** to the next contact of the Evacuation Chain.

e. The evacuation chain should lead victims out of the Hot Zone to a safe containment area inside the perimeter that is still away from any other staging areas or command post.

f. Before entering into the safe containment area for victims, police officers should have the victim's line up and they must be frisked to ensure there are no persons are containing any weapons and/or devices.

13. Containment

Dedicated security elements should always be a component of intervention teams. Site containment will be left to the discretion of the first officer on the scene that assumes incident responsibility and initiates the situation assessment. Containment of an active deadly aggressor incident may take the form of officers serving in an "observe and report" capacity.

14. Active Deadly Aggressor Site Security:

No location associated with an active deadly aggressor will be considered secure until the SWAT Commander declares it is so. Officers assigned to security functions will maintain positions until properly relieved.

15. Special Weapons and Tactics (SWAT):

When SWAT units are prepared to deploy, the initial responding officers may be relieved or redeployed by SWAT. When tactical team personnel arrive on scene, they are generally better equipped and trained to resolve tactical situations; however, continued assistance by initial responders is critical. Under the direction of SWAT, officers may aid with containment responsibilities and assist with Rescue Teams. Contact Teams are to advise SWAT of the last known location of the assailant, report location of explosives and provide any pertinent information (assailant description, weaponry, etc.).

16. Post-Intervention, should consider:

a. Victim/Witness(es)-once any medical treatment has been provided, they should be screened for security issues, secluded for their privacy and for investigative follow-up. Victim-Witness services should be requested to the scene to assist them in contacting family and other needs.

b. Site Security-the need to preserve the scene for evidence processing, unresolved threats (devices, biohazards, etc.) and the determination of perimeter security and access.

c. Personnel-both involved in the event resolution and on perimeters. Consider protocols for separating officers who are involved in critical incidents and departmental resources. For officers on perimeters and

responding investigative elements, consider needs such as relief, hydration/nutrition, shift changes, protection from elements, etc.

d. Suspect(s)-consider issues such as their means of transportation, residences, and possibility of hazards with each (explosives, traps, etc.). Consider their families and friends, protocols for notifications and follow up investigations.

14.50.050 Development of Intervention Tactics and Training:

A. The MNPD will continuously review, evaluate and develop tactics and training to deal with the active deadly aggressor incidents and will provide appropriate training to personnel of all ranks. At least annually, the Director of the Training Division shall conduct a documented review of curriculum, lesson plans, and department policy and report any recommendations through the chain of command.

B. All sworn personnel will attend active deadly aggressor training. Additional training may be developed for appropriate MNPD professional support staff personnel, cooperative responding agencies, satellite law enforcement agencies, and others as may be appropriate. Active deadly aggressor training will be conducted in three phases:

1. Phase 1: Knowledge/Conceptual-a review of active deadly aggression incidents, general response protocols for all sworn and appropriate professional support staff classifications. This should include cooperative responders from Nashville Fire Department and EMS

2. Phase 2: Skill Development- Skills, knowledge and proficiency-based training for all sworn personnel (including appropriate satellite agencies and cooperative responders) in order to implement departmentally proscribed responses.

3. Phase 3: Mandatory Refresher Training

Title 15: Investigations

15.10 " Call-Out" Guidelines for Investigative and Support Elements

The purpose of this order is to establish call-out criteria and procedures for investigative elements and certain support elements when there are no on-duty personnel available.

15.10.010 Policy

A. It is the policy of the Metropolitan Nashville Police Department that the public will be provided the best police services possible. Every effort will be made to adequately and promptly respond to calls for service and calls for assistance from on-duty personnel.

B. Therefore, this policy is provided to facilitate the **call-out of additional and/or specialized personnel to assist with certain incidents.**

C. "On-call" personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned.

15.10.020 Elements Involved

The call-out procedures described herein shall apply to the following organizational elements:

A. Homicide Section

B. Cold Case Section

C. Adult Sex Crimes Unit

D. Human Trafficking Section

E. Family Intervention Program

F. Fraud Section

G. Fugitive Unit

H. Vehicle Crimes Investigations

I. Youth Services Division

J. Technical Investigations Section

K. Domestic Violence Division

L. Crash Investigations Unit

M. Hazardous Devices Unit

N. Aviation Section

O. Canine Unit

P. Specialized Investigations Division

Q. Office of Professional Accountability (OPA)

R. Special Weapons and Tactics Team (SWAT)

S. Crisis Negotiators Unit

T. Emergency Contingency Section

U. Public Information Officer

V. Professional Wellness Section

W. Chaplain

X. Safety Coordinator

Y. Substance Abuse Coordinator

Z. Horse Mounted Unit

AA. Task Force

BB. Unmanned Flight Operations

CC. Organized Retail Crime Section

DD. Burglary Section

EE. Non-Domestic Violence Aggravated Assault Section

FF. Community Crimes Section

GG. Robbery Investigations

15.10.030 Authority to Initiate Call-Out

A. The authority and criteria described in this article apply to the indicated organizational elements.

B. On any call-out situation personnel with appropriate supervisory or command authority has the authority to initiate or rescind a request for a call-out.

15.10.040 Procedure to Initiate Call-Out

A. On any call-out, a supervisor shall make the call-out request to the appropriate on-call supervisor.

B. If the supervisor is unable to make the call, Department of Emergency Communications personnel will be requested to make the call.

C. On callouts not initiated by a supervisor, authorized personnel shall request the Department of Emergency Communications to make the call pursuant to their policies and procedures.

15.10.050 Criteria for Call-Out

A. Homicide Section

An investigator shall be notified when no one from the Homicide Section is on duty, pursuant to the following criteria:

1. All homicides (including youth homicides not involving interpersonal violence);

2. All suicides when the victim is 13 years of age or older;

3. Any suspicious death after a Community Crimes detective has arrived on scene;

4. Homicide scenes with children that are complex or include multiple victims;

5. Homicide suspect is taken into custody;

6. High profile homicides;

7. Labor intensive homicides; and

8. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

B. Cold Case Section

An investigator shall be notified when no one from the Cold Case Section is on duty, pursuant to the following criteria:

1. Officer involved shootings, regardless of injury;

2. Officer being shot at by an individual;

3. In custody death involving MNPD personnel or occurring in a DCSO or DCSO contracted penal institution in Davidson County.

   NOTE: Tennessee Department of Corrections (TDOC) investigates deaths occurring in their facilities.

4. Adult missing persons from a catastrophic situation;

5. Adult missing persons that are suffering from a disability that would qualify for a Silver Alert, is endangered or suicidal and accompanied with a minor.

6. Adult kidnappings or abductions when no other felony offense occurs such as robbery, aggravated assault, sexual assault, etc.;

7. Negligent or Accidental Firearms Discharge of a Metro Issue Weapon causing property damage or injury within Davidson County, Tennessee;

8. Metro Police K-9 Apprehensions;

9. Unidentified Human Remains (UHR); and

10. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

The Cold Case Section shall still be notified regarding officer involved shootings and in-custody deaths. (The current MOU with the TBI and consultation with the District Attorney's Office will be followed in respect to the investigating agency.)

C. Adult Sexual Assault Section

An investigator shall be notified when no one from the Adult Sexual Assault Section is on duty, pursuant to the following criteria:

1. A sexual assault of an adult occurred within **168** hours (7 days);

2. The victim of a rape or attempted rape receives serious bodily injury;

3. Rape or attempted rape cases where the method of operation is similar to a serial offender; or

4. The suspect of a rape, attempted rape, or serious sexual assault is in custody.

D. Human Trafficking Section

An investigator should be notified when no one from the Human Trafficking Section is on-duty pursuant to the following criteria:

1. Investigations involving organized prostitution or human trafficking;

    a. Sex trafficking is a form of modern-day slavery in which individuals perform commercial sex through the use of force, fraud, or coercion.

        (1) Individuals under the age of 18 engaging in commercial sex are considered to the victims of human trafficking, regardless of the use of force, fraud, or coercion.

2. Anytime a victim of human trafficking is willing to speak with investigators or needs help in obtaining services from the Office of Family Safety;

3. Anytime a suspect from a human trafficking incident is in custody;

4. Human trafficking incidents involving police personnel (sworn and professional support staff) or criminal justice personnel;

5. Human trafficking related homicides whereas the human trafficking investigator will be secondary;

6. All human trafficking or prostitution related incidents involving juveniles 17 years of age or younger; and

7. All incidents involving labor trafficking.

    a. Labor trafficking is a form of modern-day slavery in which individuals perform labor or services through the use of force, fraud, or coercion. Labor trafficking includes situations of debt bondage, forced labor, and involuntary child labor.

    b. Labor traffickers use violence, threats, lies, and other forms of coercion to force people to work against their will in many industries. Common types of labor trafficking include people forced to work in homes as domestic servants, farmworkers coerced through violence as they harvest crops, or factory workers held in inhumane conditions with little to no pay.

E. Family Intervention Program

The on-call counselor of the Family Intervention Program shall be notified (on call cell-DEC has on file) when no one from the section is on duty, pursuant to the following criteria:

1. Homicides, particularly when children have witnessed the crime.
2. Homicides when family members are present at the crime scene and the chaplain is **not** providing notification or if the family request a counselor.
3. When a homicide victim is a tourist/visitor to Nashville and companions/family are present and they request a counselor.
4. Homicide occurs at a business and business management, or employees requests a counselor.
5. A violent crime (examples: aggravated assaults, aggravated robberies, home invasions requiring hospitalization for a serious bodily injury and the victim is alert and not requiring surgery at that time) when the victim needs immediate support and has no support system.
6. Kidnappings and/or hostage situations.
7. A detective, patrol officer or possibly a police chaplain assesses that an individual affected by the homicide need additional/immediate counseling support.
8. Mass violence incidents and/or when there are multiple victims/witnesses present.
9. Other situations at the discretion of the supervisor or designee.
10. No call-out shall be made concerning actively suicidal subjects.

F. Fraud Section

An investigator shall be notified when no one from the Fraud Section is on duty, pursuant to the following criteria:

1. A suspect is in custody for a fraud-related felony and willing to talk with an investigator; or
2. A suspect is in custody for forgery or possession of a stolen business check.

3. Fraud Investigators will generally not be called out on counterfeiting, altered money, Medicaid fraud, food stamp fraud, worthless checks, or mailbox thefts.

4. The United States Secret Service shall be notified on all calls involving counterfeit U.S. currency.

5. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

G. Fugitive Unit

An investigator shall be notified when no one from the Fugitive Unit is on duty and a suspect is arrested or stopped on a National Crime Information Center (N.C.I.C.) "hit" for a serious felony and the arresting personnel have difficulty making positive identification or confirming the “hit”.

H. Vehicle Crimes Investigations

An investigator shall be notified when no one from the Vehicle Crimes Investigations is on duty, pursuant to the following criteria:

1. A suspect is apprehended in a stolen vehicle and is willing to talk about the present offense or other offenses;

2. Cases where an organized "gang" or "ring" is involved or suspected of being involved in the theft of automobiles;

3. A vehicle cannot be identified because of an altered VIN or improper documentation;

4. Any incident involving serious bodily injury or death in which an involved party was or may have been involved in Motor Vehicle Theft or Theft From a Motor Vehicle; or

5. Other situations as deemed necessary by another investigator or appropriate supervisory or command personnel.

6. Call outs will generally not be initiated on the following:

   a. The suspect is unwilling to cooperate with the investigation;

   b. Reports and/or recoveries with no known suspect(s);

   c. Attempted auto thefts; or

   d. Cases where a suspect is apprehended in a stolen vehicle and

has outstanding arrest warrant(s).

I. Youth Services Division

An investigator shall be notified when no one from the Youth Services Division is on duty, pursuant to the following criteria:

1. Child abductions;

2. Missing juveniles 12 years of age or younger;

3. Any missing juvenile who is mentally incapacitated, suicidal, on life-sustaining medication, or whose absence is caused by foul play, suspicious circumstances, or is at risk or in danger for some other reason;

4. Custodial kidnapping situations where a non-custodial parent or relative has taken a child without the permission of the custodial parent or guardian, and it appears that the child will not be returned without police intervention and/or criminal charges being initiated;

5. Death of a child 12 years of age or younger that is not traffic related;

6. Serious endangerment, neglect or physical abuse situations including a child being left unattended or suffering serious injury;

7. Aggravated assaults where the victim is 17 years of age or younger, with serious bodily injury, and an interpersonal nexus to the incident (exception: gang related assaults will be handled by SID; gunshot victim that is not domestic in nature, or accidental, or self-inflicted will be handled by SID – Non-lethal Shooting Unit; intimate partner assaults will be handled by DVD);

8. Sexual assault where the victim is 12 years of age or younger;

9. Sexual assault where the victim is between the ages of 13 years and 17 years **and**:

    a. Occurred within **168** hours (7 days); or
    b. Received serious bodily injury; or
    c. Victimized by a family member or someone residing in the home; or
    d. In the custody of the Department of Children's Services (D.C.S.) or in any facility where D.C.S. has been given guardianship of the child.

10. Home invasion where a female 17 years of age or younger was home alone;

11. Sexual assault where the victim is 17 years of age or younger and the method of operation is similar to a serial offender; or

12. The suspect of a sexual assault where the victim is 17 years of age or younger is in custody.

J. Technical Investigations Section

An investigator shall be notified when no one from the Technical Investigations Section is on duty, pursuant to the following criteria:

1. Homicides and/or suicides;

2. Robberies;

3. Sexual Assaults;

4. Burglaries or attempted burglaries after the responding officer has determined that there is forensic evidence at the scene. CSI will not be called out when the suspect is believed to have had prior legal access unless the burglary/attempted burglary was committed during the commission of a felony involving death, serious bodily injury, or the threatened infliction of serious bodily injury;

5. Auto thefts or attempted auto thefts when the suspect is not believed to have had legal access, the suspect is not apprehended in the vehicle, or the vehicle theft was committed during the commission of a felony involving death, serious bodily injury, or the threatened infliction of serious bodily injury;

6. Aggravated assault when it results in serious bodily injury or is otherwise deemed necessary by the investigator and/or the investigative supervisor;

7. Domestic violence incidents involving critical or life-threatening injuries or complex crime scenes;

8. Traffic fatalities, critical crashes, or crashes involving Metropolitan Government vehicles; or

9. Other incidents as deemed necessary by the investigative unit or appropriate supervisory or command personnel.

K. Domestic Violence Division

An investigator shall be notified when no one from the Domestic Violence Division is on duty, pursuant to the following criteria:

1. Public Safety (sworn & civilian) or criminal justice personnel involved in a domestic incident:

    a. Metropolitan Nashville Police Department Employees (sworn & professional support staff)

    b. Metro Park Police

    c. Mero School Crossing Guards

    d. Any Law Enforcement Officer (including out of state, Vanderbilt, Berry Hill, Campus Police, Tennessee State University, County Deputy, State Trooper, etc.)

    e. Nashville Fire Department Employees

    f. Davidson County Sheriff's Department

    g. Armed Correction Officers (Corrections Corporation of America, River Bend Corrections, Tennessee Department of Corrections, etc.)

    h. Metro Department of Emergency Communications

    i. Officials of the Courts (Examples are Judges, Attorneys, and clerks for Juvenile/Criminal/General Session/Federal Court)

2. Victim or suspect in domestic incident requiring hospital treatment for a serious bodily injury. For the purpose of this directive, serious bodily injury means bodily injury that involves:

    a. A substantial risk of death;

    b. Protracted unconsciousness;

    c. Protracted or obvious disfigurement;

    d. Protracted loss or substantial impairment of a function of a **bodily** member, organ or mental faculty;

    e. serious stab wound; or

    f. shooting wound

3. Spousal rape (notification only, Sex Crimes Unit will respond to these).

4. Domestic related aggravated assaults where weapons are used, suspect is not in custody, and there is a significant crime scene to be processed; this would generally be one where multiple resources are being used and there are leads that the responding investigator is able to follow-up on; and or search warrants are needed.

5. Domestic related kidnapping or hostage situation;

6. Domestic related stalking cases where victim is in imminent danger;

7. An Elder / Vulnerable adult in a domestic violence incident that requires treatment at a hospital due to serious bodily injury (serious injury is defined in 2a-f above).

8. Domestic related homicides – Precinct or Homicide detective will notify on duty DV detective/supervisor who will respond to all DV homicides. In cases of attempted homicide, precinct or Homicide will assist DVD in the event the victim expires; and/or

9. All high-profile domestic violence cases (example: Elected Public Officials, Professional Athletes and Professional Cheerleaders, Record Producers, Music Entertainers, Metro Employees and all other incidents that would be released to the Media through the MNPD Public Affairs Office).

10. Community Crimes Unit shall be notified to respond on claims of accidental shootings where a family member, roommate, or intimate partner is present inside the home. If the responding Community Crimes Detective discovers the shooting is not accidental, then they shall advise NLS or DV as appropriate.

L. Crash Investigation Unit

An investigator shall be notified when no one from the Crash Investigation Unit is on duty, pursuant to the following criteria:

1. A fatal or injury crash occurs, and the officer has received verification from an attending physician at a hospital the injuries are life- threatening or fatal;

2. A hit and run personal injury crash involving police personnel occurs; or

3. A crash involving an autonomous vehicle (when the vehicle is in autonomous mode).

M. Hazardous Devices Unit

An HDU investigator shall be notified when no one from the Hazardous Devices Unit is on duty, pursuant to the following criteria:

1. A threat has been made to use explosives, or misuse of explosives that threatens public safety, or any criminal use of explosives. The Hazardous Device Unit supervisor or designee will determine if a Bomb Technician responds to the scene based on the facts and circumstances given at the initial notification.

2. Any compound, mixture or other device suspected to function by detonation, explosion or chemical reaction is found;

3. The finding of any suspicious item pursuant to a bomb threat call or any other item or package of a suspicious nature that would reasonably lead one to believe an explosive and/or incendiary device or hazardous substance may be present.

4. Examples of calls for service that would require an HDU call out

    a. Suspicious Package or item

    b. Actual Improvised explosive device or Improvised Incendiary device

    c. Military ordnance (live or inert)

    d. Found or recovered explosives

    e. Arson where an Improvised Incendiary device was used to initiate the fire (Molotov cocktails)

    f. Homemade explosives labs

    g. Hoax Improvised explosive device

N. Aviation Unit

A pilot shall be notified when no one from the Aviation Unit is on duty, pursuant to the following criteria:

1. Incidents where there is reasonable belief that aviation support would be necessary or assist in the operation.

2. The Aviation Unit Supervisor shall make the determination as to the appropriate response based upon the facts as set out by the

requesting authority, weather conditions and feasibility of aircraft control.

3. Call outs should generally be limited to felonies and missing person searches.

O. Canine Unit

A canine handler shall be notified when no one from the Canine Unit is on duty, pursuant to the following criteria:

1. Building searches for the purpose of locating and apprehending a felony suspect who has concealed himself for the purpose of avoiding arrest;

2. To follow (track) a felony suspect from his/her last known location to the point of concealment. Canine shall only assist with the apprehension of a suspect who has committed one of the following felonies:

   a. Murder or voluntary manslaughter;

   b. Vehicular homicide;

   c. Aggravated or especially aggravated robbery;

   d. Rape or aggravated rape;

   e. Kidnapping, including aggravated or especially aggravated kidnapping;

   f. Use of explosives to injure persons;

   g. Burglary (excluding freight or passenger vehicles);

   h. Auto theft;

   i. Aggravated assault only if a person is hospitalized or a deadly weapon is used; or

   j. Escape when the person was being held for at least one (1) of the aforementioned felonies.

3. To conduct an open area search for a felony suspect, as listed above, in an area where there is no specific point at which to initiate a tracking operation;

4. An evidence search to locate lost and/or concealed articles of evidence at or near a crime scene. This shall include drug searches

of vehicles stopped on traffic where there is probable cause to believe that the occupants have concealed large quantities of drugs in the vehicle which are not easily detectable by other means;

5. An explosives search to locate explosive devices which are not easily detectable by other means; or

6. Other incidents as deemed necessary by appropriate supervisory or command personnel.

P. Specialized Investigations Division (SID)

An investigator shall be notified when no one from the Specialized Investigations Division is on duty, pursuant to the following criteria:

1. Bombings or bomb threats with a possible terrorism connection;

2. Possible terrorist acts including suspicious information with a possible connection to terrorism (e.g., surveillance activity, suspicious videotaping, stops or arrests of persons in which facts and circumstances indicate possible terrorist ties);

3. Any crime that could possibly be linked to hate or biased based crimes;

4. Any violent crime that could possibly be linked to gang-related activities;

5. All incidents involving caches of or thefts of explosives or weapons;

6. All incidents involving police-involved deaths;

7. Any crime involving a public official or celebrity;

8. All acts of extortion against any person or organization;

9. Investigations involving organized gambling;

10. Any homicide call that the Homicide Unit responds to;

11. Discovery of a meth lab; or

12. Investigations involving narcotics activity. The Neighborhood Safety Section (NSS) may be called out whenever additional assistance is needed regarding drug related investigations. Situations where the NSS may be able to provide additional information and/or assistance include:

    a. Operational, tactical, and procedural assistance when dealing

with drug buys and reverses involving large quantities of drugs;

b. Assisting personnel the debriefing of suspect(s) when a large amount of drugs are seized, or it is determined the suspect(s) may be fairly high in a particular drug organization; or

c. Assistance is needed with unusual drug identification.

13. When responding to calls for service involving a suspected overdose death, the responding officer shall, in consult the appropriate investigative unit based on the following criteria:

    a. In instances responding officers determine a death to be an "obvious overdose", the Overdose Unit of the Neighborhood Safety Section shall be the primary responding unit. "Obvious overdose" refers to scenes in which narcotics or drug paraphernalia are in the immediate vicinity of the victim, and it is clear narcotics were being used immediately preceding death. For example, the victim has drug residue on their nose, or they have a hypodermic needle left in their arm or are clutching other paraphernalia used to ingest drugs.

    b. ***Any death not meeting these criteria shall be primarily investigated by Community Crimes***. NSS-OD **WILL NOT** respond in situations where the only indicators of an overdose death are a history of drug use or paraphernalia located away from the immediate death scene.

    c. The existing NSS-OD call out guidelines still apply regardless of who the primary responding unit is:

        (1) If the suspect supplying drugs to the victim is on the scene (If only witnesses are present, document the witness' information in the incident report);

        (2) Multiple overdoses at the same scene;

        (3) Multiple overdoses in the same general area in a short time period;

        (4) The victim is high profile (professional athlete, political figure, musician, etc.);

        (5) A narcotics-based search warrant for the residence/location is needed; or

        (6) If the responding officer or Community Crimes Detective needs additional guidance.

d. While processing the scene, if there is believed to be foul play or suspicious circumstances, CSI or the primary investigative unit will immediately notify Homicide. CSI will cease further processing pending consultation with Homicide;

e. CSI will handle evidentiary collection of items within control of the body and immediate area;

f. Instances in which a subject is transported for an apparent overdose and subsequently dies in transport or upon arrival at the hospital shall be handled by responding officers. The responding officers shall document the incident on MNPD Form 100 with Offense Classification "Death-Other". The victim's phone shall be collected and submitted to the NSU drop box at East Precinct. Any paraphernalia or narcotics located on these types of calls shall be turned into MNPD Property Section; and

g. Officers responding to apparent overdoses in which the victim survives will continue to document the incident on MNPD Form 100 with Offense Classification "Overdose-Accidental".

Currently, the SID will be the final repository for all overdose case files. SID personnel will review the case files for possible patterns/trends and determine if additional investigation/prosecution is warranted.

All required notifications to Homicide, SID, or Community Crimes Investigations will be made to each unit's on-duty supervisor or by call-out through the Department of Emergency Communications.

14. A Non-Lethal Shooting investigator shall be notified when no one from the Non-Lethal Shooting Unit is on duty, pursuant to the following criteria:

a. All shootings where a bullet penetrates a body, with the exception of homicides, suicides, domestic related offenses, and accidental shootings;

b. All juvenile shootings that are not domestic related;

c. A shooting suspect is arrested; or

d. Other situations as deemed necessary by Precinct Investigators or appropriate supervisory or command personnel.

Q. Office of Professional Accountability (OPA)

An investigator shall be notified when no one from the Office of Professional Accountability is on duty, pursuant to the following criteria:

1. All police personnel involved shootings;

2. All police personnel involved domestic violence situations;

3. In-custody deaths;

4. Arrests of Metropolitan Nashville Police Department (MNPD) personnel; or

5. Any other situations as deemed necessary by appropriate supervisory or command personnel;

NOTE: The notifying authority shall obtain the appropriate numbers from the Department of Emergency Communications and personally make the notification for security and confidentiality reasons.

R. Special Weapons and Tactics Team (SWAT)

1. With the approval of the on-scene supervisory authority, SWAT may be notified for **emergency** high risk and/or unusual situations including but not limited to the following situations:

   a. Hostage situations;

   b. Barricaded persons;

   c. Search warrants;

   d. Natural disasters;

   e. Arrests involving suspects who have the propensity for violence or where weapons may be involved;

   f. Dealing with non-compliant subjects who are a threat to themselves or the general public; or

   g. Other situations that appropriate supervisory or command personnel have determined would be better addressed by SWAT members or their specialized equipment.

2. With the approval of the Special Operations Division Commander or his/her designee, SWAT may be notified for **pre-planned,** high- risk and/or unusual situations including. but not limited to. the following situations:

    a. High-risk arrest warrants;

    b. Search Warrants;

    c. Natural disasters;

    d. Arrests involving suspects who have the propensity for violence or where weapons may be involved;

    e. Dealing with non-compliant subjects who are a threat to themselves or the general public; or

    f. Other situations that appropriate supervisory or command personnel have determined would be better addressed by SWAT members or their specialized equipment.

        NOTE: The decision to respond to pre-planned situations should generally be based on a Risk Analysis/Threat Assessment.

S. Crisis Negotiators Unit

With the approval of the on-scene supervisory authority, the Crisis Negotiators Unit may be notified for the following situations:

1. Hostage situations;

2. Barricaded persons;

3. Suicidal persons; or

4. Anticipated barricaded or hostage situations such as during arrests involving suspects who have the propensity for violence.

T. Emergency Contingency Section

Members of the Emergency Contingency Section shall be notified for the following circumstances:

1. Actual or suspected terrorists' acts;

2. All incidents where chemical, biological, and radiological devices have been identified, threatened, or disseminated;

3. Advisory support for catastrophic incidents requiring Incident/Unified Command Operations;

4. Mobile Incident Command Post support during pre-planned special events (requires prior approval from the Commander, Special Operations Division);

5. Civil disturbance support and mitigation;

6. Natural disasters;

7. Waterborne operations;

8. Urban Search and Rescue (USAR) operations or potential operations. (Building collapse or severe damage to a facility from natural or manmade catastrophe or large scale searches for persons where grid patterns or tracking are required);

9. When any contingency plan is in effect; or

10. Any other incident where a commander or appropriate supervisory personnel requests assistance.

U. Public Information Officer

The Public Information Officer shall be notified and respond as appropriate to the following situations:

1. Multiple homicides;

2. Officer-involved shootings;

3. Officer severely injured;

4. Business robbery/homicides;

5. Serial rapist arrests;

6. Bank robberies with shots fired or injures;

7. High profile arrests (e.g., entertainers, politicians, athletes, etc.);

8. When any contingency plan is in effect; or

9. Any other situation as deemed necessary by appropriate supervisory or command personnel.

V. Professional Wellness Section:

A member of the Professional Wellness Section shall be notified when no one from the section is on duty, pursuant to the following criteria:

1. A sworn or professional support staff employee that has been involved in a traumatic event, and appropriate supervisory personnel request assistance;

2. Serious in-line of duty or off-duty injuries where police personnel are taken to the hospital;

3. Line of duty deaths;

4. Domestic incidents involving police personnel (sworn and/or professional support staff) where injury requires treatment at a hospital or a supervisor requests assistance;

5. A fatal or critical vehicle crash involving on-duty or off-duty personnel;

6. Police personnel involved shootings where appropriate supervisory personnel requests assistance; or

7. Any other incident where a commander or appropriate supervisory personnel requests assistance.

W. Chaplain Unit

1. A member of the Chaplain Unit shall be notified when no one from the unit is on duty, pursuant to the following criteria:

    a. Incidents involving seriously injured department employees;

    b. Deaths of department employees;

    c. Police involved shootings;

    d. Traffic fatalities (as needed or when requested);

    e. Drownings (as needed or when requested);

    f. Any construction site incident involving deaths;

    g. Natural deaths (as needed when there are no next of kin on the scene);

    h. When a person has been taken to an area hospital where the person dies and the hospital social worker requests assistance;

i. During natural disasters and mass casualty incidents;

j. Requests from outside agencies or teletypes; or

k. Any other incident where a commander or appropriate supervisory personnel requests assistance.

2. MNPD Volunteer Chaplaincy Program

The Metropolitan Nashville Police Department has partnered with Nashville area ministers to establish a Volunteer Chaplaincy Program. The MNPD Volunteer Chaplaincy Program ministers, along with MNPD Chaplains, minister to the needs of citizens and police officers. The Volunteer Chaplains, representing different faiths, are donating their time to assist MNPD Chaplains.

Guidelines for the call-out of the MNPD Volunteer Chaplaincy Program are the same as those listed for the Chaplain Unit above. Volunteer Chaplains may provide their own transportation to the location of a call for service. MNPD personnel may be dispatched to assist a member of the Volunteer Chaplaincy Program and transport him/her to the location of a call for service. Dispatchers will be assigning such transport calls to MNPD personnel assigned to the Precinct in which the volunteer is located. If the volunteer is responding to a call for service in a Precinct other than that to which the transporting officer is assigned and the call is going to take in excess of one hour, a supervisor in the Precinct in which the call for service is located may authorize the original transporting officer to check back into service and replace him/her with an officer assigned to the Precinct in which the call for service is located after consulting with the Volunteer Chaplain.

Questions concerning the Chaplain Program should be directed to the Behavior Health Services Division Manager or the Volunteer Coordinator of the Chaplain's Program.

X. Safety Coordinator

The Safety Coordinator shall be immediately notified, regardless of duty status, pursuant to the following criteria:

1. An employee is involved in a job-related action that results in an injury and is transported to a medical facility <u>by medical personnel</u>.

2. An employee is admitted to a hospital in relation to an injury-on-duty.

3. An employee has a significant exposure to a contagious disease or

hazardous material.

4. A safety hazard is discovered that could bring life-threatening harm to an employee and requires immediate action by the Safety Coordinator.

5. At the discretion of the ranking on-scene supervisory personnel whenever there is a serious or life-threatening injury to an officer.

For other circumstances, including non-emergent injuries, minor injuries where officers do not receive immediate medical transport or transport themselves at a later time for treatment, the Safety Coordinator shall not be immediately called out. In these circumstances, the appropriate paperwork should be completed (i.e. Form 101, Form 201) and forwarded to the Safety office via normal procedures. Email notifications to the Safety Coordinator will be sufficient for all other non-emergency circumstances that do not meet the above listed criteria for immediate notification or call-out.

Y. Substance Abuse Coordinator

The Substance Abuse Coordinator shall be notified of the following incidents:

1. Vehicle crashes involving employees which results in a fatality or bodily injury;

2. An employee uses force, other than the use of firearms, that is reasonably calculated to produce death or serious bodily injury, and the supervisor has documented the reason a test is requested;

3. Any time an employee discharges his/her weapon with the exception of routine firearms training, legal recreational purposes, or destroying a seriously injured, suffering, or dangerous animal;

4. A trained supervisor observes and documents appearance, behavior, speech, and/or body odors of an employee which are characteristic of the use of alcohol or controlled substances; or

5. Return to duty or follow-up testing when an employee has previously tested positive.

Z. Horse Mounted Patrol

1. The Horse Mounted Patrol Supervisor shall be notified when no one from the Horse Mounted Patrol Unit is on duty, pursuant to the following criteria:

Calls concerning a medical or health issue for the MNPD horses.

The supervisor will determine if a response is needed by a Horse Mounted Patrol officer and/or supervisor.

a. Horse Mounted Patrol may be requested by Homicide/Cold Case/Missing Persons Detective or a Youth Services Detective, or any supervisor through the request of the Special Operations Division Captain for assistance in search and rescue situations involving missing and/or lost persons or juveniles believed to be on foot in a specific area.

b. Horse Mounted Patrol may be requested for planned or unplanned riots or crowd control issues as needed.

2. Out-of-County Call-out Procedures

From time to time the Horse Mounted Patrol Unit is called upon to assist other agencies outside Davidson County. When this assistance is requested, the following policy and procedure shall apply.

AA. Task Force

Task Force personnel shall only be notified with approval of the on-call Special Investigations Division supervisor.

BB. Unmanned Flight Operations

A remote pilot may be notified when none are on duty, pursuant to the following criteria:

1. Call-outs should be limited to missing person incidents, SWAT incidents, confirmed active killer, or significant life-threatening incidents.

a. Missing Person Incidents: small Unmanned Aircraft System (sUAS) pilots may be requested to assist in locating missing persons when the following criteria exists:

(1) The missing person is 12 years of age or younger, or suffering from Alzheimer's Disease or similar cognitive decline; and

(2) An active Incident Command has been established; and

(3) The request has been made within three hours of the time the missing person was last seen; and

(4) The area to be searched has little foot traffic, is less than a mile from where the missing person was last seen, and there is reason to believe that the missing person is still in that area.

b. SWAT Incidents: sUAS assistance may only be requested by a SWAT supervisor.

c. Confirmed Active Killer: sUAS assistance may be requested if there is a confirmed active killer incident.

d. Significant Life-Threatening Incident: Examples of these incidents include, but are not limited to, natural disasters or civil unrest.

2. The Unmanned Flight Operations unit supervisor shall make the determination as to the appropriate response based upon the facts provided by the requesting entity, weather conditions, feasibility of aircraft control, availability of trained and properly rested pilots, compliance with TCA 39-13-609 Freedom from Unwarranted Surveillance Act, and compliance with FAA Regulations.

CC. Organized Retail Crime Section

An investigator shall be notified when no one from the Organized Retail Crime Section is on duty, pursuant to the following criteria:

1. Contact is made with an individual who has Organized Retail Crime investigative alerts indicating "after hours" call-out;

2. A suspect who is custody and willing to be interviewed by detectives about fencing operations;

3. Over $10,000.00 worth of recovered stolen property;

4. When an out of state, or foreign national, Organized Retail Crime Crews have been arrested/detained:

5. High profile Organized Retail Crime event where more than $25,000.00 was taken; or

6. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

DD. Burglary Section

An investigator shall be notified when no one from the Burglary Section is on duty, pursuant to the following criteria:

1. A suspect is in custody for Burglary and is willing to be interviewed by an investigator;

2. Serial Burglars;

3. Sophisticated Burglaries; or

    a. Disabling the alarm;

    b. Forced entry through a neighboring business;

    c. Entry through the ceiling; or

    d. Attempting to crack open a safe.

4. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

EE. Non-Domestic Aggravated Assault Section

An investigator shall be notified when no one from the Non-Domestic Aggravated Assault Section is on duty, pursuant to the following criteria:

1. A suspect is in custody, and has an alert in ARMS, for a Non-Domestic Aggravated Assault and is willing to talk with an investigator;

2. Serious injury (Code 3) caused by non-domestic aggravated assault that requires hospitalization (not just medical transport);

3. Multiple victims assaulted during the same incident, who sustain injury, and require medical treatment;

4. Criminal Complaints on MNPD Personnel (Sworn or Professional Support), or Davidson County, Tennessee Public Safety / Criminal Justice Personnel, who are on or off duty;

5. Bomb Threats (excluding schools) (NOTE: the Hazardous Devices Unit (HDU) will determine if the threat is authentic);

6. Accidental firearm discharges by MNPD Personnel (Sworn or Professional Support) (other than Metro issued weapons) causing property damage or injury within Davidson County, Tennessee;

7. Accidental firearms discharges, **excluding** those where a domestic violence incident has occurred, or a penetrating gunshot wound is sustained (including graze wounds), within Davidson County, Tennessee;

8. Police involved shootings not investigated by the Cold Case Section; or

9. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

FF. Community Crimes Section

An investigator shall be notified when no one from the Community Crimes Section is on duty, pursuant to the following criteria:

1. A suspect is in custody for Miscellaneous Thefts, or Package Thefts, and is willing to be interviewed by an investigator;

2. Deaths (other than Homicides, Suicides, or Natural Deaths where the Medical Examiner is not responding); or

3. Other situations as deemed necessary by a Criminal Investigations Division Supervisor or Detective.

GG. Robbery Investigations

An investigator shall be notified when no one from the Robbery Unit is on duty, pursuant to the following criteria:

1. Commercial robberies;

2. The suspect of a robbery is in custody;

3. A person receives serious injury as the result of a robbery;

4. A person with an alert from the robbery unit is in custody;

5. Robberies believed to have been committed by a serial offender or group; or

6. Other situations as deemed necessary by another investigator or appropriate supervisory or command personnel.

15.10.060 Response of "On-Call" Personnel and Supervisory Discretion

A. The preceding guidelines only require notification. It is not **always** mandatory for the on-call person to respond to the scene. Often, relaying advice and providing consultation may be accomplished by telephone or radio. However, **personnel will be held accountable for their actions when giving advice/instructions as well as receiving and acting upon them.**

B. The decision governing response to an "on-call" notification is a discretionary function of the commanders of the bureaus, divisions, sections, units, and squads involved. For example, some elements respond to all of their notifications in person; however, others may

"screen" calls through a supervisor before responding.

15.10.070 Responsibilities of Elements Involved in "On-Call" Program

A. Notification to the Department of Emergency Communications

1. By the 28th (twenty eighth) day of each month, the on-call list for the following month shall be entered into the approved online application by the component commander, or his/her designee (**Link** to Roll Call Training Document).

2. The Department of Emergency Communications will have up-to-date access to the on-call list upon submission.

B. Content and Format of Notifications

1. The notifications shall be via the approved online application

2. All sections and fields shall be completed appropriately

C. The Department of Emergency Communications will maintain lists of authorized on-call personnel pursuant to their policies and procedures.

15.20 Crime Scene Protection and Investigation

15.20.010 General Provisions

A. Community Services Bureau Responsibilities

The first officer to arrive at the scene of an incident shall ascertain the condition of any victims present and take appropriate action, as well as apprehend any suspects still present. The officer will then secure the scene and not allow any unauthorized persons to enter the area until the arrival of investigative personnel that are actively involved in the investigation (Refer to 15.20.010(D)(13). After securing the crime scene, the Incident Commander may cause an area near the crime scene to be taped off and used as a holding area for all personnel not involved in the investigation.

The first arriving officer dispatched to the crime scene will generally be the Incident Commander unless otherwise designated by the responding Community Services supervisor. The Incident Commander shall assume responsibility for the scene, and shall remain responsible for scene security until relieved. **A Community Services Bureau supervisor shall respond to all major crime scenes.** Major crime scenes are those crimes requiring a supervisory response which shall include, but are not limited to, all calls for service involving serious bodily injury or death or the potential for serious bodily injury or death.

B. Incident Commander Responsibilities

Responsibilities of the Incident Commander include, but are not limited to:

1. Secure and establish outer and inner perimeters with crime scene tape.

   An outer perimeter:

   a. Provides for the security of additional evidence;

   b. Prevents further contamination of the scene;

   c. Serves as a waiting area for additional personnel; and

   d. May be used as an area to detain witnesses.

   Since no two scenes are identical, sound judgment and discretion should be exercised in establishing the perimeters to ensure the integrity of the crime scene and provide a suitable working area to

carry out the investigation. **The perimeters should encompass as much area as possible because it is much easier to reduce the crime scene than to expand it.**

2. Close the crime scene to all witnesses and police personnel who are not a part of the investigative team.

3. Establish a fixed post at the scene entry and ensure it is always staffed. The Incident Commander shall establish a workable entry and exit for ambulance personnel and investigators to ensure evidence is preserved. Investigators shall not enter a crime scene or otherwise initiate any investigative efforts before checking in with the Incident Commander. The Incident Commander shall ensure that a record of all personnel entering the scene is maintained.

   Investigators shall also check out with the Incident Commander when they terminate their work at the crime scene.

4. Assign personnel to locate witnesses and obtain all identity information. Witnesses should be encouraged not to leave the scene until investigative personnel interview them.

5. Reports should be thorough and contain at least the following:

   a. Paths taken through the crime scene by emergency personnel;

   b. The names of all emergency personnel, officers, investigators, witnesses and other persons entering and exiting the crime scene;

   c. A complete identification of each witness; and

   d. A list of anything touched, moved, or manipulated in any way.

C. Community Services Bureau Supervisor Responsibilities

1. Assume command and/or assist the Incident Commander;

2. Supply crime scene tape;

3. Confirm the proper investigative components and the Crime Scene Investigations Section (CSI) have been notified;

4. Assist the Incident Commander and investigative personnel with separating and identifying all witnesses;

5. Ensure all applicable police reports are completed; and

6. Collect all field reports before leaving the scene and forward to the primary case investigator.

D. Investigative Components Responsibilities

1. The on-duty investigator(s) will, if necessary, cause the appropriate investigative unit to be notified. If an investigative unit is not needed, on-duty investigator(s) will continue the investigation, taking all necessary steps to obtain as much information as possible.

2. When an investigative component and/or the Crime Scene Investigations Section arrives on scene, they will check in with the Incident Commander, and consult with the on-duty investigator(s) to determine the best course of action and what other agencies need to be notified (e.g. Medical Examiner's Office and/or District Attorney's Office).

3. The case investigator(s) of the concerned unit and one representative of the Crime Scene Investigations Section will conduct a walk-through of the scene to develop a course of action and carry out the investigation.

4. Crime Scene Investigations Section personnel will provide assistance in photography, latent print development, sensitive evidence handling and processing, or other processing afforded through crime detection methods. The primary case investigator has overall case responsibility, and it is the responsibility of CSI members to conduct a thorough crime scene investigation utilizing all resources and training available. If a CSI supervisor is on the scene, it is his/her responsibility to make sure a thorough crime scene investigation is completed. The Crime Scene Investigator (CSI) or supervisor will discuss all phases of his/her investigative tasks with the case investigator.

5. As new information is developed; the case investigator will pass this on to the CSI/supervisor. This information may require additional crime scene tasks that CSI(s) will perform. In the event that there is a question over the applicability or feasibility of the requested process, the ranking investigative supervisor will consult with the ranking Crime Scene Investigations Section supervisor on the scene. Where no consensus can be reached, the unit commander (or higher) of the investigative component shall make the final decision. At this time, one member of the investigative unit shall be assigned with the CSI personnel to make notes of the scene's condition as well as which officer performs which function.

NOTE: No items of evidence will be removed until members of the investigative units have had the opportunity to

observe such evidence in its original location and condition, unless it is necessary to preserve life or property or to preserve the condition of the evidence itself.

6. The overall function of the Crime Scene Investigations Section is the collection, preservation, and processing of evidence using specialized techniques and equipment. The Crime Scene Investigations Section may be required to respond to and investigate the following situations:

   a. Homicides and/or suicides;

   b. Robberies;

   c. Sexual Assaults;

   d. Commercial Burglaries or attempted burglaries;

   e. Residential Burglaries **ONLY** when the scene is too complex or requires the collection of DNA or blood evidence.

      (1) If the initial reporting officers determine that Crime Scene Investigations Section's services are needed based on their investigation and the presence of forensic evidence, then Crime Scene Investigations Section personnel should be called. **Crime Scene Investigations Section personnel will not be called solely at the owner's request.**

      (2) Where the suspect is believed to have had prior legal access to the victim's residence or property, CSI personnel will not be called unless the burglary or attempted burglary was committed during the commission of a major felony. For purposes of this directive, a major felony shall be defined as any crime involving death, serious bodily injury or the threatened infliction of serious bodily injury.

   f. CSI will respond to auto thefts or attempted auto thefts **ONLY** when the scene requires the collection of DNA or blood evidence and if the following conditions are satisfied:

      (1) The suspect is not believed to have had legal access to the vehicle.

      (2) Suspects are **not** apprehended in the vehicle.

      NOTE: None of the conditions above applies when the vehicle was stolen during the commission of a major felony.

g. Aggravated Assault - When the assault results in serious personal injury or is otherwise deemed necessary by the investigator and/or investigative supervisor;

h. Domestic Violence incidents involving critical or life threatening injuries or complex crime scenes;

i. Traffic fatality crashes, serious personal injury crashes, or crashes involving Metropolitan Police vehicles involving injury; and/or

j. Other incidents as deemed necessary by the investigative unit or appropriate supervisory personnel.

7. The Crime Scene Investigations Section will not be notified to respond to any of the following offenses except as otherwise requested by Community Services supervisors or case investigators/supervisors.

   a. Arson - Generally investigated by the Metropolitan Fire Department except where a possible homicide may be involved. However, CSI personnel will assist if requested;

   b. General larceny /theft;

8. Evidence Procedures

   a. Generally, in the investigation of any felony offense, Crime Scene Investigations Section personnel are responsible for the processing and handling of all criminal evidence involving the initial scene. **Crime Scene Investigations Section personnel will not be notified to perform simple collections or transportation of any evidence that can be performed by any other employee of the department.** However, Community Services personnel that have been properly trained and equipped for lifting latent prints may collect such evidence at burglaries, thefts, auto thefts, and other limited circumstances not involving major crime scenes.

   b. The primary case investigator is responsible for submitting all lab requests. Such investigator has the responsibility of seeing that the evidence is physically submitted by the appropriate element within 30 days of determining that the evidence should be submitted for examination.

   c. The primary investigator shall also ensure that all written reports of lab results received are appropriately included in the case file.

d. Property of any type coming into the custody or control of department employees shall be processed prior to the officer ending his/her shift. Officers shall notify their immediate supervisor if they will be going over their shift.

9. Crime Scene Command and Notification

a. The activities of members of the Crime Scene Investigations Section at a crime scene shall be supervised by the Crime Scene Investigations Section Field Supervisor. All other employees who are involved in the on-scene investigation shall communicate any information to the ranking on-scene investigation supervisor.

b. A CSI shall respond immediately to all police-involved shootings and all homicide crime scenes.

c. Generally, Crime Scene Investigations Section personnel shall not be notified to respond to any crime scene where another employee of the police department has not first been dispatched to conduct a preliminary investigation. Where the need for a CSI has been verified by on-scene personnel, they shall be requested as quickly as possible.

10. Photography

Crime Scene Investigations Section personnel provide general photographic services to the department according to the following guidelines:

a. Employees requesting photography shall ensure that the photograph meets an investigative need;

b. Photographs should be taken by personnel already assigned photographic equipment except when greater expertise or more sophisticated equipment is needed from the Crime Scene Investigations Section; and

c. Crime Scene Investigations Section personnel should not be dispatched to photograph scenes or objects solely at the request of private individuals or organizations.

d. Unmanned Small Aerial Systems (USAS) may be used for aerial photography when applicable; all provisions of T.C.A. 39-13-609 as well as current FAA regulations should be followed when using USAS for crime scene photography.

11. After Crime Scene Investigations Section personnel have completed all procedures at the scene, members of the investigative component and Crime Scene Investigations Section personnel should discuss what procedures have been performed. Other members of the investigative component may then enter the crime scene for general observation and viewing of the evidence. If, after this general viewing, investigative unit members have any further tasks they wish performed by Crime Scene Investigations Section personnel, they shall notify the on-scene CSI supervisor. The CSI supervisor will then assign a CSI investigator to complete the task.

12. After investigative personnel have completed their on-scene investigation, all items of physical evidence will then be collected by members of the Crime Scene Investigations Section. Only Crime Scene Investigations Section personnel should collect physical evidence, unless it is necessary to preserve life or property or to preserve the condition of the evidence itself.

13. If a member of the investigative unit considers an item to have evidentiary value that has not been collected, this fact should be brought to the attention of Crime Scene Investigations Section personnel, who will then collect the item.

14. All items of investigative value such as date books, phone number listings, personal identification, etc. may remain with the investigator assigned the case when he/she deems it necessary for investigative purposes.

15. Crime Scene Access

    Only persons actively involved in the investigation should enter the inner perimeter of the crime scene. It shall be the responsibility of the Incident Commander or appropriate supervisory personnel to ensure that people do not enter a crime scene unless necessary. Persons actively involved in the investigation may include:

    a. Crime Scene Investigations Section personnel that are assigned to investigate the call or are requested to respond and assist in the investigation.

    b. Investigative personnel who are members of the Investigative Team. This would include personnel assigned to the investigative unit involved in the investigation and their immediate supervisor. The ranking investigative supervisor will determine which members of the team will be admitted to the scene and assign other members to duties outside the scene. It shall be the responsibility of appropriate investigative supervisor to ensure that unauthorized persons are removed from the

crime scene.

c. While the ranking investigative supervisor has the responsibility to remove all unauthorized persons from the crime scene, any member of the investigate team has the authority to remove unauthorized persons if the ranking supervisor is not immediately present.

d. Medical Examiner's Office personnel will be admitted once the evidence between entry and the body has been collected or secured in a manner to allow entry without disturbing the evidence. The on-scene CSI supervisor shall advise the CID investigator/supervisor once this has been completed.

e. Body removal personnel will be allowed to enter the scene only after the body is deemed ready to be moved by the ranking investigative supervisor and the Medical Examiner's Office Investigator on the scene.

f. District Attorney's Office personnel will generally be admitted after the evidence has been secured. The ranking investigative supervisor on the scene shall make this determination.

g. Investigators from the Office of Professional Accountability will generally be admitted after the evidence has been secured when the incident involves actual or suspected employee misconduct. The ranking investigative supervisor on the scene shall make this determination.

h. The ranking investigative supervisor should consider the expertise or special knowledge required to complete the investigation when allowing individuals into the crime scene.

i. All persons not involved in the investigation shall be directed to a designated area outside the crime scene.

j. The Incident Commander in cooperation with the ranking on-scene investigative supervisor will make the determination as to where members of the media can set up.

16. Crime Scene Investigations Section personnel shall determine the level of personal protective equipment to be worn in scenes contaminated by blood and/or body fluids.

17. There will be **no** eating, drinking, or smoking within the inner perimeter. The Incident Commander or appropriate investigative supervisory personnel shall specifically designate an area in the outside perimeter for these activities if necessary.

18. In no case will any member of the department allow statements, interviews, or photo sessions to take place inside the crime scene perimeter without consulting with the on-scene ranking investigative supervisor.

15.20.020 Evidence Handling and Crime Scene Procedures

A. Evidence Handling

1. Any evidence which is contaminated by blood or other body fluids shall be labeled as "Biohazardous" label shall be utilized.

2. Any employee who handles, analyzes, collects, transports, stores, or catalogues such evidence **shall utilize appropriate PPE for the exposure.**

B. Disposal of Biohazardous Evidence

All biohazardous evidence which has been identified as being subject to destruction (due to adjudication, exhaustion of appeals, etc.) shall be disposed of as described in the section below, "Disposal of biohazardous Waste."

C. Crime Scene Procedures

The following rules apply to all crime or accident scenes in which any member may be exposed to an infectious disease due to body fluid contamination. Such contamination may be found at the scene, on victims, suspects, items of evidence, dead bodies, inanimate objects, or present in the atmosphere.

1. Crime scenes shall be secured by yellow crime scene tape. The yellow tape shall be used to cordon off a large area for investigative purposes (an "outer perimeter").

2. Upon the arrival of members assigned to the Crime Scene Investigation Section **a decision will be made by CSI personnel <u>only</u> as to whether the scene shall be designated a biohazardous crime scene**.

3. A "Biohazardous crime scene" designation shall not be rescinded by any member, **regardless of rank or assignment**, without express permission of the CSI personnel at the crime scene.

4. **Red crime scene tape** shall be used to cordon off the inner perimeter and designate the biohazardous crime scene.

5. The CSI officer or supervisor shall determine the appropriate level of PPE, and provide the necessary PPE, to members having a legitimate investigative reason for entering the biohazardous crime scene.

6. No member, **regardless of rank or assignment** shall enter the biohazardous crime scene without the PPE identified by the CSI personnel.

7. No civilians shall enter the biohazardous crime scene without the PPE. Other entities of the Metropolitan Government have an exposure control plan similar to this. Employees of such entities shall abide by the plan developed by their employers.

8. Entry into the large crime scene (yellow tape) will be regulated by current report writing and crime scene security provisions.

9. All personnel who have exited the biohazardous crime scene shall place their contaminated PPE into a red "biohazardous waste" bag. Such bag shall then be disposed of as described in the below section, "Disposal of Biohazardous Waste."

10. All contaminated "sharps," (or items of evidence which may stab, puncture, or cut) shall be placed in puncture resistant "sharps containers."

11. Upon concluding the investigation of the biohazardous crime scene, an MNPD Form 448, "Notice of biohazardous crime scene Report" shall be posted conspicuously. This form is an explanation to citizens of possible hazards.

15.20.030 Providing Security to Professional Support Staff Crime Scene Investigators

The Crime Scene Investigations on-duty supervisor, or the on-duty Crime Scene Investigations officer-in-charge, is given the authority and responsibility for determining when a sworn officer is to accompany a professional support staff crime scene investigator. In making the determination, the supervisor or officer-in-charge shall take into consideration those circumstances such as time of day, nature of the crime, probability of the perpetrators return to the scene, the probability of further acts of violence and type of location. All MNPD personnel who may be dispatched to provide such security for a professional support staff crime scene technician shall assume the request has originated with the Crime Scene Investigations supervisor or officer-in-charge and proceed accordingly. In implementing this policy, the following guidelines shall be followed:

A. When a professional support staff crime scene investigator is dispatched to a given location, his/her supervisor shall determine if sworn back-up is required. If it is determined that such back-up is required and no sworn Crime Scene Investigations personnel are available, the supervisor shall request the County-wide dispatcher to notify the appropriate Precinct dispatcher.

B. In those circumstances when a professional support staff crime scene investigator and a sworn member are dispatched to a scene and upon their arrival it is determined that the sworn security is not needed, the professional support staff investigator will inform the CSI supervisor who may permit the sworn member to check back into service.

C. In those circumstances when a professional support staff crime scene investigator is dispatched to a scene without sworn back-up and upon his or her arrival, or while enroute, determines that circumstance may pose a safety risk, the crime scene investigator can request the CSI supervisor to authorize back up.

D. In those circumstances when a back-up unit is not available, ECC personnel will inform the Crime Scene Investigations on-duty supervisor or officer-in-charge. The supervisor or officer-in-charge shall then determine whether the call will be put back in pending and the crime scene investigators will be dispatched on another call or whether the crime scene investigator will standby pending the availability of a back-up unit.

15.20.040 Fingerprints and Biological Samples from Employees for Exclusion

Recognizing that crime scenes may be inadvertently contaminated by latent prints or DNA evidence from good Samaritans, first responders, and others, including responding police officers and crime scene investigators, it is necessary that laboratory personnel are able to quickly and effectively exclude such inadvertent evidence. It is important when evaluating DNA and fingerprint evidence, that exclusion samples are readily available so that an accurate DNA profile/fingerprints of the suspect(s) can be obtained. Therefore, it is the policy of the MNPD that:

A. All employees, hired on or after January 2017, shall be required to provide fingerprint and DNA samples for maintenance by the MNPD Crime Laboratory for exclusion or elimination purposes.

B. All employees assigned to the MNPD Crime Laboratory shall be required to provide fingerprint and DNA samples for maintenance by the MNPD Crime Laboratory for exclusion or elimination purposes.

C. All employees who have an assignment which involves or may involve response to, or investigation of crime scenes, processing of

crime scenes or evidence, or the handling and storage of evidence may be required to provide exclusion or elimination samples of fingerprint and/or DNA evidence.

D. Samples collected and processed pursuant to these provisions will be collected by trained personnel using nationally approved methods and maintained within a local database for the purposes of exclusion or elimination only.

E. An employee who refuses to comply with the request for an exclusion or elimination fingerprint or DNA sample, when such sample can expedite or improve the efficiency of the investigation, impairs the efficiency of departmental operations and the effectiveness of the criminal investigation and may be subject to corrective or disciplinary action. (Category A)

F. Use of samples collected as described above, use of a database owned or operated by MNPD, or use of data sourced for or intended for use by such database(s), for purposes other than provided herein or in approved standard operating procedures shall be a violation of policy. (Category A)

15.20.050 Requesting CSI Evidence Processing and Crime Laboratory Testing

A. **General:** MNPD Form 110 and 282 are used to initiate transfer of evidence from ESD to the MNPD – FSD Crime Scene Investigation/Evidence Processing Unit (CSI/EPU) and Crime Laboratory for testing.

1. **MNPD Form 282 –** Linked to Crime Laboratory Submission guidelines. Requests for CSI/EPU processing and/or Crime Laboratory testing require use of MNPD Form 282. Complete the required incident information, to include all known suspect and victim information and if there is a known trial date.

2. **CSI Evidence Processing (EPU) Request** - Complete requests for processing evidence by CSI's Evidence Processing Unit (EPU).

3. **Crime Laboratory Request for Forensic Testing** - Complete requests for testing evidence by choosing the Forensic Unit and referring to the link to submission guidelines on the form.

4. Complete the Special Notes for CSI Processing/Forensic Testing section

5. **MNPD Form 110 – Evidence Sent for Testing**

   a. A MNPD Form 110 (Property/Evidence Report) must be approved before completing a MNPD Form 282 request. Approval of MNPD Form 282 is often dependent on the proper completion of the MNPD Form 110 and the proper packaging of evidence in conjunction with submission. The proximal (parent) packaging of a submission must be sealed and initialed across the seal with a **single** bar code on the proximal evidence packaging.

   b. MNPD Form 282 requests are not needed for the below types of evidence:

      (1) BAC Kits – Toxicology

      (2) Latent Print Envelopes - for workability and AFIS entry

      (3) NIBIN eligible cartridge cases and firearms (excludes revolvers and shotguns)

      As part of the NIBIN project, eligible firearms are processed/entered into NIBIN immediately upon receipt to the Crime Laboratory. A MNPD Form 282 should be submitted at the same time the MNPD Form 110 if processing is being requested for CSI/EPU before test fire of the firearm.

   c. Reports/notification of results (identifications/associations) of database searches (AFIS and NIBIN) are uploaded to the RMS under the incident number. The Preliminary Latent Status link is located on the Quick Links page on the PDWeb under Reports, which provides information on the workability of latent evidence, as well as the status of AFIS searches.

   d. Form 282 requests are needed for Crime Laboratory testing if comparison examination and an official laboratory report are needed following latent print and firearms related initial tests, i.e., workability, AFIS and NIBIN entries.

B. **282s Crime Laboratory Requests for testing**

1. **Requests for Latent Print Unit Testing:**

   a. All latent print evidence is initially submitted to the Crime Laboratory via MNPD Form 110 for an analysis of quality. No MNPD Form 282 is required. (above)

      (1) Suitable submissions will be processed in AFIS, if no arrests have been made*.

(2) The status of the latent print submissions may be viewed via the link titled “Preliminary Latent Status ” on the Quick Links page on PDWeb.

b. Requests for Latent Print Unit service, comparison and additional AFIS search, use MNPD Form 282: Choose Forensic Unit, **Latent Print**

NOTE: * If arrests have been made:

(1) AFIS searches are delayed and may be requested with a MNPD Form 282 explaining the need for searches.

(2) Requests for suspect comparison will be prioritized behind requests for suspect comparison on open investigations.

(3) When/if the case is being prepared for trial or a comparison of an arrested suspect and/or additional AFIS searches are being requested, contact the Crime Laboratory through crimelab@nashville.gov, or write the information “**Special Notes for CSI Processing/ Forensic Testing”** section on the MNPD Form 282.

2. **Requests for Firearms and Tool Mark Unit Testing:**

a. All NIBIN suitable fired cartridge cases and firearms, (semi-automatic pistols, pistol calibers and semi-automatic rifles of 7.62x39mm, 5.56mm and 5.45mm) are initially sent to the Crime Laboratory via MNPD Form 110 for entry into NIBIN. No MNPD Form 282 request is required. If comparative testing is required in addition to the NIBIN entry, a MNPD Form 282 must be submitted. Revolvers, shotguns etc. do not come to the Crime Laboratory on a form 110 and would need a form 282 request if testing is needed.

b. *Requests for Firearms and Tool Mark Unit service from MNPD Form 282:

(1) Choose Forensic Unit, **Firearms**

(2) In **“Special Notes for CSI Processing/Forensic Testing”** Write any information related to the requests for:

(a) **Firearm/Bullet Cartridge Comparison -** include any information about the case and/or association with other incidents and related requests.

(b) **Distance determination -** When clothing or other items

are submitted for testing to determine a muzzle-to-target distance.

(c) **Tool Mark comparison**

(d) **Serial Number restoration -** When the firearm has an obliterated or obscured serial number.

*Include all requests for services above on the form 282.

3. **<u>Requests for Forensic Biology Unit (DNA) Testing:</u>**

a. **Requests** for Forensic Biology Unit service from <u>MNPD Form 282</u>:

(1) Choose Forensic Unit, **DNA.** Initial DNA submission items are limited, as below:

(a) Homicide - 10 evidentiary items, not including standards

(b) Other violent crimes – 5 evidentiary items, not including standards.

(c) For sexual assault cases; MLE (if circumstances render necessary, two additional evidentiary items may also be submitted, i.e. condom, towel, etc…)

(d) Property – 2 evidentiary items, not including standards

(2) Reference standards must be submitted for all known involved individuals

(a) If suspect standards are not obtainable, this must be stated in the **"Special Notes for CSI Processing/Forensic Testing"** section.

(b) A reference standard from the deceased victim(s) of a homicide/death investigation are required. DNA elimination standards should be requested per the FBI's DNA database requirement.

(c) Items that are not eligible for the DNA database will not be tested without appropriate DNA standards.

(3) If no meaningful information is provided with the initial testing, additional items may be submitted after consultation with the analyst.

b. **Types of Evidentiary Samples:**

(1) Biological Fluids (blood, semen, saliva)

(2) Wearer DNA (clothing, hat bands, gloves etc.)

(3) Hair

(4) Trace*

(a) ***Trace** DNA may provide investigative leads in cases where there is no known reason an individual's DNA would be on the evidentiary item.

(b) *If trying to make an association between an individual and an evidentiary item, submissions will not be tested if the item of evidence is known to have been in possession or close proximity to the person of interest. Trace DNA testing does not definitively establish that an individual "touched" an item.

c. **Required Information for CODIS Entry** (Provide this information by completing the CODIS Eligibility Form 279 via the AFR Portal.)

CODIS – general information: Once tested, results from testing in trace DNA cases may be entered into the CODIS database if the case and item of evidence meets CODIS eligibility requirements (dependent upon the location of recovery and how the evidence is related to the crime in question). The CODIS database does not allow the entry of profiles from felon in possession cases, or any item of evidence in which the item/swab was collected from the detected person's residence, vehicle, person, or a location the person is known to occupy. Suspect standards are not uploaded to the national level (only state and local).

(1) **How the evidence is related to the crime: Examples:**

(a) item left at scene may belong to unknown suspect …

(b) evidence from car linked to missing person…

(c) other links of evidence to the crime scene, associated with victim or suspect…

(2) **Location of the evidence: Examples:**

(a) Evidentiary item found in stolen car that did not

belong to the vehicle owner…

(b) Evidentiary item found in suspected flight path of fleeing suspect…

(c) Location of recovery of DNA swabs…

(3) For **suspect standards** to be entered into CODIS and maintained in a suspect database there must be a court order or MNPD Form 278 submitted to the laboratory.

d. Other information required in **"Special Notes for CSI Processing/Forensic Testing"**

(1) Gender of the victim in sexual assault cases

(2) **Collection of trace DNA:** Due to the fragile nature of trace DNA, if possible, CSI should be notified for collection purposes. CSI may collect trace DNA at crime scenes or when requested via a written request on a MNPD Form 282 – Forensic Services Request Form. Also see MNPD Manual 6.10.130.

(3) **Testing of trace DNA:** Before testing trace DNA cases, the FB Unit will determine if testing is appropriate, based on case information and location of recovery of the evidence.

Note: *The test method and reporting for trace DNA versus DNA typically found in biological fluids is the same; but what can be inferred from a report is different. Trace DNA tests are primarily for investigative leads.*

Known standards are necessary for comparison in trace DNA cases. The Forensic Biology Unit will communicate with the submitting officer if there are further questions.

(4) **Trace DNA submission advisories:**

a. Trace DNA swabs submitted without DNA standards and that are not CODIS eligible <u>will not be processed</u> until the proper DNA standards are submitted.

b. Swabs submitted for trace DNA tests will be <u>consumed if necessary</u> to obtain test results.

c. If a court order was used to obtain a suspect's DNA, <u>submit a copy of the court order</u> with the MNPD Form 282 request for service.

4. **Requests for Drug Identification Unit Testing:**

   a. Most drug tests are requested through the District Attorney's Office.

   b. Investigator's requests for Drug ID Unit service use MNPD Form 282:

      (1) Choose Forensic Unit, **Drugs**

      (2) In **"Special Notes for CSI Processing/Forensic Testing" Write** any information related to the request: For example: controlled purchases, sampled clandestine labs, safety related concerns or identification of an unknown for investigative lead. Include any information about association with other incidents and related requests.

   c. The Drug ID Unit is capable of conducting delta-9-THC quantification in plant material submissions. Prior to completing MNPD Form 282 for this reason, please contact the MNPD Crime Lab at crimelab@nashville.gov or (615) 880-1200 for guidance.

   d. Officers must ensure:

      (1) Field test kits are packaged separately from suspected controlled substances. Field test kits should not be submitted to the laboratory for testing.

      (2) All plant materials are dried before packaging.

5. **Preparation for Toxicology Unit Testing:**

   a. All Toxicology cases are sent to the Crime Laboratory through MNPD Form 110.

   b. Officers must ensure that collection of blood samples is done as per instructions inside the BAC kit:

      (1) Tubes are labeled with the subject's name

      (2) Both tubes are at least one half full of blood

      (3) Tubes are inverted to mix anti-coagulant

      (4) The kit is sealed and labeled

C. **MNPD Form 133 for Tenprint comparison Requests**

1. All fingerprint requests for the Tenprint Unit are submitted to the unit via ID.Request@nashville.gov with all necessary information included to complete the comparison.

2. Images that are determined to be suitable for processing are completed through AFIS.

3. Any changes or updates to the record are forwarded to TBI and Criminal Court Clerk for database accuracy.

D. **Requests for Expedited or Priority Testing**

1. Requests for expedited testing must go through the Precinct or Division chain of command to the Forensic Service Division chain of command**.**

2. Email crimelab@nashville.gov with requests and supporting information.

E. **Call Out - Crime Laboratory**

If Crime Laboratory services are needed immediately, notify the Forensic Service Division Director, who will initiate the call-out.

F. **CSI/EPU and Crime Laboratory Reports and Notifications**

1. **CSI/EPU Reports RMS:** CSI Processing results are available under the incident number in RMS when completed.

2. **Crime Laboratory Reports and Notifications**

   a. **Crime Lab Portal:** All MNPD Form 282 request reports, all MNPD Form 110 Toxicology reports, AFIS, CODIS and NIBIN notifications are available ~~in~~ via the Crime Lab Portal under the Quick Links page on PDWeb. A notification email with the Evidence Processing Report will be sent to the requesting officer on the 282 requests, and the official results can be viewed approximately 24 hours later in the portal. Additional officers may be copied to the email notification if the requesting officer adds the name in the **"Special Notes for CSI Processing/ Forensic Testing"** portion of the MNPD Form 282. A notification email will be sent to the designated departmental contacts for AFIS and NIBIN associations with the official results available in the Crime Lab Portal approximately 24 hours later.

b. **RMS:** All MNPD Form 282 request reports, all MNPD Form 110 Toxicology reports, AFIS, CODIS, and NIBIN notifications are available under the incident number in the RMS approximately 2-3 days after the report is released in the Crime Lab Portal.

All Crime Laboratory inquiries or questions should be routed through crimelab@nashville.gov.

15.30 Conducting Investigations and Victim/Witness Services

15.30.010 Preliminary Investigations

Preliminary investigations are those investigations performed by both uniformed and non-uniformed officers in cases involving felony and misdemeanor criminal acts. The preliminary, or initial, investigation is the police response to a report that a crime has occurred. As in every investigative effort, the primary objective of the preliminary investigation is to determine who committed the crime and to apprehend the person responsible. The preliminary investigator collects evidence that solidly supports the crime, the identification of the person responsible for the crime, and the arrest and subsequent conviction of that person. Officers should remember that their investigation, at this early stage, will uncover the majority of usable information about the case.

When making contact with any individual(s) for the purpose of conducting a preliminary investigation, officers should be aware of any type of issue that may interfere with the subject's ability for communication and/or comprehension.

Issues interfering with communication/understanding may include hearing impairment, but also cognitive deficits (e.g., dementia), or other apparent behavioral/mental impairment.

A. Steps of the Preliminary Investigation

1. Verification – Did an offense actually occur?

2. Identification – Of the victim, the location of the crime, and the time the crime occurred.

3. Jurisdiction – The power of the police or judicial officer to act.

4. Solvability Factors – Since all crime cannot be solved there should be a determination as to whether or not a case follow-up is warranted. Factors can include availability of witnesses to the crime, knowledge of a suspect's name, location and/or description of a suspect, crime scene evidence, etc.

5. Communication – Report the circumstances of the crime completely and accurately so that all usable information is available to persons involved in the investigation and prosecution of the case.

6. Interviews/Interrogations – Documentation of those investigative talks completed, and identification of those yet to be done.

B. Although there is no definitive order of priority by which these tasks must be done, the best investigative strategy dictates that the officer should first determine whether a crime occurred.

   In most incidents involving calls for service, uniformed officers will respond to the scene. Except for calls handled by the APR function, calls involving relatively minor crimes or involving crimes of any nature that are in progress will initially be handled by uniformed personnel. When appropriate, the officer will complete an incident report. The report will be forwarded to the Records Division and then to the appropriate investigative division, where it will be given a case status designation and assigned for investigation, if appropriate.

C. Cases involving serious bodily injury or death, high monetary loss, or cases of an unusual or sensitive nature will require that investigators respond to the scene. Crimes that involve bodily injury, requiring hospital treatment, will be investigated by the appropriate investigative element. When the injury is not serious, the uniformed officer may complete an incident report at the scene before the victim is transported for medical treatment.

   When serious cases occur that require an immediate response by investigators, uniformed officers should:

   1. Give necessary care and comfort to the victim, provide first aid and call for medical personnel, if necessary;

   2. Apprehend and detain the suspect(s);

   3. Protect and isolate the crime scene;

   4. Identify and detain witnesses; and

   5. Complete all necessary reports regarding all pertinent activities at the scene or any activities connected with the case. This includes compiling a list of all persons who entered the crime scene.

D. Duties of Initially Responding Officers Conducting Preliminary Investigations

   Uniformed Services personnel of the Metropolitan Police Department are generally responsible for the initial response and conducting the preliminary investigation. The preliminary investigation begins when the uniformed officer is dispatched to the call. While enroute to the scene and upon arrival, the initially responding officer should do the following:

   1. Observe and record all conditions and events surrounding the incident;

2. Apprehend the suspect, if possible;

3. Locate, identify, then separate victims or witnesses;

4. Interview the complainant, witnesses, and suspects;

5. Protect the crime scene, if any;

6. Arrange for the collection of evidence by contacting the Crime Scene Investigations Section; if necessary;

7. Report the incident on the appropriate report, using the appropriate supplement report if needed; and

8. Advise appropriate supervisory personnel if the case is particularly complex and/or serious and if the case requires that investigative personnel respond immediately to conduct the preliminary investigation.

9. Numbers 1-8 above, not withstanding, if investigative personnel are to respond to the scene, the initially responding officer should not:

    a. Interview the complainant, witnesses, and suspects (except as necessary for vital information, safety concerns or emergency broadcast information); or

    b. Arrange for the collection of evidence by contacting the Technical Investigations Section (this will be done at the specific direction of investigative personnel).

E. Investigative Personnel Responsibilities During the Preliminary Investigation

1. Coordinate efforts and work together with uniformed officers, and other departmental resources;

2. Ensure civil treatment and observance of legal rights of all persons coming within the investigator’s scope of authority;

3. Maintain and protect the crime scene and evidence;

4. Communicate to appropriate supervisory personnel and to co-workers, all information obtained which concerns the achievement of common objectives;

5. Acquire and record information concerning crimes that have taken place in the area;

6. Record activities, events and remarks in prescribed form and detail;

7. Complete and submit reports of criminal incidents in conformity with established reporting procedures;

8. Accept accountability for the securing, receiving, and proper transporting of all evidence and property coming into his/her custody;

9. Identify and interview victims and witnesses and obtain all pertinent information;

10. Move promptly to apprehend the offender and conduct a thorough interrogation. Whenever apprehension is not possible, make a thorough investigation and relay essential information to other units or agencies;

11. Conduct a thorough investigation of all offenses within the area of assignment. Collect evidence and record data which will aid in the identification, apprehension, prosecution of offenders, and the recovery of property; and

12. Properly assess the need for a continued follow-up investigation. Indicate circumstances which would encourage or discourage the need for continuing the follow-up investigation.

F. Preliminary Victim/Witness Services

During the preliminary investigation, the responding officer shall render any necessary emergency assistance to the victim. The officer shall provide the following services:

1. Inform the victim/witness regarding available services by referring them to MNPD's Family Intervention Program (615-862-7773). Information is on the complaint card. FIP is located within the Family Safety Center at 610 Murfreesboro Pike, FIP provides counseling and advocacy to victims of crime (i.e., Domestic Violence, Adult Sexual Abuse, Survivors of Homicide, Robbery, Aggravated Assault, and other less severe personal crimes that have had an intense emotional impact on a victim/witness);

    a. When deemed appropriate by a supervisor, an email may be sent to the captain and division manager of FIP for referrals as well.

2. The FSC, the Nashville's Family Safety Center, also serves victims who have experienced domestic violence, elder abuse, sexual assault, human trafficking, or child abuse. They are separate from

the MNPD Family Intervention Program. The FSC Website: https://ofs.nashville.gov/

3. Free and confidential services provided at the Family Safety Center:

   a. Safety Planning

   b. Danger Assessment

   c. Orders of Protection

   d. Counseling

   e. Crisis Intervention

   f. Shelter/Housing Assistance

   g. Emergency Food Assistance

   h. Children's Services

   i. Support Groups

   j. Referrals to Partner Agencies

   k. Address Confidentiality Assistance

   Address: 610 Murfreesboro Pike, Nashville, TN 37210
   Parking: Free parking is available at the Family Safety Center.
   Days and Hours of Operation: Monday – Friday, 9 a.m. to 6 p.m. (Open 24/7 for Orders of Protection)
   Phone: 615-880-1100
   Email: FSCINFO@jis.nashville.org

15.30.020 Follow-Up Investigations

A. Developing Information to Aid in Resolving the Case

1. The incident report constitutes the basic source of information received by investigative components.

2. All reports received will be reviewed by the appropriate investigative components supervisor to discover any valuable criminal intelligence, emerging crime patterns, or significant methods of operation.

3. Other sources of information may include the following:

a. A review of information provided by the Crime Analysis Unit.

b. Crime intelligence bulletins.

c. All applicable department records and criminal histories.

d. Additional interviews with the public, neighborhood canvas for witnesses, additional interrogations, use of informants, etc.

e. Seminars and meetings with satellite cities and other law enforcement agencies.

f. Information received by Crime Stoppers.

g. All investigators will cooperate and open a line of communication so they may be able to gain any information from uniformed personnel, other specialized units, and other state and federal agencies. Investigators should seek additional information at roll call briefings, or direct contact with various law enforcement officials and community leaders.

h. The media can be a valuable aid in obtaining information from the public and should be used when necessary to solicit new or unknown information about crimes or suspects.

i. Investigators should be limited only by their imagination in developing innovative and/or legally sound means to obtain pertinent information.

j. All laboratory reports and information provided through identification processes will be regularly reviewed to determine if additional avenues of investigation are available.

4. Searches can provide additional information critical to an investigation. Prior to executing any search, proper planning and organizing will be conducted, based on the particular circumstances of that search. This effort will maximize the productivity of the search and provide safety for all officers and civilians. All searches will be conducted in full accordance with applicable laws and department regulations.

5. Efforts will be made to identify and apprehend all suspects involved in the investigation. This effort may include working closely with other department elements and other law enforcement agencies.

B. Follow-Up Investigation Responsibility

1. Follow-up investigations of crimes will be conducted by personnel assigned to the division having investigative responsibility.

2. Documentation of follow-up investigations:

   a. Investigators will prepare supplemental reports detailing investigative activity on cases assigned, providing their supervisor with updated information on progress made and the need for further investigation. This will determine the status of all cases assigned.

   b. Supervisors will check officers' supplement reports and/or activity reports to ensure that unit objectives are being met, and that time and resources are being used in an efficient manner.

3. Follow-up case contact - Investigators shall attempt to/or make a second contact with principals involved in a case requiring follow-up investigation. This is to ensure that all pertinent information has been received by our department and to inform the victim of their case status.

4. Case files will be prepared on all assigned investigations so as to provide an organized complete case for possible prosecution. Investigators will assist the prosecution by providing any additional information necessary for proper prosecution of the case and will be available when formally notified that courtroom testimony is required.

5. A review of similar investigations should be conducted so as to determine if any suspects are involved in other crimes. Also a thorough check of the suspect's criminal history should be conducted.

6. Investigators will work closely with Technical Investigations Section personnel to collect and document all physical evidence at any crime scene.

C. Follow-Up Services for Victims/Witnesses

1. Whenever the impact of a crime has been unusually severe and has triggered an above-average need for victim/witness assistance, the Family Intervention Program (FIP) is an appropriate referral. FIP offers counseling and advocacy to victims of violent crime, which includes but is not limited to homicide (also vehicular homicide), domestic violence, sexual assault, robbery, and other

personal crimes. Located within the Family Safety Center, FIP can be reached by calling 615-862-7773.

2. Any property belonging to a victim/witness that has been taken as evidence by the department will be promptly returned subject to the rules of evidence and other legal limitations. The District Attorney's Office will be consulted before releasing property in any questionable situation.

3. The Family Intervention Program will continue to provide any necessary services during the prosecution of the case and will coordinate court information with Victim Witness of the District Attorney's Office. FIP can continue to provide support and services during various post-conviction stages, such as during parole hearings.

4. Department personnel will keep crime victims/witnesses notified of their case status. The Family Intervention Program will continue to provide any necessary services during the prosecution of the case and at various post-conviction stages.

15.30.030 Rights of Crime Victims

The Rights of Crime Victims are designed to ensure that victims and other witnesses receive professional handling consistent with their important investigative and prosecutorial role. Our department must make every reasonable effort to assure that the personal rights and safety of victims or other witnesses are protected. Employees should be particularly sensitive to the special needs of the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly because of their effect on the structure of the family unit and the community in general. Tennessee Code Annotated provides for the following rights of crime victims:

A. Victim/Witness Rights

All victims of crime and prosecution witnesses have the right to:

1. Be treated with dignity and compassion; and

2. Protection and support with prompt action in the case of intimidation or retaliation from the defendant and the defendant's agents or friends.

B. Informing Victims of Crime

All victims of crime shall, upon their request, have the right to be fully informed orally, in writing, or by video tape by the office of the district attorney general, acting through the appropriate victim-witness

coordinator, of the following:

1. The various steps and procedures involved in the criminal justice system.

2. The procedure and basis for continuances in the proceedings.

3. The procedure involved in the plea-bargaining process and how to request input into such process.

4. The times, dates and locations of all pertinent stages in the proceedings following presentment or indictment by the grand jury.

5. The methods by which the victim may have input into a convicted defendant's sentence, including the pre-sentence report and the sentencing hearing.

6. The stages in the appellate process and how to obtain information concerning appellate action that has an effect on the defendant's conviction or sentence and the date a defendant's sentence becomes final.

7. How to obtain pertinent information relating to the possible release of an appropriate inmate, including notification of any department of correction decision permitting such inmate's release into the community, or any scheduled hearing by the board of probation and parole concerning the inmate's parole or application for executive clemency.

8. The methods by which the victim may obtain restitution directly from the defendant and information about obtaining assistance in obtaining such restitution; and

    a. The methods by which the victim may obtain a monetary award or other benefits from the criminal injuries compensation fund and information about obtaining assistance in securing such award or benefits;

    b. Whenever possible, be advised and informed of plea bargaining discussions and agreements prior to the entry of any plea agreement, where such victim is a victim of violent crime, involving death of a family member or serious bodily injury, speak at parole hearings, submit a victim impact statement to the courts and the board of probation and parole and give impact testimony at court sentencing hearings;

    c. Be informed that T.C.A. § 41-21-240 requires the Department of Correction to notify them, upon their request, at least ninety (90)

days prior to the date an inmate with a sentence of two (2) years or more is scheduled to be released by reason of expiration of such inmate's sentence, and be informed how such a request of the department is made; and

d. Be compensated for expenses actually and reasonably incurred as the result of traveling to and from the trial of the defendant or defendants and traveling to and from appellate, post-conviction or habeas corpus proceedings resulting from the trial of the defendant or defendants alleged to have committed a compensable offense subject to the provisions of T.C.A. Title 29, Chapter 13, part 1, and the availability of funds in the criminal injuries compensation fund.

9. Upon the request of a victim of violent crime involving serious bodily injury or death of a relative, such victim shall be supplied information and a request form by the law enforcement agency responsible for the investigation of the crime and/or the arrest of the defendant, the sheriff or other custodian of the defendant, or the D.A's victim-witness coordinator as to how the victim or relative of a victim may request and secure notification of the release from custody of an offender from a jail or detention facility prior to trial. The jailer, sheriff or other custodian of criminal offenders shall maintain a record or file of such request forms and, prior to the release of an offender about whom a notification request has been made, give immediate and prompt notice of such release to the requesting victim, or family member of a victim by the most direct means available. For more information on the Sheriff's Office Victim Information Notification Service (VINE):

https://sheriff.nashville.gov/victim-information-notification-service/
https://www.vinelink.com/#/home/site/43000.

15.30.040 Interviews and Interrogations

Statements made by suspects and witnesses are often essential to the successful prosecution of a case. If a statement is to be admissible in court it must be obtained in a constitutionally correct manner.

A. Custodial Suspect Statements (Confession)

1. Only a voluntary confession, freely and intelligently made, can be used as evidence against a defendant.

2. Where legal guidelines require Miranda warnings; failure to advise a suspect of his/her rights is not permissible.

3. Investigators shall make every effort to complete MNPD Form 266, Rights Waiver Form, when questioning a suspect who is already in custody.

4. If a suspect indicates they do not wish to speak with police, MNPD Form 266, Rights Waiver Form, will be completed at an appropriate point and the suspect will be arrested or released.

5. MNPD Personnel should be aware that there is a distinction when the person merely indicates they do not want to talk with the police and when they indicate they want an attorney.

6. Once a suspect indicates he wants to consult with an attorney, the investigator may not ask interrogative type questions again until an attorney is present, or the suspect indicates a willingness to resume discussions about the incident to the investigator or other police officers. If the suspect does not have an attorney, the officer will allow the suspect to contact an attorney, or the Public Defender's Office.

    a. The suspect's indication that he/she would like to speak with an attorney should be clear and unequivocal. Both federal and state courts have held that the mere mentioning of an attorney is insufficient.

    b. The suspect's request must be unequivocal. Until then, the investigating officer is under no obligation to cease questioning the person.

7. When a suspect indicates that they do not want to talk to the police but does not unequivocally indicate that they want an attorney, the police may re-approach the suspect after a substantial amount of time has passed, so long as the suspect's initial request to remain silent has been honored. Additionally, the suspect shall be re-Mirandized before the second interrogation and a new waiver obtained.

8. Once a suspect unequivocally indicates he wants to consult with an attorney, all interrogative questioning must stop. However, questions that are not designed to elicit an incriminating response are acceptable.

9. Executing the Rights Waiver Form, MNPD Form 266 - If the suspect agrees to waive their right to remain silent:

    a. Each additional constitutional right shall be read by or to the suspect;

b. When completed, the suspect shall be asked to sign the form; acknowledging that they fully understand the constitutional rights, and are willing to waive all the rights and answer questions;

c. The officer advising the suspect of their rights shall check appropriate lines and sign the form documenting the date and time; and

d. In all investigations the constitutional warnings and the suspect's subsequent statement may be recorded using audio and/or video tape.

B. Custodial Interrogation of Juveniles

1. Whenever an officer is investigating a criminal offense involving a juvenile in custody, the officer shall advise the juvenile of his constitutional rights prior to interrogating them. MNPD Form 266, Rights Waiver Form, shall be completed.

2. Any interrogation involving a juvenile in custody shall be video or audio recorded, unless a technical issue or exigent circumstances prevent the recording.

3. The officer shall exercise special care in advising a juvenile of their rights. Factors to consider when determining whether the juvenile sufficiently understands and can voluntarily waive their rights include, but may not be limited to:

a. age of the juvenile;

b. consideration of all circumstances surrounding the interrogation including the juvenile's experience, education, and intelligence;

c. the juvenile's capacity to understand the Miranda warnings and the consequences of the waiver;

d. the juvenile's familiarity with Miranda warnings or the ability to read and write in the language used to give the warnings;

e. whether the defendant is suffering from any injury or pain at the time the statement is given;

f. the duration of the questioning;

g. time of day;

h. length of confinement;

i. whether defendant was cuffed or threatened;

j. whether defendant was refused the use of bathroom, food, or drink;

k. whether there was a promise of leniency;

l. familiarity with English or the official language;

m. any intoxication;

n. any mental disease, disorder, or retardation;

o. the presence of a parent, guardian, or interested adult; and

p. whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor.

4. The officer will give consideration to conferring with parents or guardians prior to conducting the interrogation, particularly in the case of younger or mentally delayed juveniles.

5. The number of officers involved in the custodial interrogation of a juvenile should be limited to two when possible and practical. The juvenile should not be interrogated for any extended period of time.

C. Witness Statements

Witnesses shall be identified by name, date of birth, social security number, home and work address and telephone numbers, and their relationship to the suspect/victim. The witness's statement should be obtained, and documentation made to verify the statement was given freely and without coercion.

15.30.050 Line-Up Procedure

Line-ups are investigative procedures designed to ensure accurate and reliable identification of individuals suspected of crimes. The case officer in charge of the investigation will be responsible for following all applicable, legal, and departmental guidelines when conducting any line-up.

A. Types of Line-Ups

1. Physical line-ups - a process in which a suspect is displayed with four other persons who have similar physical characteristics for the purpose of identification by a victim or witness.

2. Photographic line-up – A procedure in which the photograph of a suspect or person of interest is displayed with five other photographs of persons with similar physical characteristics for the purpose of identification by either a victim or witness. The MNPD utilizes a double-blind photo line-up procedure. A double-blind line-up refers to a procedure in which both the witness and the line-up administrator are unaware of which line-up photo is the alleged person of interest or under investigation. The line-up administrator will provide the witness with the line-up instructions and then present the line-up. **Unless exigent circumstances exist, utilization of the double-blind procedure for conducting photo line-ups is mandatory.**

3. Show-up identification - A procedure in which a victim/witness views a single person for the purpose of identifying the perpetrator of a crime.

B. Preliminary Physical Line-Up Procedures with an Adult Suspect

1. The victim/witness should not be allowed to view or see the defendant prior to the line-up.

2. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other witnesses or victims prior to or after viewing the line-up.

3. The victim/witness shall be instructed:

   a. Please do not discuss this identification procedure or the results with other witnesses in this case or with the media;

   b. Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need;

   c. Make no identification unless you are positive of such identification;

   d. People may not appear exactly as they did at the time of the event, because features such as clothing and hair style may change, even in a short period of time;

   e. You should not assume the officer/detective conducting the line-up knows which, if any, of the persons are a suspect; and

   f. As you look at these individuals, tell me if you recognize anyone as the person responsible for perpetrating the crime in question and explain what you witnessed him/her do.

4. Under no circumstances shall anyone attempt to influence the identification of any suspect in the line-up.

5. If there are multiple witnesses:

   a. The suspects shall be presented in same order;

   b. multiple witnesses shall not view the line-up at same time; and

   c. Witnesses shall not be allowed to converse with each other prior to or after viewing the line-up.

6. At least twenty-four (24) hours prior to conducting a line-up, the Davidson County Sheriff's Office must be notified, and a Sheriff's Office line-up request form will be completed. This is mandatory unless otherwise approved by the Sheriff's Office.

7. Although not mandatory, it is recommended that a court order be obtained prior to the showing of any physical line-up. This prevents any problems with suspects or their attorneys having reservations about participating in a pre-planned line-up. A General Sessions Court Line-Up Order form can be completed and signed by a General Sessions Judge.

8. When a defendant is to be placed in a physical line-up for an offense where a formal charge (arrest warrant, indictment, presentment, etc.) has been made, contact the defendant's attorney. The defendant has the right for counsel to be present for the line-up to ensure that the line-up is conducted in a fair and non-suggestive manner.

9. Ensure that the victim and witnesses do not know who the other participants in the line-up are.

C. Conducting the Physical Line-Up

1. Participants for the line-up may be picked from volunteers in the general inmate population of the jail. If circumstances arise when enough similar individuals cannot be located in the jail, police officers or other volunteers can be used.

2. Except for the unusual situation in which the question of clothing is pertinent, all persons in the line-up shall be attired in clothing furnished by the Sheriff's Department. Shoe covers should be worn so all line-up participants look uniform.

3. The persons who are to be used in the line-up shall be placed in line in the presence of the suspect. The suspect should then be

advised that he/she may take whatever position in the line they desire.

4. The officer in charge must then complete MNPD Form 203A, Line-Up Participants form, indicating the name sex, race, height, weight, hair color, eye color, and complexion of all persons in the line-up. The persons in the line-up must be numbered consecutively starting with number one on the officers left as he/she faces the group. When referring to the participants, only numbers may be used.

5. The line-up participants shall be photographed. Additionally, the line-up may be video/audio recorded for documentation and integrity purposes.

6. The officer will keep detailed notes to include at a minimum the time, date, and location of all procedures concerning the line-up such as all persons present, the position where each person stood during each showing, and whether or not there were any body movements or statements made by any of the participants during the showing. MNPD Form 203A will be used to document any of the above.

7. Any body movements or statements by the participants will be made uniformly by all participants in the line-up.

8. Conversation between witnesses and officials shall be restricted to essential directions. Investigators shall make every effort to ensure that nothing will be said to suggest that a particular suspect is standing in the line-up, or to suggest the identity of the suspect.

9. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after viewing the line-up.

10. Only necessary persons will be allowed in the line-up room during the showing.

11. A statement shall be documented by the investigating officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.

    If not previously documented, the investigating officer should obtain, from the victim(s)/witness(es), the location of the suspect at the crime scene, when the suspect was seen by the victim/witness at the crime scene, and in detail what the suspect was doing at the crime scene.

12. When a suspect has been identified from a physical line-up, the investigating officer shall notify the Identification Division requesting that the line-up photographs be processed and sent to the investigating officer. Upon receipt of the processed photos, the investigating officer shall place the photos, along with a copy of the Line-Up Identification Report, in a sealed envelope and place the envelope into the Property Section as evidence.

D. Conducting Physical Line-Ups with Juvenile Participants

The following guidelines have been arranged with Juvenile Court when a juvenile physical Line-up is necessary:

1. Line-ups involving juveniles who have been transferred to the criminal court shall be conducted in accordance with rules governing line-ups for adult defendants.

2. The following procedure shall govern line-ups for all other juvenile respondents:

   a. When an officer identifies the need for a physical line-up involving a juvenile suspect, the officer shall contact the District Attorney's Juvenile Court Office.

   b. Upon determining that the case is an appropriate one for a physical line-up, the District Attorney's Office shall file a written motion seeking permission to conduct the line-up, and a proposed order with the court.

   c. If permission is granted, the District Attorney's Office shall immediately notify the juvenile's attorney (or the Public Defender's Office if the juvenile has no attorney) of the time, date, and location of the line-up to insure that the attorney has the opportunity to participate in the procedure.

   d. The order granting permission for the line-up shall include the following provisions:

      (1) The juvenile suspect and up to four (4) additional juveniles housed in the Juvenile Detention Center may be transported by police department personnel from the Juvenile Detention Center to the Criminal Justice Center for the purpose of conducting the line-up;

      (2) While away from the Juvenile Detention Center, **no juvenile may be housed with adult inmates**; however, this provision shall not preclude the use of adult inmates as participants in the line-up when necessary;

(3) Interrogation of juveniles participating in the line-up shall be prohibited unless the juvenile's attorney is present and the juvenile has executed a proper waiver of his other rights; and

(4) A member of the District Attorney's staff shall attend the line-up to ensure compliance with the terms of the court order.

E. Conducting Photographic Line-Ups

1. Photographic line-ups should be used when a suspect is not in custody. The case officer will be responsible for determining the necessity for a photographic line-up, creating the photo line-up, and selecting a double-blind line-up administrator. The case officer shall insure that the following guidelines are used in assembling and conducting a photographic line-up:

   a. Individuals in the photographs must have similar characteristics and features and be facing in the same direction;

   b. Photographs must have similar backgrounds, and any placards or height markers must be covered;

   c. Photographs must be similar in size;

   d. The photographic spread must contain only one photograph of the suspect;

   e. Color and black & white photographs must not be mixed;

   f. Photographs must be numbered in the order of presentation;

   g. Conversation between victim/witnesses and officials will be restricted to essential directions. Investigators shall make every effort to ensure that nothing will be said to suggest that a particular suspect is photographed in the line-up, or to suggest the identity of the suspect;

   h. The line-up administrator presenting the photographs is incapable of advising the victim/witness that they have or have not chosen the "right" person even after they've made their selection because the line-up administrator is also unaware;

   i. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after viewing the line-up.

   j. The victim/witness shall be instructed:

(1) The line-up administrator does not know the identity of the alleged suspect or person of interest.

(2) The person who committed the crime may or may not be in the set of photographs presented.

(3) Do not make an identification unless you are positive of such identification.

(4) Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need.

(5) The individuals depicted in the line-up photos may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.

(6) Please do not discuss this identification procedure or the results with other witnesses in this case or with the media.

k. After viewing the photographic line-up, the line-up administrator shall document the time, date and location of the presentation, the identity of the person viewing the photos, whether the witness makes an identification or not on MNPD Form 203, Photograph Identification Form. If identification is made, the line – up administrator shall have the victim/witness circle, initial, and date their selection.

l. After identification is made or not, the line-up administrator can transition the victim/witness back to the case investigator. A statement shall be documented by the case officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.

m. If not previously documented, the investigating officer should obtain, from the victim(s)/witness(es), the location of the suspect at the crime scene, when the suspect was seen by the victim/witness at the crime scene, and in detail what the suspect was doing at the crime scene;

n. If the person viewing the photographic Line-up makes an identification, package the photographic Line-up as evidence in exactly the same way it was shown to the witness, including the folders used to hold the photographs. The photographic line-up shall be placed as evidence in the Property Section along with the original MNPD Form 203. Copies of the photographic line-up can be kept in the case files; and

o. If a photographic Line-up is shown and no identification is made, this fact shall be shown on MNPD Form 203, and the suspects name should be indicated next to his/her booking identification number. MNPD Form 203 shall then be placed in the case file.

2. Juvenile photographic line-up procedures

   The use of juvenile arrest photographs have unique procedures that are mandated by law. The photographs shall be maintained in accordance with state law, in the Identification Division of the department in secure files separate from any adult files. The Identification Division Commander shall be responsible for assuring that photograph availability complies with state law, and approving access to photographic files. The photographs are **confidential** and shall be used by law enforcement officials **only** when necessary for the discharge of their official duties. All other procedures listed above that are applicable to adult photo Line-ups shall be followed when showing a juvenile photographic Line-up.

F. Show-Up Identification Procedure

1. Generally, if a suspect is detained within a two (2) hour window of the commission of a crime and the investigation is ongoing, the person may be presented in a show-up. The victim(s) or witness(es) may be transported to the person/suspect by officers for possible positive identification.

2. Providing exigent circumstances exist, a show-up may be conducted outside the two (2) hour window. In each case the critical issue is whether there was sufficient proximity of time and place between the offense and the show-up. Obviously, the longer the time elapsing between the crime and the show-up the greater the need to document the articulable facts as to why the show-up did not occur within the two (2) hour window. Such facts may include, but not limited to: length of time victim observed suspect, lighting, time of incident, etc.

3. It is preferable, if possible and while not unduly detaining the suspect for an extended period of time, to return the person/suspect to the crime scene when lighting, weather, and other conditions are the same as when the crime occurred.

4. Conversation between victim/witnesses and officials shall be restricted to essential directions. Investigators shall make every effort to ensure that nothing shall be said to suggest the identity of the suspect;

5. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after conducting a show-up.

6. The victim/witness shall be instructed:

    a. Please do not discuss this identification procedure or the results with other witnesses in this case or with the media.

    b. Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need.

    c. Make no identification unless you are positive of such identification.

    d. People may not appear exactly as they did at the time of the event, because features such as clothing and hair style may change, even in a short period of time.

    e. As you look at this person, tell me if you recognize him/her as the person responsible for perpetrating the crime in question and explain what you witnessed him/her do.

7. After a show-up, the officer shall document the time, date and location of the presentation, the identity of the person viewing the suspect, whether the witness makes an identification and any statements made by the victim/witness on MNPD Form 100, Incident Report and/or MNPD Form 106, Arrest Report.

8. A statement shall be documented by the investigating officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.

15.30.060 Exculpatory Evidence

It is the policy of the MNPD to conduct fair and impartial criminal investigations. Officers have an affirmative duty to consider both incriminating and exculpatory evidence when making an arrest decision.

Exculpatory evidence is that which tends to establish a suspect's innocence. After an arrest, MNPD personnel have a continuing affirmative duty to provide both incriminating and exculpatory evidence, as well as information that may affect the credibility of a witness, to prosecuting authorities promptly. This duty to disclose is ongoing, continues throughout the prosecution, and remains following any subsequent conviction.

15.40 Response Procedures for Sexually Related Offenses

15.40.010 General Provisions

The Special Victims Division Adult Sexual Assault Section of the Metropolitan Nashville Police Department (MNPD) has the primary investigative responsibility for conducting investigations into sexually related offenses when the victim is 18 years of age or older.

The Juvenile Sexual Assault Section of the MNPD Youth Services Division has the primary investigative responsibility for conducting investigations into sexually related offenses when the victim is 17 years of age or younger.

The Metropolitan Nashville Police Department recognizes that sexually related offenses are violent and demeaning personal crimes. In accordance with the provisions contained herein, it shall be the policy of the Metropolitan Nashville Police Department to quickly and adequately respond to reports of sexually related offenses. Such response shall be accomplished by the assignment of any patrol, investigative, or support resources necessary to assist in caring for the victim(s) and apprehending the perpetrator(s).

15.40.020 Dispatching of Calls

Department of Emergency Communications (DEC) policy divides calls for sexually related offenses into two general types – “field” and “hospital” calls.

A. Field Calls: Reported sex related offenses where the victim has not been transported away from the scene of the offense, or the location where the request for police service was made, or any location other than a medical facility.

   1. Upon receiving a call for a sexually related offense, a patrol officer will be dispatched immediately.

   2. The patrol officer shall respond, assess the call, and notify the appropriate sexual assault investigator if it is an actual sexually related offense **and meets callout guideline criteria**. If a sexual assault investigator is not available, a precinct investigator will be notified.

   3. Should the precinct investigator be unable to respond, the appropriate investigator shall be notified via established policy and procedure governing call-outs for investigative units.

B. Hospital Calls: Reported sexually related crimes where the victim has been transported to a medical facility prior to police notification.

1. Upon receiving a call in which a victim of a sexually related offense is at, or being transported to, a medical facility, a patrol officer will be dispatched immediately.

2. Should an investigative unit be needed at the scene and the appropriate sexual assault investigator is unavailable, the appropriate investigator shall be notified via established policy and procedure governing callouts for investigative units.

3. DEC will ensure that the patrol officer is relieved by an investigator as soon as possible. This will be accomplished by:

   a. Dispatching the appropriate available sexual assault investigator; or

   b. Dispatching the appropriate sexual assault investigator responding to a call-out initiated by appropriate supervisory personnel.

15.40.030 Patrol Response

A. Field Calls

Upon receiving a call alleging a sexually related offense, patrol personnel shall immediately respond to the scene and/or area. The responding officer(s) will be responsible for the following:

1. Aid injured;

2. Call for medical assistance if independent injuries constitute a medical emergency. **Victims should not be transported by the Fire Department, as rape alone does not justify emergency medical (ambulance) transportation;**

3. Apprehend suspect(s);

4. Protect crime scene;

5. Broadcast suspect and/or vehicle description;

6. Identify and separate witnesses;

7. Assist investigators; and

8. Complete necessary reports.

B. Hospital Calls

Upon receiving a call for a sexually related offense at a medical facility, patrol personnel shall respond immediately. Patrol personnel dispatched to hospital calls will be relieved by an investigator as soon as possible. The responding personnel shall:

1. Speak with the victim to determine when and where the incident occurred. **(DO NOT interview the victim in the event he or she is 12 years old or younger, unless it is absolutely essential to obtain information immediately. Obtain the information from the complainant, parent, or guardian.)**

2. Advise the victim that the police will do everything possible to help.

3. Relay all information to the relieving investigator.

4. Complete necessary reports.

5. **Do not** initiate any evidence collection procedures.

15.40.040 Call-Out Criteria for Sexual Assault Investigators

See 15.10.050(C & I) for specific provisions regarding the call-out criteria for Sexual Assault investigators.

15.40.050 Duties of Sexual Assault Investigators

Sexual Assault investigators may consult with the requesting supervisor or a supervisor on the scene of the incident before responding to determine the best course of action. However, if the incident does not meet the call-out criteria and the requesting supervisor directs that the investigator respond, he/she shall respond to the scene.

15.40.060 Human Immunodeficiency Virus (HIV) Testing of Suspects

A. All other provisions of this order notwithstanding, when a person is initially arrested for the charge of Aggravated Rape, Rape, Statutory Rape, Rape of a Child, Aggravated Rape of a Child, or Statutory Rape by an Authority Figure, the arresting officer shall immediately cause that person to undergo human immunodeficiency virus (HIV) testing in accordance with current law.

B. The arresting officer shall utilize the following procedure whenever an individual is initially arrested for the charge of Aggravated Rape, Rape, Statutory Rape, Rape of a Child, Aggravated Rape of a Child, or Statutory Rape by an Authority Figure:

1. The arresting officer shall first ensure that the appropriate medical assistance has been made available or summoned for the victim(s) and/or suspect.

2. Once the crime scene is secure, the arresting officer shall notify the appropriate Juvenile or Adult Sexual Assault detective who shall immediately respond to the scene.

3. If an on-duty Juvenile or Adult Sexual Assault detective is not available, the arresting officer shall have the Department of Emergency Communications (DEC) notify the on-call Juvenile or Adult Sexual Assault detective who shall immediately respond to the scene.

   NOTE: At no time will a call out of this nature be delegated to another unit/section of the Metropolitan Nashville Police Department. If the arrest is made by an investigative unit other than the Juvenile or Adult Sexual Assault Section, the appropriate Sexual Assault detective shall still be notified and respond to ensure the HIV testing is completed according to law.

4. The arresting officer may transport the suspect to Nashville General Hospital at the request of the on-scene Sexual Assault detective.

5. The Sexual Assault detective shall be responsible for informing the hospital emergency intake personnel that the suspect is to be tested for HIV as required by TCA 39-13-521.

6. Once the HIV test has been completed, the arresting officer will transport the suspect to booking and complete the booking procedure.

7. If the arrest was initiated by a detective assigned to the Juvenile or Adult Sexual Assault Section, that detective shall complete the booking procedure.

   NOTE: The above provisions cover **any initial** arrest for the crimes of Aggravated Rape, Rape, Statutory Rape, Rape of a Child, Aggravated Rape of a Child, and Statutory Rape by

an Authority Figure whether the arrest was a new charge initiated by the officer or based on an existing arrest warrant. Additionally, a search warrant may not be required for testing as outlined in this provision. Field personnel should consult the appropriate Sexual Assault Investigative personnel for assistance before attempting to secure any search warrant in such cases.

15.40.070 Mechanics of Call-Outs

A. Consistent with existing departmental policy and the provisions of this order, call-outs shall be conducted by:

   1. Precinct supervisors;

   2. DEC, acting at the direction of a supervisor in the field; or

   3. DEC, pursuant to the current “on-call” lists.

B. Any personnel conducting a call-out shall use the current list as recorded in the approved online call-out application.

15.50 Domestic Violence

15.50.010 General Provisions

In both arrest and non-arrest situations involving domestic related calls, officers will take all reasonable measures necessary to assure the immediate safety of the victim(s), any children, the offender, or any other person who may be affected. Investigating officers shall determine what action would be most effective in reducing the likelihood of future abuse.

TCA Title 36 Domestic Relations, Chapter 3 Marriage, Part 6 Domestic Abuse contains provisions related to response to domestic abuse, including but not limited to definitions and protection orders. Officers should remain familiar with these provisions in addition to criminal offenses found in Title 39 Criminal Offenses.

15.50.020 Definitions

A. **Domestic abuse** means inflicting or attempting to inflict physical injury by other than accidental means on a "domestic abuse victim," as defined herein, who is an adult or minor, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party, or intentionally engaging in behavior that amounts to financial abuse.

B. For the purpose of this directive**, domestic violence** shall have the same meaning as "domestic abuse," as defined in the Tennessee Code Annotated.

C. A **Domestic abuse victim**, means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in state law:

1. Adults or minors who are current or former spouses;

2. Adults or minors who live, or who have lived together;

3. Adults or minors who are dating or have dated, or who have or had a sexual relationship, as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context;

4. Adults or minors related by blood or adoption;

5. Adults or minors who are, or were, formally related by marriage; or

6. Adult or minor children of a person in a relationship described in the categories listed above.

D. **Domestic Violence Shelter:** A facility that houses families that are, or have been, victims of domestic violence, offering room, board, and ancillary services.

E. **Financial Abuse** means behavior that is coercive, that is deceptive, or that unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which the person is entitled, including using coercion, fraud, or manipulation to:

1. Restrict a person's access to money, assets, credit, or financial information;

2. Unfairly use a person's economic resources, including money, assets, and credit, to gain an advantage; or

3. Exert undue influence over a person's financial behavior or decisions, including forcing default on joint or other financial obligations; exploiting powers of attorney, guardianship, or conservatorship; or failing or neglecting to act in the best interest of the person to whom a fiduciary duty is owed.

F. **Order of Protection:** An order of protection is an order of a civil court which is issued after a hearing filed by a petitioner (as defined by TCA § 36-3-601) which sets forth the specific orders of the court for the protection of the petitioner and is enforceable by police officers without an arrest warrant. (Note: Special precautions relevant to ex- parte orders of protection within policy.)

G. **Petitioner** means the person alleging domestic violence, sexual assault, or stalking in a petition for order of protection.

H. **Predominant Aggressor** is the person determined to be the most significant aggressor, rather than the first, aggressor.

I. **Preferred response** means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest.

J. **Respondent** means the person alleged to have abused, stalked, or sexually assaulted another in a petition for an order of protection.

K. **Strangulation** means intentionally impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person. For charging purposes the suspect would be charged with TCA § 39-13-102, Aggravated Assault. A person commits aggravated assault that “attempts or intends to cause bodily injury to another by strangulation”.

15.50.030 Documentation of Incident and Departmental Record-Keeping

A. An MNPD Form 100, Incident Report, MNPD Form 117, Domestic Violence Supplement Report and (if necessary) MNPD Form 117 LAP will be completed whenever an officer investigates an allegation of domestic violence to include: Homicide, Aggravated Assault, Domestic/Simple Assault, Stalking, Kidnapping/Abduction, Burglary, Robbery, Rape, Violation of an Order of Protection, Vandalism/Damage to Property, Intimidation, and Harassment. This does NOT include: Matter of Record, Theft, Fraud, Accidental Injury, Recovered Property, Lost Property, Found Property, Motor Vehicle Theft, Psychological Evaluation, or Family Offense (Non-violent).

B. Strangulation and Documentation

   For offense reporting purposes vs CJIS charging for the offense of strangulation MNPD personnel shall utilize the following for clarification:

   1. Regardless if consciousness is lost by the victim the charge should always be an Agg. Assault – Strangulation in CJIS; however, for report writing purposes if the victim did not lose breath, consciousness, etc. the Incident Report only will be classified as a simple assault.

   2. Strangulation is a Class C Felony. Aggravated Assault now encompasses "strangulation or attempted strangulation." The strangulation does not need to impede breathing, blood flow, cause injury, etc. Placing hands on a victim's neck but the victim still being able to breath would still count as an aggravated assault under this new law. If a defendant attempts strangulation the charge should be aggravated assault.

C. An incident involving theft, burglary, etc. should not be marked as a domestic disturbance, unless there is an articulable indication that the suspect in the incident is related to domestic violence. For example; if a victim of a burglary states…"I just broke up with my boyfriend and I think he did this"… there would not be enough to articulate why this would be a domestic disturbance.

D. If an officer decides not to make an arrest or decides to arrest two (2) or more parties, the officer shall include in the report the grounds for not making an arrest or for arresting two (2) or more parties.

   1. In determining whether to arrest both parties MNPD investigating officers shall use the identifiers as described in 15.50.050 to determine a Predominant Aggressor. Arresting both parties when factors are present to identify the Predominant Aggressor and are not applied can cause the victim to be less likely to call for help in the future.

2. Arresting both parties without proper determination of primary or Predominant aggressor may cause additional problems:

    a. If children are present, they may have been needlessly placed with others,

    b. Arrest of the victim reinforced the true batterers threat that the police will arrest the victim, and

    c. Most prosecutors will not file a criminal charge against both as neither party has to testify in court based on their right against self-incrimination.

3. Additionally prior to making a dual arrest the officer shall notify their supervisor and document in the narrative which supervisor was notified as well as their reasoning for making a dual arrest. Dual arrest is not the preferred response due to several factors such as re-victimizing the victim, the real victim possibly not wanting police assistance again; as well as the issues that arise when the case goes to court in regard to self-incrimination.

E. The Data Entry Section will be responsible for assuring the entry of data from domestic violence reports into the computer system.

F. The Domestic Violence Division will compile records and statistics on domestic violence cases, including case assignments and case dispositions.

15.50.040 Initial Response and Investigation

A. It is the policy of the police department to give a domestic violence call the same priority as any other life-threatening call. Whenever possible, at least two officers and a supervisor will respond to the scene of a domestic violence call.

B. If the responding officer is notified that the Department of Emergency Communications has received a second call canceling the original call, the responding officer shall continue to the call to ensure the safety of the complainant.

C. To avoid increased risk to the victim or responding officers, “call backs” for the purpose of obtaining additional information prior to the officer’s arrival should not be allowed. A call back can be made if there is no answer at the door or an address needs to be confirmed.

D. At the scene of a domestic violence call, the investigating officers will:

1. Establish control of the scene and restore order by:

   a. Separating the parties;

   b. Assessing the need for medical attention; and if there is an indication of strangulation the officer shall request an ambulance to the scene to evaluate the victim. Officers should keep in mind victims who have suffered from strangulation may not have any visible injuries but could have serious internal injuries. If an ambulance is not called to the scene when there is an indication of strangulation, the officer shall document the reasons on the offense report and notify his/her supervisor. Victim refusal should never be the sole factor. Victims may not realize the severity of the strangulation before they refuse medical attention.

   c. Protecting the crime scene.

2. Interview all parties separately (victim, suspect, and witnesses). Interview children in a manner appropriate for their age.

3. After an initial investigation, determine if an arrest is appropriate (see 15.50.060).

4. Collect and record evidence. When appropriate, arrange for color photographs of injuries, property damage, threats, etc. made by means of text, emails, or social media, or any other elements worthy of documentation. (Refer to the DV checklist located on the PDWeb).

5. Provide victim assistance (see 15.50.070).

6. Prepare an MNPD Form 100, Incident Report, MNPD Form 117, Domestic Violence Supplemental Report and (if necessary) MNPD Form 117 LAP for offenses as described in 15.50.030, sub section A. When appropriate, require officers on the scene to complete MNPD Form 104, Supplement Report.

E. Officers shall wait to be invited inside but will take appropriate action if there is an indication that a forced entry is necessary.

1. A forced entry is permissible at any time there is probable cause to believe that the safety of a potential victim may be in jeopardy. Officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying information. In evaluating any information, officers shall take into account the credibility of the persons supplying the information and whether there is a reasonable basis for believing the content of the information.

2. When assessing whether a forced entry should be made or whether the investigation should be continued when there is no response from the complainant, officers will ensure that all information available has been obtained from the Department of Emergency Communications. This will include, but is not limited to, the content of the complainant's message/request, the urgency of the request, and the complaint clerk's assessment as to the seriousness of the request.

F. Supervisory personnel **shall** monitor the receipt of any domestic violence incident dispatched to any officer under their command or within their area of responsibility, and respond, if resources allow, assuring compliance with department policy.

G. When officers respond to a domestic violence call and the victim or suspect is a sworn employee of a law enforcement agency, an MNPD supervisor shall be notified and shall respond to the scene (see 15.50.110 if the person is an employee of this department).

H. Because of the volume of domestic violence incidents reported, the Domestic Violence Division cannot investigate all cases (requests for assistance of Domestic Violence Division personnel on the scene must meet certain criteria – see below). However, Domestic Violence Division investigators and/or supervisors shall be available to provide assistance either in person, by phone, or by radio on any case in which their expertise may be requested. In a case where a Domestic Violence Division investigator is not required on the scene, the officer shall complete the report and take all appropriate prosecutorial action. It is important for the department to utilize all of its resources to find the suspect and take him/her into custody (if a warrant has been, or will be, issued) to prevent further abuse. Copies of all domestic violence reports shall be forwarded to the Domestic Violence Division for review.

I. Criteria for cases requiring notification of Domestic Violence Division detectives include:

1. Public Safety personnel (sworn & civilian) or Criminal Justice personnel involved in a domestic incident:

    a. Metropolitan Nashville Police Department Employees (sworn & professional support staff)

    b. Metro Park Police

    c. Metro School Crossing Guards

    d. Any Law Enforcement Officer (including out of state, Vanderbilt, Berry Hill, Campus Police, Tennessee State University, County Deputy, State Trooper, etc…)

    e. Nashville Fire Department Employees

f. Davidson County Sheriff's Department

g. Armed Correction Officers (Corrections Corporation of America, River Bend Corrections, Tennessee Department of Corrections, etc…)

h. Department of Emergency Communications (DEC)

i. Officials of the Courts (Juvenile, General Sessions, Criminal)

2. Victim and/or suspect in a domestic violence incident requires treatment at a hospital for a serious bodily injury;

3. Spousal rapes (joint investigation with the Sex Crimes Section whereas the DVD will be secondary);

4. Domestic related aggravated assaults where weapons are used, the suspect is not in custody, and there is a crime scene to be processed;

5. Domestic related kidnapping or hostage situations;

6. Domestic related stalking cases where victim is in imminent danger;

7. Domestic related homicides (joint investigations with the Homicide Section whereas the DVD will be secondary);

8. All high profile domestic related cases that would be released to the media through the MNPD Public Affairs Office (example: Elected Public Officials, Professional Athletes / Entertainers, etc…)

J. In addition, the Domestic Violence Division will conduct investigations when:

1. Cases directed from the District Attorney General's Office;

2. Victims (walk-ins) come directly to the Domestic Violence Division office for assistance;

3. Cases referred by the Tennessee Department of Human Services (e.g., elder abuse);

4. Cases referred by the courts or the probation office;

5. As directed by the Commander of the Domestic Violence Division or designee.

K. "Night Court" Walk-In Cases

When the victim(s) of domestic violence appear before the Night Court magistrate prior to the police initiating an investigation, the magistrate should refer the victim(s) to on-duty police personnel so that the case can be investigated and a report completed before issuing a criminal warrant.

1. If a request is made for Domestic Violence Division personnel to assist the victim(s) at Night Court after hours, and there are no Domestic Violence Division personnel available, the magistrate should refer the victim(s) to on-duty police personnel.

2. If the investigating officer has determined that exigent circumstances exist, and the assistance of Domestic Violence Division personnel is required, the on-call Domestic Violence investigator/supervisor will be notified according to current policy governing call out procedures.

L. Appropriate photographs of injuries, crime scenes, and other items of evidentiary value will be made.

1. Investigating officer(s) will have photographs made of physical injuries as well as malicious damage to property or any other elements worthy of investigation. Investigating officer(s) can use the MDC or other approved handheld devices; however, if the aforementioned devices cannot adequately capture the photographic evidence then the officer(s) shall request access to an assigned Precinct camera via their sergeant.

2. Domestic Violence Division personnel will maintain cameras for documenting injuries or evidence, and may be called, if available, to take photographs in non-critical, non-life threatening cases. In addition, follow-up photographs may be taken later to further document injuries.

3. The Crime Scene Investigations Section (CSI) of the Identification Division may also be requested for photographs or other crime scene processing activities and shall be called in all critical, life threatening, or complex crime scene cases.

15.50.050 Arrest Determination

A. If an officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the crime is a misdemeanor or felony, or was committed within or outside the presence of the officer, the **preferred response of the officer is arrest**. As defined by law, preferred response means "officers shall arrest a person committing domestic violence unless there is a clear and compelling reason not to arrest" (TCA § 36-3-601).

B. If an officer has probable cause to believe that two (2) or more persons committed a misdemeanor or felony, or if two (2) or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. **Arrest is the preferred response only with respect to the primary or predominant aggressor.** The officer shall presume that arrest is not the appropriate response for the person or persons who were not the primary aggressor. **If there are reasons for an officer(s) to believe that all parties are equally responsible, the officer shall exercise the best judgment possible in determining whether to arrest all, any or none of the parties.** The officer shall document the reason(s) for this determination. The officer shall contact his or her supervisor prior to arresting both parties while documenting who was consulted and the reason(s) for this determination.

C. To determine who is the primary aggressor, the officer shall consider (reference TCA § 36-3-619):

1. The history of domestic abuse between the parties;
2. The relative severity of the injuries inflicted on each person;
3. Evidence from the persons involved in the domestic violence;
4. The likelihood of future injury to each person;
5. Whether one (1) of the persons acted in self-defense;
6. Evidence from witnesses of the domestic violence;
7. Criminal History of the parties;
8. Which party is in fear?;
9. Did one party escalate the violence?;
10. Was a weapon used?; and
11. Any Protective Orders or Conditions of Bond present.

D. An officer shall not:

1. Make any statements which would discourage a victim from reporting an act of domestic violence;
2. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel; or

3. Base the decision of whether to arrest on:

    a. The consent or request of the victim; or

    b. The officer's perception of the willingness of the victim or of a witness to testify or participate in a judicial proceeding.

E. Self-defense (TCA § 39-11-611):

1. A person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat before threatening or using force against another person when and to the degree the person reasonably believes the force is immediately necessary to protect against the other's use or attempted use of unlawful force.

2. A person who is not engaged in unlawful activity and is in a place where the person has a right to be, has no duty to retreat before threatening or using force intended or likely to cause death or serious bodily injury, if:

    a. The person has a reasonable belief that there is an imminent danger of death or serious bodily injury;

    b. The danger creating the belief of imminent death or serious bodily injury is real, or honestly believed to be real at the time; and

    c. The belief of danger is founded upon reasonable grounds.

F. If the victim(s) of domestic violence refuses to initiate prosecution, the suspect is in custody, and the investigating officer has probable cause to initiate prosecution, he/she shall sign the warrant. The victim and other witnesses shall be listed on the warrant so they may be subpoenaed. If the suspect is not in custody and probable cause exists, the officer shall attempt to obtain a warrant on behalf of the victim.

G. When the victim agrees to prosecute, the responding officer shall offer to write, **or** supervise the writing of, the affidavit of complaint that the victim swears to and is made part of the warrant or criminal summons.

H. If the domestic violence misdemeanor offense involves a “domestic abuse victim,” the appropriate charge is Tennessee Code Annotated (TCA) § 39-13-111, Domestic Assault, or its replacement if any.

15.50.060 Victim Assistance

A. In all domestic violence situations, especially where the victim has refused the officer's offer of transportation, as required by TCA § 36-3-619, the officer will advise the victim of the availability of a shelter and other services in the community, including counseling services at the

Domestic Violence Division for non-offending family members. The officer shall also provide the victim immediate notice of the legal rights and remedies available by furnishing the victim the Citizen's Information Notice, MNPD Form 146, and a copy of the VINE brochure which includes the "Notification to Victims of Domestic Violence" statement as required by TCA § 36-3-619.

B. In all domestic violence incidents, an officer shall, when applicable:

1. Explain options available to the victim including the prosecution process, ex parte order of protection, and in the case of arrest, the follow-up procedures and criminal proceedings.

2. Advise the victim of available community resources and domestic violence counselor services.

3. Verify and enforce ex parte and full orders of protection as well as bond conditions.

4. Exercise reasonable care for the safety of the officers and parties involved.

5. Inform the victim of the complaint number and the steps in processing the complaint.

6. After being advised of the above process, if the victim does not have available transportation, the responding officer shall offer to transport the victim, or arrange for transportation, to a place of safety, or to the night court for the obtaining of a warrant.

NOTE: A warrant for a domestic-related offense will only be issued at the request of an investigating officer. The district attorney's intake office does <u>not</u> assist victims with domestic warrants.

C. The victim assistance outlined in sections A and B shall, where feasible, be recorded on the officer's body worn camera.

15.50.070 Initiating a Lethality Assessment

A. **The Lethality Assessment Program is based off the "Maryland Group" in 2005. The LAP is a strategy to prevent domestic violence homicides and serious injuries by providing a method for the MNPD to identify victims of domestic violence who are at the highest risk.**

B. The responding officer shall complete the MNPD Lethality Assessment (LAP) Report, MNPD Form 117L when he/she responds to a domestic violence complaint involving intimate partners and one or more of the following exist:

1. **When you believe there's been an assault or other act of domestic violence.**

   This standard is much lower than a showing of probable cause. If probable cause and/or a subsequently an arrest is made, the officer should definitely initiate the LAP. But this standard does not rise to that level; the standard considers only the officer's "*belief*" that an assault or other act of domestic violence occurred (e.g., violation of protective order, stalking, etc.). The officer simply needs to believe the incident occurred but does not need to have any demonstrable evidence or proof.

2. **When you believe the victim faces danger once you leave.**

   Officers and advocates often feel uncomfortable when they leave or disconnect with the victim from the scene. They are uncomfortable because they sense that the victim is in danger and will be harmed but feel helpless to act because the victim does not "want" their help.

3. **When the home or parties are repeats, or:**

   The concern with this condition is the issue of escalation and the danger that escalation poses to the victim.

4. **When your gut tells you the situation is dangerous.**

   When we say "gut" we mean a practitioner's training, experience and instincts as a professional and as a human being. When the officer decides to administer the screen, it is important to remember that it is not dictated by local/state statute, nor is there a threshold for probable cause, nor arrest.

NOTE: In instances where the involved parties are believed to equally be a victim and/or suspect and each party is reported as such, the LAP should not be completed. If the primary aggressor cannot be determined, the officer shall consult with their supervisor first, and Domestic Violence personnel if further assistance is needed. If still unable to determine the primary aggressor, the reporting officer shall provide detailed reasoning in the narrative why a LAP was not completed.

C. **Lethality Screen Questions**

To initiate the Lethality Screen and corresponded LAP response protocol, the responding officer shall:

1. Advise the victim that she/he will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.

2. Administer the Lethality Screen outside the presence, hearing and awareness of the abusive individual.

3. Ask the questions in the order they are listed, and in the manner they are written.

4. Ask all questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

D. **Assessing the Responses to the Lethality Questions**

After the responding officer asks the questions on the Lethality Screen, the information shall be handled as follows:

1. A single “yes” or positive response by the victim to questions #1, 2 or 3 signifies a high danger situation and automatically triggers the protocol referral.

2. If the victim gives negative responses to questions #1 – 3, but positive responses to four or more of questions #4 through 11, this also signifies a high danger situation and triggers the protocol referral.

3. “No” or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 through 11, may still trigger the referral if the investigating officer believes it is appropriate. Additionally, an officer thru the course of their contact may locate or the victim may disclose priors with additional persons that may lead the officer to feel that the referral is appropriate.

E. **Assessing the Responses to the Lethality Assessment Questions – Non-High Danger**

If the victim is not assessed as “High Danger” after the Lethality Screen is completed, the officer shall:

1. Advise the victim that domestic violence is dangerous and sometimes fatal.

2. Inform the victim to be alert and watch for signs of danger. Ex. Studies show that when a gun is present in the home of a batterer a significant increase of that weapon being used to facilitate a crime increases approximately 500%.

3. Refer the victim to the YWCA or counseling section of the Domestic Violence Division. Provide the victim with both contact numbers.

4. Provide the victim with an Incident Response Card (including the

incident number) and VINE Brochure, noting the telephone numbers for dispatch Refer and the Domestic Violence Division.

5. Notate in the narrative of MNPD Form 100 whether or not the victim completed the Lethality Assessment screening process.

F. **High Danger Victims and the Hotline Call**

If a danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:

1. Advise the victim that this situation indicates that the victim may be at an increased risk of danger, and that victims in similar situations have suffered serious injury or death.

2. Call the YWCA domestic violence hotline.

3. If the victim declines to speak with the hotline advocate, let the victim know you need to speak with the counselor to seek guidance, and ask the victim to reconsider. If the victim continues to refuse, the officer shall provide the same services they would perform for a victim when a referral is not made, including conveying information the advocate may have suggested, reviewing safety tips, and discussing the option of leaving the location if possible. Officers should call the hotline for every high – danger assessment, regardless of whether the victim initially declines to speak to the hotline advocate.

4. If the victim is hospitalized or is otherwise unable to complete the LAP the responding officer shall select the option on the LAP that indicates the victim did not answer any questions. The officer when completing the LAP shall select yes when asked “Is there anything else that worries you about your safety?” The officer needs to explain in this section as well as the MNPD Form 100, narrative section that the victim was unable to answer due to hospitalization, etc. Additionally, the responding officer can advise the hospital ER staff that once the victim becomes coherent law enforcement can be requested to respond to complete the LAP and any additional investigative supplements. In the event of a Natural Disaster or some other rare occasion whereas the YWCA cannot be reached the responding officer will again select yes when asked “Is there anything else that worries you about the victim’s safety?” The officer shall explain the circumstance surrounding this. For example: that due to the Nashville Flood or other Natural Disaster the YWCA was called but were not able to answer the phone to administer the LAP protocol with the victim.

5. If the victim agrees to speak with a hotline advocate, the officer shall contact the YWCA hotline at 800-334-4628 and advise the advocate that the officer has completed a Lethality Assessment that indicates

High Danger and would like the advocate to speak with the victim.

6. During the conversation between the hotline advocate and the victim, the officer shall stay on the scene and allow the victim privacy while she/he speaks with the advocate; however, all parties need to remain within close proximity and visible to provide safety to all involved.

7. Once the hotline advocate and victim are finished, the hotline advocate will inform the victim to return the phone to the officer. The officer will again speak with the advocate for further instructions to conclude the call.

8. The officer shall provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe location/shelter.

9. It is important to reiterate that a Lethality Assessment will be completed on all intimate partner relationships, thus the officer may respond to the same location and in doing so will complete multiple screens on the same victim**.**

10. Officers shall submit all completed Lethality Assessment forms electronically to their supervisor by the end of their shift. These electronic submissions will automatically be assessed by the Domestic Violence Division, the Office of Family Safety, the District Attorney's Office, as well as the YWCA.

11. In those rare cases where an electronic version absolutely cannot be submitted, a hard copy of the form shall be completed and submitted to their supervisor for immediate approval. Once approved the completed and approved original needs to be sent to Records. Additionally, a copy of the LAP needs to be emailed immediately to the Captain and Lieutenant(s) of the Domestic Violence Division for subsequent forwarding to the previous mentioned LAP clients.

12. The Office of Family Safety will track the Lethality Assessment Reports.

15.50.080 Seizure of Weapons in Domestic Violence Incidents

A. Weapons involved in a criminal offense involving domestic violence are subject to seizure. The officer shall seize those weapons that are alleged to have been used by the abuser or threatened to be used by the abuser in the commission of a crime. Additionally, respondents as well as those persons who have certain conditions of bond are often not allowed to possess a weapon.

B. All laws regarding rules of evidence and search-and-seizure shall be followed in seizing and searching for any evidence, including weapons (including procuring search warrants when necessary). Examples include evidence and weapons seized during search incident to arrest, consensual searches, and items in plain view (Reference current policy

on “Criminal Process”).

C. Applicable provisions concerning processing property and evidence shall be followed.

15.50.090 Orders of Protection

A. Verification

The National Crime and Information Center Orders of Protection (NCIC OP) Division of the Davidson County Sheriff’s Office (DCSO) is responsible for the administration, filing, and verification of orders of protection for Metropolitan Davidson County. This will include orders that were issued in another county and the “petitioner” resides in Davidson County. The following procedures are for officers to follow for the verification process.

The NCIC OP Division of the Davidson County Sheriff’s Office will establish procedures to be followed to include, but not be limited to, the following:

1. A line of communication will be maintained between the MNPD, the Davidson County Sheriff's Office, and the court(s) regularly issuing orders of protection in order to ensure that they are received in a timely manner and that any problems or special procedures are attended to promptly.

2. All orders of protection and ex parte orders of protection will be logged and filed in the most feasible manner to ensure their security and to allow rapid verification, 24 hours a day, 7 days a week, by officers investigating incidents of domestic violence.

3. Law enforcement personnel can reach the NCIC OP Division of the Davidson County Sheriff’s Office directly by radio or telephone. The requesting officer will need to have the respondent‘s and petitioner’s name, the respondent’s DOB, and if possible, a few of the respondent’s physical identifiers.

4. If MNPD personnel respond to a domestic violence incident and are made aware of an existing ex parte order of protection that has not been served, he/she is required to make, or arrange for, the notice to the respondent. The DCSO NCIC OP Division can be contacted by phone or via radio transmission for immediate service of outstanding orders. However, if not already under arrest, the respondent cannot be detained.

5. If an ex parte order of protection has not been served, and the respondent is with the officer on the scene, the officer shall contact DCSO NCIC OP Division personnel to read the order to the

respondent so that he/she can be put on notice. DCSO then has the responsibility to note the information on the order and deliver it to the respondent.

6. If it is not possible for the on-scene officer to have the respondent talk directly to the DCSO officer on the phone, the MNPD officer may still put the respondent on notice by advising them of the terms and conditions of the order, specifically what conduct is prohibited or required ("notice" means "actual knowledge," so the entire order should be read to the respondent if possible). The MNPD officer will then contact the NCIC OP Division of the Davidson County Sheriff's Office. It is then the procedure of the Davidson County Sheriff's Office to write on the order the name and employee number of the officer making notice, and mark the order as "notified." MNPD officers shall also note this in the Incident Report.

7. If the investigating officer determines there has been a violation and is making an arrest on this violation, the officer will need to request that the DCSO NCIC OP Division fax the order of protection and the affidavit of service over to the booking office for presentation to the on-duty commissioner.

B. Enforcement

Any officer receiving information that an order of protection has been issued, and that the respondent may be in violation, will make an appropriate investigation and take such action as may be necessary in its enforcement.

1. Upon notice that an order of protection is in effect, the officer will verify its existence by contacting the DCSO NCIC OP Division. The officer will not rely on any purported copy of the order of protection that may be supplied. **The officer will rely only on information supplied by the Police Department, Sheriff's Office, or issuing court** and will document all attempts to confirm this information. The DCSO NCIC OP Division can access NCIC entries in regard to out-of-jurisdiction Orders of Protection.

2. In the case of an ex parte order, the officer will ensure that it has been served on the respondent or that the respondent has otherwise acquired actual knowledge of its existence before taking further action.

   NOTE: To determine whether the respondent has actual knowledge of an ex parte order of protection, the officer may rely on the information written on the order itself. Consideration can also be given to another officer having made notification, an admission by the respondent as to his/her awareness of the order, or any other information that can reasonably be believed to be true.

3. If there is an order of protection, or an ex parte order of protection in existence, which has been served or the respondent has acquired actual knowledge of its existence, the investigating officer will make inquiry as to its contents.

    a. If there is probable cause to believe that the respondent has violated the terms of the order and the violation occurred within Davidson County, the officer shall arrest the respondent, or assist with obtaining warrants if the respondent is not in custody. An Incident Report and Domestic Violence Supplement shall also be completed.

    b. Upon arrival at Night Court the officer will obtain a faxed copy of the order of protection from the DCSO NCIC OP Division, make that copy available to the magistrate for review, and then state the probable cause for the arrest.

    c. The officer shall also state the probable cause for any criminal violation that may have occurred.

    d. Upon approval by the magistrate, the officer shall complete the appropriate forms(s) and warrant(s) and book the respondent according to established procedures.

    e. Officers shall disseminate a BOLO where circumstances indicate it could aid in the location apprehension of the respondent (e.g., the respondent is believed to be at large in Davidson County).

4. If the victim is requesting to obtain an order of protection, the officer will offer transportation to the Night Court or to the Jean Crowe Advocacy Center located in the Ben West Building to obtain an ex parte order of protection.

5. If the victim is requesting to obtain an order at a later time, the officer shall provide directions to the Night Court as well as the Jean Crowe Advocacy Center and indicate the proper procedure for obtaining the order at a later time.

6. Consistent with TCA § 36-3-619, the officer may seek an ex parte order of protection on behalf of a domestic violence victim, if the officer believes that person is in immediate and present danger of abuse, as defined in TCA § 36-3-601, and the victim has consented to the filing in writing. The victim shall be considered the petitioner.

    If issued, the officer shall use reasonable efforts to notify the person on whose behalf the petition was filed and provide the person with a copy of the ex parte order as soon as practical after its issuance.

7. If the victim has additional issues that the officer is unable to resolve, the officer shall offer to provide transportation to the Domestic Violence Division office during operational hours, or give directions to the Domestic Violence Division office so that the victim may seek assistance at a later time. (Note: the Incident Report is usually necessary to aid the victim in follow-up and may not be immediately available after the report has been made).

8. Officers may encounter situations where the petitioner has taken out an order of protection in another county or state. Officers will make every attempt to contact the appropriate law enforcement agency in that county to verify the order of protection and determine whether it has been served on the respondent or whether the respondent has acquired actual knowledge of the order of protection. The DCSO NCIC OP Division will assist with this by checking NCIC entries for out-of-jurisdiction orders of protection. If the order of protection can be verified, the officer will ask the law enforcement agency in that county to fax a copy of the order of protection to the Davidson County Sheriff's Office Booking Department. The officer will take the appropriate action as in cases of in-county orders of protection. If the order of protection cannot be verified, the officer will take a report on the alleged violation of an order of protection and direct the complainant to contact the Domestic Violence Division for follow-up investigation. The officer shall document all attempts to verify the order of protection, especially if the suspect is on the scene and the order of protection cannot be verified. The officer will take all appropriate steps to ensure the safety of the victim.

9. The inability to verify the respondent's prior knowledge of the order of protection will not preclude the investigating officer from making a valid arrest for another offense for which there is probable cause to believe the respondent has committed.

15.50.100 Stalking

Incidents of domestic violence often culminate into acts of stalking against the victim. As stated in TCA § 39-17-315:

"Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested."

A. **"Course of conduct"** means a pattern of conduct composed of a series of two (2) or more separate noncontinuous acts evidencing a continuity of purpose;

B. **"Emotional distress"** means significant mental suffering or distress

that may, but does not necessarily, require medical or other professional treatment or counseling.

C. **"Harassment"** means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

D. **"Unconsented contact"** means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

1. Following or appearing within the sight of that person;

2. Approaching or confronting that person in a public place or on private property;

3. Appearing at that person's workplace or residence;

4. Entering onto or remaining on property owned, leased, or occupied by that person;

5. Contacting that person by telephone;

6. Sending mail or electronic communications to that person; or

7. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

E. **"Victim"** means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

15.50.110 Procedure for Departmental Personnel Involved in Domestic Violence

A. Procedure

1. The first responding officer(s) shall notify their immediate supervisor (who will either respond to the scene, or shall have another supervisor respond to the scene) and request that a Domestic Violence Division investigator be notified. A Domestic Violence Division investigator will respond to the scene and speak with the requesting officer;

2. The responding Domestic Violence Division investigator shall notify his/her supervisor as soon as possible after obtaining the facts;

3. Supervisory personnel of the Domestic Violence Division will contact,

or confirm, that the investigator has contacted the Office of Professional Accountability or the on-call Office of Professional Accountability investigator as part of their standard notifications. If the employee is named as a suspect, immediate notification will also be made to the involved employee's chain of command up to and including the Deputy Chiefs of Police and Chief of Police;

4. In situations in which patrol has responded, the patrol supervisor shall facilitate notification of the involved employee's chain of command. (That responsibility shall also extend to cases involving employees of the DCSO and the Metro Park Police). In domestic situations in which patrol has NOT been called, notification of the involved employee's chain of command (including employees of the DCSO and the Metro Park Police) and the Office of Professional Accountability will be facilitated by the Domestic Violence Division supervisor.

   Additionally, Domestic Violence Division personnel will make notifications to other law enforcement agencies in cases involving out of jurisdiction law enforcement officers, Metro Fire Fighters, and others in the criminal justice system;

5. If an employee, (as a victim, mutual combatant and/or suspect), is involved in a domestic violence incident, the employee shall be required to report to the Behavior Health Services Division (See Article 2.80.040, B, Use of Police Advocacy Support Services-Mandatory Referral).

6. Supervisory personnel of the Domestic Violence Division will contact or confirm that the investigator has contacted the Behavioral Health Services Division manager, or designee, and has emailed a copy of the narrative or summary to that office. Any further actions between the BHSD and the involved employee(s) shall be the responsibility of the employee, the involved employee's chain of command, and the counseling staff of the BHSD;

7. The Domestic Violence Division supervisor will continue to be advised of circumstances surrounding the case and will make decisions regarding appropriate investigative protocol;

8. The Domestic Violence Division commander will make periodic reports to the Bureau Deputy Chief of the involved employee;

9. Upon completion of the Domestic Violence Division investigation, a discussion of the case will be conducted with the Assistant District Attorney. If the case is not to be prosecuted, the Assistant District Attorney in charge of the case will be asked to document in writing the decision to decline prosecution.

B. Post Incident Administrative Decisions

1. The department shall conduct separate parallel administrative and criminal investigations of alleged incidents of employee involved domestic violence in a manner that maintains the integrity of both investigations. Regardless of the outcome of the criminal case, the department shall make administrative findings and recommendations on employee involved domestic incidents. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practical. The department will adhere to and observe all necessary protocols to ensure an accused employee's departmental and legal rights are upheld during the administrative and criminal investigation.

2. Administrative Investigations and Decisions:

   a. Where sufficient information and/or evidence exists that an employee has engaged in conduct as an aggressor in a domestic violence incident, the employee has exhibited behaviors and engaged in domestic related threatening or antagonistic behaviors that bring discredit to themselves, the Department, or the City, the employee's actions violate an Order of Protection, including Ex-Parte Orders of Protection, the department shall take immediate administrative action against the accused employee that may include placement of the employee on administrative assignment or leave.

   b. In determining the proper course of administrative action, the department shall consider factors including the level of danger an employee poses as indicated by the outcome of an assessment of the employees actions, the employees history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

   c. If any MNPD employee is convicted through criminal proceedings of a domestic violence crime, proceedings recommending termination will be initiated.

   d. Any violation of Department Policy related to domestic violence incidents, including conduct unbecoming an employee, will be considered an aggravating factor in internal disciplinary procedures.

   Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

(Offense Category varies by severity of violation, to include Category AA)

C. Mandatory Reporting

1. If any employee of the MNPD has knowledge of a domestic violence situation involving another employee of the MNPD, the employee with the information shall report it to his/her immediate supervisor, who shall forward it through the chain of command.

2. The domestic violence incident shall be reported through the chain of command to the bureau deputy chief of the involved employee. The bureau deputy chief shall then inform the commander of the Domestic Violence Division, who shall initiate a formal investigation, for incidents occurring within Davidson County.

NOTE: For incidents occurring outside of Davidson County, the criminal investigation will be conducted by the agency having jurisdiction.

15.50.120 Request for Removal of Belongings

A. At the scene of a domestic disturbance call, patrol and/or Domestic Violence Division investigators shall stand by if one of the parties at the scene requests to take emergency personal items before going to a safe place, a shelter, or another location. The purpose for officer presence during this time is to prevent a violation of law. An officer(s) shall not make a determination as to ownership of property. Officers shall not make a determination as to which items should or should not be removed.

B. Officers shall exercise caution when being requested to escort a subject to a location for the purpose of retrieving or removing belongings or meeting a subject at a location for the same purpose. Possession of items and decisions regarding ownership of various items are civil matters. Subjects wanting to gain custody of belongings no longer in their possession should be directed to consult with the appropriate persons or agencies, i.e., attorneys, civil court, etc.

C. Lastly, Officers shall be mindful of the specific contact guidelines as it relates to one of the parties requesting assistance also being named as a respondent in ex-parte, orders of protection, etc.

15.50.130 Adverse Childhood Experiences and Handle with Care

A. Adverse Childhood Experiences (ACE's Study)

A recent national survey of the incidence and prevalence of children's exposure to violence and trauma revealed that 60% of American children have been exposed to violence, crime or abuse. Forty percent were direct victims of two or more violent acts. Prolonged exposure to violence and trauma can seriously undermine children's ability to focus, behave appropriately, and learn in school. It often leads to school

failure, truancy, suspension or expulsion, dropping out, or involvement in the juvenile justice system. Because of this adverse impact and the ability to intercede as early as possible the Handle With Care program was implemented.

B. **Handle With Care**

1. Handle With Care ("HWC") programs promote safe and supportive homes, schools and communities that *protect* children, and help traumatized children *heal* and *thrive*. HWC promotes school-community partnerships aimed at ensuring that children who are exposed to trauma in their home, school or community receive appropriate interventions to help them achieve academically at their highest levels despite whatever traumatic circumstances they may have endured. The ultimate goal of HWC is to help students to succeed in school. Regardless of the source of trauma, the common thread for effective intervention is the school. Research now shows that trauma can undermine children's ability to learn, form relationships, and function appropriately in the classroom. HWC programs support children exposed to trauma and violence through improved communication and collaboration between law enforcement, schools and mental health providers, and connects families, schools and communities to mental health services.

2. If a law enforcement officer encounters a child during a police call for service, that child's name and three words, HANDLE WITH CARE, are forwarded to the school via secured email before the school bell rings the next day. The school implements individual, class and whole school trauma-sensitive curricula so that traumatized children are "Handled With Care". If a child needs more intervention, on-site trauma-focused mental healthcare is available at the school. Because of the importance of Handle with Care officers have received documented roll call training on the vital importance of listing the pertinent school information for each child at the residence whether they actually witnessed the original police call for service or were in an adjoining room. It is important to list the information on children who were in the area whether they witnessed the act or not. Children can be impacted by the sounds that they hear and though an adult may report the child did not witness the act that may be false information or the child may lie out of fear.

3. In conjunction with providing all pertinent and relevant information regarding children present as noted above, the Tennessee State Department of the Department of Children's Services (DCS) must be notified if parties have children. Referrals may be made online and/or via phone but reporting officers must ALWAYS include the DCS referral number in the narrative of the incident report. Additionally, DCS shall be notified if:

   a. A child is present and is aware of the domestic incident,

b. A child was actively involved in the domestic incident, or

c. Officers know of prior history with the parties involving a child.

15.50.140 Vulnerable Adult Protective Investigative Team (VAPIT)

Establishes a protocol and implementation for the Vulnerable Adult Protective Investigative Team (VAPIT) as it relates to the Domestic Violence Division. The role of the team is to conduct elderly and vulnerable adult protective investigations of reported abuse (including physical, sexual, and emotional), neglect, and financial exploitation of elderly and vulnerable adults. TCA § 71-6-125 defines the purpose of VAPIT as coordinating the investigation of suspected instances of abuse, neglect, and/or financial exploitation of elderly and vulnerable adults and receive and review information generated by the multi-disciplinary adult protective services evaluation teams, as defined by TCA § 71-1-110.

15.50.150 The Debbie and Marie Domestic Violence Protection Act

A. Pursuant to TCA § 40-11-150, the magistrate may order any defendant who is arrested for aggravated assault where the victim is a “domestic abuse victim” as defined in TCA 36-3-601to do the following as a condition of bail:

1. Wear a global positioning monitoring system device and, except as provided by subsection (h), pay the costs associated with operating that system in relation to the defendant; or

2. If the alleged victim of the offense consents after receiving the information described by subsection (d) pay the costs associated with providing the victim with an electronic receptor device that:

a. Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant;

b. Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under § 40-11-150; and

c. Notifies the victim if the defendant is within a prescribed proximity of the victim's cellular device or electronic receptor device.

B. Procedures when arresting a subject for aggravated assault:

In addition to established procedures for response and handling of domestic violence incidents, when arresting a subject for aggravated assault and the victim is a “domestic abuse victim” as defined in TCA 36-3-601 the officer shall:

1. Explain the purpose of MNPD Form 117C, GPS Monitoring Exclusion Zone Address & Notices Form, ensuring the victim's understanding,

2. Have the victim indicate whether they desire to participate by checking the appropriate box on MNPD Form 117C,

3. If they indicate "Yes", have the victim provide location and address information for locations to be considered by the court (i.e. home, work, etc.)

   NOTE: Officers shall ensure sensitive addresses (i.e. domestic violence shelters, YWCA, etc.) are <u>not</u> listed on the form.

4. The officer shall insert the location and address information onto MNPD Form 117C,

5. Provide the victim with a copy of the GPS Exclusion Zone Notices portion of the form (page 3 only), and

6. The completed form should be available electronically to the Night Court Magistrate. If AFR or RMS are down, officers shall provide a printed copy of the completed MNPD Form 117C to the Night Court Magistrate.

NOTE: The reporting officer shall indicate in the narrative of the MNPD Form 100, Incident Report, that they provided the General Sessions Court Notice of GPS Monitoring Form to the victim and whether or not the victim elected to participate.

C. Procedures upon receipt of a dispatched call for service for a notification of exclusionary zone violation (10-41A):

In addition to established procedures found in 15.50 Domestic Violence, upon receipt of a 10-41A, Domestic Disturbance Alarm – indicating a GPS violation of an established exclusionary zone notification, officers shall:

1. Request via DEC the monitoring company provide the ***<u>current</u>*** GPS location of the suspect.

2. Upon arrival, officers shall:

   a. Attempt to locate and check the welfare of the victim;

   b. Attempt to locate the suspect;

   c. Check with the DCSO Bond Office to ensure bond conditions are still valid/in effect;

d. Request DEC contact the monitoring company if further information is needed from them;

e. Utilize all information and evidence to determine whether probable cause exists for an arrest (if the suspect is located) or to obtain a warrant (the notification of an exclusionary zone violation is not sufficient probable cause, on its own);

NOTE: If probable cause does exist, the appropriate charge is TCA § 39-13-113(i): No Contact Order Violation - DV Bond Condition.

f. Offer all victim assistance services, in accordance with 15.50.060; and

g. Complete all reporting, in accordance with 15.50.030.

NOTE: Officers shall notate the name and phone number of the monitoring company provided by DEC in the narrative of the incident report.

3. If the officer needs assistance they should contact their supervisor. If further assistance is needed, Domestic Violence Division personnel should be consulted.

15.50.160 Review of Policy

The Chief of Police, or his/her designee, and the Commander of the Domestic Violence Division, shall ensure the review of this policy as needed and make any revisions deemed necessary.

15.60 Missing Person Incidents

15.60.010 Definitions

A. **Catastrophe Situations:** the person is missing and presumed injured, killed or displaced as the result of a catastrophic event (i.e., flood, violent storm, earthquake, aircraft crash, hazardous materials incident, etc.)

B. **Disability Situations:** situations which will endanger the person or public if the person is not located (i.e., persons requiring medication, Alzheimer's Disease patients, psychiatric facility patients, etc.)

C. **Endangered Situations:** the person is missing and presumed endangered (i.e., weather, voluntary involvement in an activity, overdue travelers, etc.)

D. **Involuntary Situations:** the person is missing and presumed endangered as the victim of a crime (i.e., kidnapping/abduction or custodial interference statutes).

E. **Juvenile Situations:** the missing person is an unemancipated minor and the incident is not attributable to any reason listed above.

F. **Missing Person:** a person whose whereabouts are unknown by close family members, friends, or associates and whose safety and welfare cannot be confirmed.

15.60.020 Reporting and Investigative Provisions

A. Initial Response

When an employee receives information that a person is missing, he/she will initiate a preliminary investigation without undue delay.

B. Investigation and Report

1. When the employee determines that the person is in fact a missing person, he/she shall complete MNPD Form 075 Missing Person Report. The report shall be complete and thorough with respect to all identifying data and attendant circumstances.

2. The reporting employee will attempt to confirm that the missing person has not been arrested or hospitalized. When applicable, this may be accomplished by requesting the Emergency

Communications Center or other available personnel's assistance in contacting the following:

a. Davidson County Sheriff's Office; or

b. Other counties sheriff's' departments; or

c. Juvenile Detention Center; or

d. Area medical facilities; or

e. Nashville Fire Department Medical Communications; or

f. Others, as may be required.

1. The reporting employee **shall** secure a signature from the reporting party in the appropriate block of the offense report. The purpose of this signature is to help assure the missing person's right to privacy. This signature is required before the individual may be entered into NCIC per system regulations. The signature is also confirmation by the reporting party of the veracity of the information contained in the report.

2. The reporting party shall be advised to contact the department if additional information becomes available.

3. When any initial attempts to locate a missing person are unsuccessful, the reporting employee will provide all applicable information to the Communications Division. This information will be broadcast to all departmental units. The employee shall consult with his/her supervisor to determine the course of action that may be needed to locate the person (including the decision to initiate a search).

4. The reporting employee will then request the response of the appropriate support (i.e., aviation, canine, patrol) and investigative elements, pursuant to existing practice or call-out policy. Generally, if the preliminary investigation indicates:

   a. The missing person is a child twelve years of age or younger; or the child is medically drug dependent; or, there is some apparent risk or adverse conditions, request a Youth Services Division investigator. If the child is thirteen to seventeen years of age and no unusual circumstances exist, forward the offense report with all supplements to the Records Division or,

b. If the missing person is an adult who is suffering from a disability that would qualify for the Care Alert Program specified in §TCA 38-6-121; is endangered/suicidal and accompanied with a minor, is abducted (non DV); or any extraordinary circumstance then request a Cold Case Investigator.

The Care Alert Program, sometimes referred to as a “Silver Alert”, encourages the use of the media as part of the search effort to assist in locating certain missing persons at the discretion of law enforcement. A key point of the Care Alert Program is that a subject is believed to be in danger because of their age and/or condition and they are unable to return to safety without assistance. An example of this is a 70-year-old diagnosed with dementia who wandered or drove away and may not have the mental capacity to navigate home or to a place of safety. On the contrary, subjects with mental illness who function independently and are free to come and go from locations like group homes may not meet this criterion but could still be reported as missing if necessary; however, reports in these cases should be carefully considered and not done based only on the policy of the group home to report absconders.

It has been determined that immediate notifications to the Cold Case Unit regarding suicidal persons are unnecessary with the exceptions of an endangered/suicidal person accompanied with a minor. Absent any extraordinary circumstance, do not request a Cold Case call-out in response to routine searches for suicidal persons.

Additional follow up shall be conducted by Cold Case Unit Personnel as soon as practicable. E-mails submitted to the FSS Daily Report are monitored by Cold Case Unit Supervisors for notifications and updates in these situations.

5. Any officer who completes a supplemental investigation report involving the locating of a missing person entered by this department in the NCIC system shall promptly forward the supplement information to the Records Division for the implementation of the NCIC removal procedure.

15.60.030 Search Provisions

When a search is warranted by the circumstances of the incident, the Law Enforcement Incident Command System shall be used to manage the search efforts. The procedures defined in current departmental policy on incident command shall be complied with.

15.60.040 Follow-Up Investigation Provisions

A. When the investigator of the appropriate element is notified of the incident, and available manpower exists, he/she shall go to the location of the incident and assume responsibility for the investigative aspects of the incident. In incidents where the investigator is unable to go to the location immediately, he/she shall advise the requesting employee and lend instruction until such time as a response can be made.

B. In any event, if, after three hours from the time the initial report is made, no substantial progress has been made in locating a missing person; the report will be taken directly to the Records Division and processed immediately, in accordance with established procedures. At that time, the on-duty Records Division supervisor will cause applicable information to be entered into law enforcement communications systems used by the department (i.e., teletype, NCIC, Missing Persons Network, etc.), so that other law enforcement agencies will be notified of the missing person. A copy of such communications, as well as any subsequent updated communications, will be forwarded by the Records Division to the appropriate investigative element there and included in the case file with other reports.

   NOTE: See Juvenile-specific provisions, 15.60.060.

C. If, after five days a missing person is not located, the investigating officer will present all facts to their supervisor for review and possible redirection. The case supervisor will be responsible for seeing that this is done. When any additional information or material is obtained, MNPD Form 104, Supplement Report will be completed and made a part of the case file.

D. If, after an additional ten days the person has still not been located, the original sources of information will be contacted again, so as to assure that the case file and outstanding communications regarding the case are kept current. For as long as the person remains missing, the same procedure will be repeated every thirty days thereafter, or if deemed necessary, more frequently.

E. When any located person has sustained an injury requiring immediate medical treatment, established emergency medical procedure will be observed. However, when such injury does not require immediate attention, any medical treatment will be provided at the discretion and expense of the person, or if applicable, the institution, taking custody of the person. In either instance, injuries sustained by missing persons will be documented in departmental reports.

F. When possible, employees should cooperate fully in keeping next-of-kin updated on any changes in the investigation and assist if the next-of-kin are conducting an independent investigation.

15.60.050 Adult Missing Person – Specific Provisions

A. When a person reported missing is an adult and is not missing under any of the conditions provided in 15.60.010, Sections A - D., discretion should be used in making a missing person report. By law, an adult is afforded the right to privacy, freedom of movement and association, and any attempt to locate such person must be made with caution so as not to violate those rights. However, this should not limit any attempt to locate a suspected missing person.

B. Should such person be reported missing, for whatever reason, and none of the aforementioned conditions are applicable, and the person is not wanted in connection with a crime investigation, when he/she is located he/she should not be detained. Information regarding his/her whereabouts will not be disclosed without his/her permission, other than the fact that he/she has been located and his/her safety and welfare confirmed.

C. If the person located has been reported missing under one or more of the conditions specified in 15.60.010(B)., he/she may be detained pending further disposition warranted by the circumstances.

D. A located adult who has simply become lost, or who is reported as being mentally retarded or disabled, and there is no indication that their absence or disappearance occurred under circumstances which require further investigation or authoritative action, generally will be returned to the location where they reside, or are institutionalized, and remanded to the custody of the person who reported them missing, or if applicable, an authorized representative of the institution.

E. When a person is located, they will be afforded applicable consideration and treatment, and returned without undue delay.

15.60.060 Juvenile Specific Provisions

A. By law, when a juvenile voluntarily leaves home without consent of a parent or guardian or is absent without proper leave from a juvenile institution, he/she is considered a juvenile runaway and will be reported as a missing person. Upon receiving reports of a juvenile runaway, the assigned investigator from the Youth Services Division will inform the parent, guardian, or custodian to file a petition at Juvenile Court if not already done.

B. In those incidents where it can be reasonably determined that a missing juvenile, age twelve or above, has left voluntarily (runaway) and the incident is not attributable to any reason listed in 15.60.010, sections A - D, a search can be terminated prior to the three hours mentioned in 15.60.020(B), if all reasonable investigative leads have been checked and no substantial progress has been made in locating the juvenile.

C. When a reporting officer's preliminary investigation to locate a missing/runaway juvenile is unsuccessful, and the circumstances surrounding the incident do not require an immediate follow-up by investigative personnel as detailed in 15.60.020(B)(6)(a), the reporting officer must initiate the juvenile's entry into the National Crime Information Center by calling the Communications Division by telephone. Communications Division personnel will receive the information from the reporting officer as a temporary "pickup" and will request additional information required for NCIC entry. The Communications Division personnel will then transmit the information by computer to the Records Division, NCIC Unit, and the Youth Services Division. The Youth Services Division will be responsible for entries into NCIC Monday through Friday from 0800hrs. to 1500hrs., except holidays. The Records Division will be responsible for entries from 1500hrs. to 0800hrs., Monday through Friday and all entries on Saturdays, Sundays, and holidays.

D. A located juvenile runaway will be remanded to the custody of the Juvenile Detention Center, there to be processed and detained, as provided by authority of the Juvenile Court.

E. A located juvenile who has simply become lost, or who is reported as being mentally retarded or disabled, and there is no indication that his absence or disappearance occurred under circumstances which require further investigation or authoritative action, will be returned to the location where he resides, or is institutionalized, and remanded to the custody of the person who reported him missing, or if applicable, an authorized representative of the institution.

F. When a juvenile is located, they will be afforded applicable consideration and treatment and returned without undue delay.

G. An emancipated juvenile shall be considered an adult under the provisions of this order.

15.70 Task Forces

15.70.010 General Provisions

A. For the purposes of this policy, assignments to task forces shall be considered a “specialized assignment”. A list of current specialized task force assignments is contained in 15.70.050.

15.70.020 Task Force Participation

A. Personnel may participate in specialized assignments with one or more law enforcement agencies as a member of an investigative or enforcement task force dealing with major crimes, organized crime, intelligence activities, targeted offenders, geographical areas, or other matters deemed necessary by the Chief of Police.

B. All MNPD employees assigned to a task force shall adhere to the policies and procedures of the task force. Failure to adhere to these policies and procedures shall be grounds for dismissal from the task force and may constitute a violation of this policy. MNPD employees assigned to a task force shall also remain subject to the policies, procedures, rules and regulations of the MNPD. Any conflict between task force policies and procedures and those of the MNPD shall be resolved by the task force supervisor and the Chief of Police, or designee.

C. Task Force participants shall undergo a background investigation and once approved shall be deputized by the respective supervisor of the Task Force. The officer shall carry appropriate identification so as to easily identify them as a Task Force member. Deputized personnel shall remain as such for the duration of the Task Force assignment.

D. Prior to any such assignment, the Chief of Police or his/her designee, will develop a written agreement with the other agencies involved. The agreement will define, explain, clarify, and identify the purpose, authority, responsibilities, accountability, resources available, operational procedures, and evaluation of activity results.

E. The agreement will designate which entity will be in charge of a multi-agency task force and each department’s responsibility will be included in the written agreement. Prior to assignment the task force participants will be thoroughly briefed on all aspects of the agreement and how it relates to the task force operation.

F. Personnel assigned to serve in task force positions shall be for a time period not to exceed forty-eight (48) months. Assignments may be extended by the Chief of Police or designee, if circumstances necessitate. By rotating personnel on a regular basis, the opportunity

to serve on a task force is provided to a greater number of MNPD personnel.

G. Such assignments shall be made utilizing agency wide selection criteria outlined in the current written directive governing the transfer and selection process. The development of an annual formalized review of all specialized assignments should help avoid overspecialization within the agency and ensure effective allocation of departmental personnel.

H. To ensure officer safety, intelligence information should be available to all Task Force members.

15.70.030 Investigative Task Forces

A. An Investigative Task Force may be established when normal resources are unable to cope with the problem. The decision to establish an investigative task force must be approved by the Chief of Police or his/her designee.

B. Once the decision to form a task force has been made, a task force commander will be appointed. The task force commander will be of the rank of lieutenant or higher, depending on the scope of the investigation, and will be responsible for identifying the purpose of the task force, establishing accountability for all facets of the operation, including identifying available resources, and for briefing the Chief of Police or his/her designee on the progress of the task force.

C. An after-action report will be completed quarterly and forwarded to the Chief of Police or his/her designee detailing expenditures, man-hours used, and arrests made as a result of the operation completed.

15.70.040 Annual Evaluations

A. Annually, the commander of each MNPD unit participating in any formal, long term, and/or multi-jurisdictional task force(s) shall provide a written evaluation of each task force to include:

1. The purpose of the task force assignment to include the initial problem or condition that required the implementation of the task force assignment;

2. A predetermined measure of success utilizing stated goals and or objectives;

3. A detailed and documented account of the task force(s) activities; and

4. An examination of the resulting benefits and the need for continued operation(s).

B. Annual evaluations shall be submitted through the reporting MNPD Unit's chain of command to the Chief of Police. Copies of annual evaluations shall be forwarded to the Strategic Development Division, Crime Analysis Unit.

15.70.050 Current Specialized Task Forces

This article contains the current specialized task forces within the Metropolitan Nashville Police Department. This article, at no time, shall preclude the Chief of Police from creating any additional task force(s) or dissolving current task forces as determined by the MNPD.

Current specialized task forces:

A. Alcohol, Tobacco, and Firearms Task Force

B. Tennessee Bureau of Investigation Task Force

C. United States Marshal/Fugitive Task Force

D. Federal Bureau of Investigation Task Force

15.70.060 Specialized Criminal Enforcement Task Forces or Units

A. Periodically, the Metropolitan Nashville Police Department may experience the need to address public safety issues or trends through the use of proactive crime control units that use selective enforcement tactics and strategies generally involving street-level crime, narcotic interventions, gang violence, or violent crimes that traditional patrol response cannot fully address.

B. Specialized Criminal Enforcement Units and/or Task Forces address unique challenges in public safety that may result in unintended consequences, including safety and liability issues for MNPD personnel and the public. Therefore, prior to the approval, creation, utilization, and assignment of personnel to any temporary or permanent specialized criminal enforcement unit or task force, the following considerations shall be addressed and must be approved by the Strategic Development Division and Chief of Police.

1. The description of the initial problem or condition requiring the implementation of the specialized criminal enforcement unit or task force;

2. A statement of purpose for the specialized criminal enforcement unit

or task force;

3. Procedures and criteria for selection and assignment of personnel;

4. Duration of the assignment;

5. Initial and in-service specialized training requirements for the assignment; and

6. Supervisory duties and responsibilities.

C. If, after careful consideration of the points above and subsequent approval of the formation of a specialized criminal enforcement unit or task force, a formal review of the unit or task force shall be conducted at least annually. The following items shall be included in the annual review process:

1. A listing of the agency's specialized criminal enforcement units/task forces;

2. A quarterly report to the Chief of Police related to a review of any outcomes from unit activity that were not intended or foreseen;

3. An annual administrative review of the initial problem or condition that required the implementation of the specialized enforcement unit, the unit's impact on the initial problem, and a recommendation whether the unit should continue; and

4. An annual administrative review of Office of Professional Accountability and citizen complaints, Response to Resistance reports, and vehicle pursuit reports pertaining to the unit and/or its assigned personnel.

D. Annual reviews shall be forwarded to the Strategic Development Division and Chief of Police upon completion.

E. When appropriate, public engagement regarding the purpose and activities of any specialized enforcement unit should be considered prior to implementation to maintain public trust and confidence.

F. For clarity purposes, specialized criminal enforcement units or task forces shall be classified as those units that are proactive in nature, with a specific and targeted mission or focus on street-level enforcement. Components or units that utilize traditional investigative methods, tactics, or strategies to accomplish public safety goals, like multi-jurisdictional or multi-agency investigative task forces mentioned earlier in 15.70, and/or traditional or specialized MNPD investigative components, shall not be classified as specialized criminal enforcement units.

G. To ensure compliance with established accreditation standards, the Strategic Development Division shall be consulted prior to the implementation of any new unit or task force that may fit the characteristics of a specialized criminal enforcement unit.

15.80 Receiving, Processing, and Investigating Vice, Drug, and Organized Crime Complaints

15.80.010 Receiving and Processing Complaints

A. Telephone Complaints

Employees receiving vice, drug or organized crime complaints by telephone will:

1. Ascertain from the caller the type of information.

2. The call taker shall document the complaint on a MNPD Form 332, Vice/Organized Crime Complaint Form. If the caller refuses to be identified or refuses to provide all the information required by the MNPD Form 332, the employee will record information the caller will supply and document in the narrative portion of the report the reason for the incomplete report; and

3. If an MNPD Form 332 is completed, the form will be reviewed by the employee's supervisor and forwarded to the appropriate investigative division.

B. Other Complaints

Complaints made in-person or through other methods shall be documented on an MNPD Form 332, Vice/Organized Crime Complaint Form. If the complaining individual refuses to be identified, the employee shall record the information the complainant will provide.

This report shall be reviewed by the employee's supervisor and forwarded to the appropriate investigative unit consistent with the current reporting procedures of the Metropolitan Police Department.

15.80.020 Investigating Complaints

The appropriate component shall assign and investigate vice, drug or organized crime complaints consistent with the standard operating procedures of the division. Each complaint assigned to an investigator shall be investigated to determine the validity of the information or if the information might be related to any existing case files and, in either case, take any necessary follow-up action. The investigator shall document all actions taken regarding the complaint in a manner consistent with the reporting requirements of the division and the Metropolitan Police Department.

15.80.030 Maintenance of Complaints

Vice and drug activity complaints received from telephone calls, Incident Reports, and other methods of communication shall be securely filed and maintained in the appropriate component and separate from central records. Complaints relating to organized crime shall be maintained in the appropriate component and separate from central records. Maintenance shall also include related information received from outside agencies. Specific procedures regarding the maintenance of complaints shall be established by the appropriate component commanders and described in component's respective standard operating procedure manual.

15.80.040 Conveying Complaint Information to Outside Agencies

Before any information relating to vice, drug or organized crime activity is conveyed to an outside agency, written approval must be obtained from the appropriate component commander. The personnel conveying such information to an outside agency shall document doing so in the appropriate case file.

15.90 Handling of Informants and Cooperating Individuals

15.90.010 Purpose

The purpose of this order is to set forth guidelines for the handling of informants and cooperating individuals that will enable the department to gain the maximum benefit from their use while maintaining the department's integrity. The department's objectives in the handling, documentation, and compensation of informants throughout the department are as follows:

A. To protect the integrity of the department and the individual officers who use confidential informants and cooperating individuals;

B. To allow all Metropolitan Police Department officers access to information available from informants and cooperating individuals concerning their investigations;

C. To ensure the confidentiality of the informant and cooperating individual;

D. To protect the relationship between individual officers and informants or cooperating individuals; and

E. To ensure accountability and consistency in police officer conduct when dealing with informants and cooperating individuals and disbursing payments to them.

15.90.020 Definitions

A. **Informant:** A person who provides the department with information about criminal investigations. This includes any individual whose identity is known to the officer and who is sent by the officer to Crime Stoppers to receive payment.

B. **Cooperating Individual:** An ordinary citizen with no criminal history or background, who provides information or assistance of investigative significance to employees of the Metropolitan Police Department.

C. **Confidential:** Keeping secret the identity of an Informant/Cooperating Individual, from whom information and/or investigative assistance is received.

D. **Informant File:** A confidential informant's record, consisting of a folder containing a photograph of the informant, MNPD Form 336, Cooperating Individual Interview Form, an activity report, any

agreements made with the informant, arrest records, incident reports, and other information about the informant. Each informant and their informant file shall be assigned a code name and the file will be maintained by the appropriate component commander or their designee.

E. **Special Operative:** An Informant/Cooperating Individual, acting at the direction, request, or encouragement of an employee of the Metropolitan Police Department.

15.90.030 Departmental Informant Files & Forms

A. Components Authorized to Maintain Confidential Informant Files

Confidential Informant Files are to be maintained only by the commanders of the Criminal Intelligence Division, Criminal Investigations Division, Youth Services Division, and Special Investigation Division. Each Confidential Informant File actively used by an authorized component shall be maintained under the control and authority of the appropriate component commander. All Confidential Informant Files dealing with drug investigations shall be maintained under the control of the Special Investigation Division Commander.

The following procedures will apply to the handling of the Confidential File:

1. An officer will complete MNPD Form 336, Cooperating Individual Interview Form, and forward the original and any other relevant information to the appropriate component commander or their designee.

2. Upon receipt of the Cooperating Individual Interview Form, the component commander shall review the document for its completeness and accuracy. He/she will prepare a confidential file or packet for the informant named on the form.

3. In addition to maintaining a list of all confidential informants used by their respective component, each commander, or his/her designee, will periodically review the status of Confidential Informant Files to determine if any should be purged (see 15.90.070).

4. These files will be considered highly confidential and will be kept under lock and key by the component commander or his/her designee. No information is to be released without the approval of the component commander. Each file consists of separate and distinct sections, as described below:

General Information - This section shall be maintained in a systematic fashion, and shall contain the following:

a. Informant Documentation - MNPD Form 336, Informant/ Cooperating Individual Interview Report, a current photograph, a code name, and the informant's fingerprint;

b. Background Information - A complete criminal history, and copies of any offense or arrest reports that name the informant as a suspect or victim;

c. All other pertinent documents, such as a Required Financial Accountability Form, or any agreement related to the payment of money to the Informant/C.I.; and

d. A brief synopsis of the case.

e. Employees of the Metropolitan Police Department will use the above criteria to document all Informants/C.I.'s prior to their being used as special operatives. A file shall be maintained regarding each Informant/C.I. who becomes a Special Operative.

B. Juvenile Confidential Informant File

The Youth Services Division is authorized to maintain confidential informant files and required to maintain Juvenile Confidential Informant Files separate from Adult Confidential Informant Files. All informants under the age of eighteen (18) years shall meet the guidelines of T.C.A. 39-15-413 (see 15.100.040(C)(10)). The letter "J" shall be attached to any index number of the file to distinguish juvenile confidential records from adult records.

C. Access to Divisional Confidential Informant Files

If an investigator needs information to help them conduct a particular investigation, they may contact the appropriate component commander to determine whether or not there are any informants who may have or may be able to obtain information about the crime under investigation.

If an officer in the Community Services Bureau needs to request information from the Confidential Informant Files, he/she must obtain approval from his/her immediate supervisor before the request is made.

15.90.040 Developing and Using Confidential Informants and/or Cooperating Individuals

A. Developing Informants/C.I.'s

To protect the integrity of the department and individual officers, extreme care must be taken when dealing with individuals who have been apprehended violating laws. Often persons who are about to be arrested will promise to cooperate by providing information for better treatment, and/or little or no prosecution. Careful attention must be used when developing these individuals as informants to ensure all legal and department guidelines are followed.

B. Guidelines for Using Non-Arrested Informants/Confidential Informants

1. Misdemeanor Charges

In misdemeanor cases if the decision is made not to arrest the person immediately, the officer shall get approval from his/her supervisor, shall report and document the action, and discuss the results of any assistance the non-arrested informant gave with the District Attorney General's Office as soon as practical. The officer shall make sure that the District Attorney's Office is notified before any case in which the informant is involved comes to court in General Sessions or any presentment is made to the Grand Jury.

2. Felony Charges

The decision not to arrest or defer prosecution of individuals for felony violations in exchange for cooperation and/or information **must** have the prior approval, preferably in writing, of a member of the District Attorney's Office. The approval will be documented as to date, time, and the member of the District Attorney's Office making the approval, then placed in the case file. This policy will be followed except for the ensuing guidelines previously approved by the District Attorney's Office involving drug investigations:

a. The decision not to arrest individuals in violation of T.C.A. 39-17-417 (a-h) (e.g., up to 26 grams of cocaine, 14.175 grams up to 70 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor. Prosecution must commence by warrant or indictment within six (6) months unless written approval to defer prosecution is obtained from the District Attorney, a Deputy District Attorney, or the Assistant District Attorney in charge of the Twentieth Judicial Drug Task Force.

b. The decision not to arrest individuals in violation of T.C.A. 39-17-

417 (i) (e.g. 26 to 300 grams of cocaine, 70 pounds, one ounce to 700 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor and notification must be made to the District Attorney's Office as soon as practical. Notification is made by sending a copy of the case file, criminal history, search warrant, seizure forms, etc. to the Deputy District Attorney designated as liaison with the Metropolitan Police Department, Special Investigation Division. Prosecution must commence within six (6) months unless written approval to defer prosecution is obtained from the District Attorney, or a Deputy District Attorney.

c. The decision not to arrest individuals in violation of T.C.A. 39-17-417 (j) (e.g., more than 300 grams of cocaine, more than 700 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor. Written approval **must** also be obtained from the District Attorney, or a Deputy District Attorney. Oral notification must be made by the next working day. A copy of the case file, criminal history, search warrant, seizure forms, etc. must be provided before written approval can be obtained.

d. Regardless of (a) through (c) above, if there are co-defendants, a decision not to arrest one co-defendant in violation of T.C.A. 39-17-417 in exchange for cooperation and/or information, but to arrest other co-defendant(s) **must** be approved by the officer's supervisor. Written approval **must** also be obtained from the District Attorney, or a Deputy District Attorney within five (5) working days.

3. An officer developing, working with, and using Informants/C.I.'s must **NEVER** promise the Informant/C.I. anything concerning any criminal prosecution or return of vehicles or property. It is not improper, however, for the officer to advise that he/she will make their cooperation and assistance known to the District Attorney's Office. There must be no discussions or negotiations with Informants/C.I.'s concerning payments or contributions to any fund (Drug Fund, Felony Forfeiture Fund, etc.) for either not placing or reducing any criminal charges. Any officer developing Informants/ C.I.'s shall advise them early in the relationship that they will probably be required, sometime during the course of the case, to testify in court.

C. Use of Confidential Informants and/or Cooperating Individuals

1. The presence of an Informant/C.I. in or around departmental facilities is discouraged and should be strictly controlled.

2. All contacts with an Informant/C.I. will be in an official capacity.

3. No officer will meet any Informant/ C.I. at the officer's residence or the residence of any department employee.

4. No relationship will be developed with any Informant/C.I. which is, or may be construed by continuing circumstances, to be "social" or anything other than strictly business in nature.

5. Informants/C.I.'s will not be a party to information concerning investigations conducted by this or any other agency or any information derived as a result of any such investigation.

6. Informants/C.I's will not be allowed to meet or view any undercover officers or any other members of the department in their capacity as an Informant/C.I., other than those designated for such purposes on a case-by-case basis.

7. No Informant/C.I. will be allowed to knowingly meet or view any other Informant/C.I. working for this or any other agency, under circumstances which could conceivably disclose either one's status, except for a specified law enforcement purpose.

8. All phone conversations and personal contacts with Informants/C.I.'s are to be conducted as if they were being audio or video recorded. Contacts with Informants/C.I.'s should be witnessed by another officer.

9. No contact will be made with a terminated Informant/C.I. without the express permission of the officer's component commander.

10. No person under the age of eighteen (18) years will be used as an Informant/C.I. in any capacity without compliance with T.C.A. 39-15 413 and all applicable rules of the Davidson County Juvenile Court regarding the use of children in law enforcement. This includes the **WRITTEN CONSENT** of the juvenile's parents or legal guardian, and the **WRITTEN CONSENT** of Juvenile Court. MNPD Form 294, Consent For Juvenile To Work With Metro Police will be completed and signed by a parent or legal guardian and placed in the juvenile's informant file.

11. The use of the polygraph to verify information supplied by an Informant/C.I. that cannot be corroborated by other sources, such as surveillance and/or intelligence reports, may be required in some cases.

12. Informants/C.I.'s should be searched during each contact. A search of the Informant/C.I. during contacts is to insure compliance with the Special Operative Agreement for Informant/C.I.'s. Failure

to submit to a search will result in the **immediate** termination of the use of said Informant/C.I.

13. Criminal activity by Informants/C.I.'s will not be condoned.

D. Use of Informants/Cooperating Individuals as Special Operatives

A review of the Informant/C.I. file, background investigation, and personal interview of the Informant/C.I. will be conducted before using the Informant/C.I. as a Special Operative. The approval by a supervisor will be documented in the file by the signing of MNPD Form 336, Informant/C.I. Interview Form. The use of Informants/C.I.'s as operatives actually purchasing or otherwise involved in transactions concerning drugs or other contraband will be subject to the following controls when the handling of drugs, contraband or other evidence by the Special Operative is necessary.

1. The completion of all documentation and other enumerated requirements concerning conduct and required testimony.

2. A thorough search of the Special Operative, his/her automobile, if used, and passengers, if any, will be made. This search will be conducted by the case officer or a designee prior to any purchase or meeting between the Informant/C.I. and the subject of an investigation. The search will be primarily for drugs and weapons, but any evidence of unlawful activity will be noted and the appropriate action (arrest, citation, etc.) taken.

3. Continued surveillance of the Special Operative to, from, and during the transaction or meeting.

4. A thorough search of the Special Operative, his/her vehicle, and passengers after delivery of evidence to the case officer.

5. A complete debriefing, to include a complete written report concerning the circumstances of the transaction.

6. The use of electronic and/or video surveillance, if appropriate, requires signed consent. MNPD Form 338, Consent for Audio/Video Intercept, shall be signed by the Special Operative. The case officer will be responsible for verifying an Audio/Video Intercept Form is signed, or a Consent for Audio/Video Intercept is on file.

E. Payments to Informants/C.I.'s

The Investigative Services Bureau Chief and the Special Investigation Division Commander shall have sole authorization for

the distribution of moneys from the Investigative and/or Drug Fund. Due to varying circumstances, involved in each case, the amount of payment will be determined on a-case-by case basis. Factors to be given consideration should include quality of the information, the quantity of drugs or contraband seized, the willingness or likelihood that the informant will have to testify in court, the ease of handling the informant, etc.

The following guidelines shall be followed when moneys from the Investigative or Drug Fund are utilized:

1. All requests for disbursements shall be made as soon as the officer determines money from the Investigative or Drug Fund will be required.

2. Personnel who must use investigative or drug funds will obtain such money from the component administrator or supervisor authorized to distribute such funds. To procure such money, personnel must complete MNPD Form 331, Receipt For Currency Used To Purchase Information, adhering to the following:

    a. The completed voucher form should include all details available;

    b. A complaint number, if available, will be placed on the voucher;

    c. If a confidential informant will receive these moneys, the informant's name or code name will be placed on the form;

    d. The informant will sign the voucher receipt for moneys given to him/her.

    e. MNPD Form 331 will be signed by the officer dispersing the money, and by the component commander or his/her designee;

    f. At the conclusion of the investigation, or when requested by the Investigative Services Bureau Chief or the Special Investigation Division Commander, the officer using the investigative or drug funds will specify in writing the exact nature of the expenditure, any enforcement action taken as a result of the expenditure, and forward the document to the Investigative Services Bureau Chief or the Special Investigation Division Commander;

    g. All requests for money in the amount of two thousand five hundred dollars ($2,500.00) or more will require the approval of the Investigative Services Bureau Chief or his/her designee;

    h. Any money to be given to any informant must have the approval of the officer's supervisor; and

i. Under no circumstances will “front money”, or payment prior to information being delivered, be provided to an informant while conducting an investigation.

3. The Investigative Services Bureau Chief and the Special Investigation Division Commander will have their investigative funds accounts balanced on a monthly basis. A report of this audit will be provided to the Chief of Police for his/her retention.

15.90.050 Termination of the Use of an Informant/Cooperating Individual

The following circumstances concerning an Informant/C.I. will be brought to the attention of the officer’s component commander immediately upon their occurrence; followed by written documentation. Such occurrences will be considered in any decisions to terminate the use of the Informant/C.I.

A. Repeated failures to keep appointments, return telephone calls, or follow through on legitimate requirements affecting the outcome of an investigation. The number, nature, and seriousness of each infraction will be considered.

B. Violation of any portion of the Special Operative Agreement.

C. The discovery of lies or any misrepresentation of fact by the Informant/C.I.

D. Failure to follow instructions of case officers.

E. Any other incident, circumstance or information which causes concern or alarm with respect to the actions of the Informant/C.I.

F. Upon the termination of an Informant/C.I’.s services, a memorandum detailing the reasons for termination will be placed in the informant/C.I.’s file. To prevent a terminated Informant/C.I. from manipulating the department, a copy of the termination memorandum may be sent to all component commanders in charge of component informant files.

15.90.060 Exigent Circumstances

The policy on Informant/C.I.s will be strictly followed except under the following conditions:

A. If exigent circumstances exist and it is in the best interest of the Metropolitan Police Department, the officer’s division commander may grant an emergency variance and justify the same in writing, to be placed in the Informant/C.I.’s file.

B. Examples:

1. The potential Informant/C.I. is currently documented by another law enforcement agency, and this can be verified; or

2. The value of the information the Informant/C.I. gives becomes apparent during an ongoing investigation and time is of the essence for furtherance of an investigation.

15.90.070 Purging Confidential Informant Files

Once a year each authorized component commander or his/her designee will review all information contained in each of their component confidential informant files in order to determine if any files should be purged. Information contained in these files can be purged at the discretion of the component commander if after a review of the file documents indicate that no informant contacts have been made during the last five years. In addition to the time limitation, other factors can be considered: the nature of the offense(s) with which the confidential informant is associated, whether the confidential informant has an extensive criminal record on file and whether the information in the person's informant file could be used in the future by either the department or an outside agency.

Information contained in these files can be purged after verification that the informant is deceased.

After the authorized component commander has agreed to the purging of the material contained in those Confidential Informant Files meeting the criteria described above, he/she will purge the confidential informant's files by mechanically shredding the file. A list of purged files, along with the date they were purged, will be maintained with the Informant/C.I. files.

15.100 Victim/Witness Protection Program

15.100.010 Purpose

The purpose of this order is to establish procedures to provide temporary security to material witnesses testifying on behalf of the State of Tennessee, in criminal cases involving the prosecution of violent offenders. The Metropolitan Nashville Police Department may provide assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization and meet the guidelines set forth in this policy. Participation in this program is strictly voluntary and is aimed toward reducing violent crime by the successful investigation, arrest and prosecution of these cases. The types of protection provided include both short-term and long- term relocation, with an emphasis on one-time relocation.

15.100.020 Duties & Responsibilities

A. Victim/Witness Protection Committee

1. The Victim/Witness Protection Committee shall, at minimum, consist of the following members:

   a. Investigative Services Bureau commander, committee chairperson

   b. Representative from the District Attorney's Office

   c. Commander of the Special Investigations Division

   d. Commander of the Personal Crimes Division

   e. Lieutenant of the Homicide Division

   f. Special Investigations Commander's designee, who will serve as program coordinator

2. In addition to any other policy or procedure set forth regarding supervision, the Victim/Witness Protection Committee's duties and responsibilities shall include, but are not limited to:

   a. Perform supervisory and technical duties in accordance with established goals and objectives of the program;

   b. Research, define and propose changes to goals and objectives of the program;

   c. Explain, interpret and review goals and objectives of the

program;

d. Ensure compliance with Victim/Witness Protection Program procedures and protocols;

e. Evaluate performance, identify and address training and other personnel needs relevant to the Victim/Witness Protection Program;

f. Determine material and equipment needs of the program;

g. Initiate and/or supervise program contacts with outside agencies (District Attorney, FBI, etc,);

h. Gather, compile, prepare and maintain information for budget preparation of the program;

i. Review purchasing requests; and

j. Review new protection cases on the next workday from when they were implemented.

B. Special Investigations Division

The commander of the Special Investigations Division will assign personnel as the program coordinator. The program coordinator or his/her designee will be on-call and available at all times to provide immediate assistance for victim/witness referrals. The on-call personnel may be contacted through the DEC. An assessment will then be made in regard to temporary acceptance of a victim/witness into the program. The Special Investigations Division will coordinate and supervise all police interaction with individuals accepted into the program.

C. Referring Police Personnel

When referring a victim/witness, personnel should:

1. Contact his/her supervisor;

2. Upon approval from the supervisor, inform the dispatcher that the program coordinator or his/her designee should be contacted;

3. Provide the program coordinator or designee with details surrounding the referral; and

4. Send written documentation of the referral to the program chairperson and the commander of the Special Investigations Division. Documentation should, at the minimum, include date and

time of the referral, name of victim/witness, location, and the reason for the referral. Personnel should also include any relevant paperwork (offense report, arrest report, criminal histories, etc.).

15.100.030 Case Acceptance Prerequisites

The following are eligibility requirements for admission into the Victim/Witness Protection Program:

A. The requestor is a member of the Metropolitan Nashville Police Department or a member of the District Attorney's Office; and

B. The victim/witness is testifying in a specific felony prosecution within the criminal justice system of Davidson County (no misdemeanor or civil cases will be handled by the Victim/Witness Protection Program); and

C. Specific information exists that the victim/witness and/or members of his/her immediate family are in jeopardy; and

D. The victim/witness has made an official police report regarding any threats, acts of retaliation or harassment and it is evident that the victim/witness and/or members of his/her family or household are in immediate jeopardy; and

E. The personnel making the referral of the case is pursuing criminal charges against any known person(s) making the threat(s); and

F. Other possible means of safety have been explored and it is determined that no remedy is available.

15.100.040 Disqualifying / Denying a Case

A. Victims/witnesses involved in misdemeanor or civil cases will not be eligible for the program unless directly related to another qualifying case. The following may disqualify a victim/witness from the Victim/Witness Protection Program:

1. The victim/witness has voluntarily made contact with a defendant or anyone else related to the case who has lodged threats against the victim/witness in the past;

2. The victim/witness is involved in a child custody dispute, which has not been resolved by the court;

3. The victim/witness will not testify; or

4. The victim/witness refuses to sign any required form or document;

or

5. The victim/witness is terminated due to non-compliance with the Victim/Witness Protection Program policies.

B. The Victim/Witness Protection Committee will make the final determination as to the denial or disqualification of the case. The Victim/Witness Protection Committee will then notify the victim/witness of such a decision.

C. Upon the closing or termination of a case, a deactivation form will be completed, signed and placed in the file, and the file will be placed in the deactivated files.

15.100.050 Media Relations

It is the objective of the Victim/Witness Protection Program to provide the victim/witness with the best security possible. This includes insulating the protected victim/witness from exposure to the media. All personnel are expected to maintain the confidential identity of a protected victim/witness. Should the situation arise while escorting a protected victim/witness and the media makes an unexpected appearance, personnel should move the victim/witness to a secured area and then approach each news medium represented individually and request their cooperation in not exposing the identity of the protected victim/witness.

In situations when escorting a victim/witness in a high-profile case to court proceedings, the personnel responsible for the escort will notify the assignment editor and/or station manager of the respective news sources 8 to 24 hours in advance and advise them of concerns with regards to exposing the cooperating victim/witness. If resistance from any of the local new media continues, notify the Public Information Office who will contact the news source concerned and attempt to resolve the issue.

15.110 Extradition of a Defendant to this Jurisdiction – Arresting a Fugitive from Justice from Another State

15.110.010 Purpose

This policy addresses the proper procedure for extraditing an individual to this jurisdiction, and arresting a fugitive from justice from another state, district, or territory. It shall be the responsibility of the Warrant Division's Fugitive Unit to execute the extradition process.

15.110.020 Definitions

A. **Extradition:** the surrender by one state to another of an individual charged with or convicted of an offense within the requesting state, and who fled the jurisdiction of said state.

B. **Fugitive:** one who flees or tries to escape the legal process.

C. **Fugitive Unit:** police personnel responsible for locating fugitives, making the proper notifications regarding their status, and returning the individual to the jurisdiction where they are wanted.

D. **Fugitive Warrant:** the custodial state's legal charge to arrest and hold a fugitive on outstanding charges for another state.

E. **Requesting or Demanding State:** the state having outstanding charges against a fugitive.

15.110.030 General Provisions

A. The department shall maintain a liaison with other law enforcement agencies. This cooperation will enhance the likelihood that fugitives will be apprehended and returned.

B. The supervisor of the Fugitive Unit shall furnish the Department of Emergency Communications with an "on-call" schedule of investigators that can be contacted on a 24-hour basis.

15.110.040 Specific Provisions

A. Extradition procedures for subjects wanted by Nashville/Davidson County:

1. Department personnel shall not request the arrest, or the holding of an individual who is wanted by Nashville/Davidson County without notifying the Fugitive Unit.

2. Sworn personnel requesting the extradition of an individual to this jurisdiction or NCIC entry for instate pick-up, shall present the following documents to the Fugitive Unit:

   a. MNPD Form 702, Fugitive Wanted Person Information Form;

   b. Two (2) original copies of the warrant(s) or capias;

   c. A copy of the offense report(s) (An offense report is not required when the victim is a juvenile or an adult rape/sexual assault victim); and

   d. A copy of any other information that is related to the case.

   (It is important to note that the decision to enter a subject into NCIC for in-state pick-up will be based on the severity of the circumstances surrounding the incident. Those incidents related to domestic violence whether misdemeanor or felony will be forwarded to the Records Division for entry once the necessary paperwork is received and vetted by the Fugitive Unit supervisor, his designee, or a Warrants Section supervisor.)

3. The Fugitive Unit will review and process the extradition request. If the charge is an extraditable offense, the request will be forwarded to the Davidson County District Attorney's Office for approval. If approved, a member of the Fugitive Unit will notify the requesting personnel.

4. It shall be the responsibility of the Fugitive Unit to submit all entries of wanted persons that have been approved for extradition by the District Attorney's Office to the N.C.I.C. clerk in the Data Entry Section.

   NOTE: Once extradition is approved, it shall be the responsibility of the Fugitive Unit to modify those warrants in the computer.

B. Extradition procedure for subjects wanted by other jurisdictions:

1. When an individual wanted by another state is arrested by a member of this department, at least one of the following types of probable cause must be in the hands of the arresting officer:

   a. A certified copy of the out of state felony warrant; and

   b. A teletype received from the law enforcement

agency requesting the arrest or holding of the individual.

IMPORTANT: A N.C.I.C. "HIT" is sufficient probable cause to hold and investigate an individual for extradition from the demanding state. This is done by teletype to the demanding agency identified on the N.C.I.C. "HIT". The demanding agency will confirm extradition by teletype. The teletype confirmation, the N.C.I.C. "HIT", and reasonable corroboration that the individual in custody is the wanted subject, is probable cause for an arrest.

2. After confirming the demanding agency will extradite, the individual will be brought before a judge or commissioner where the probable cause can be presented. The arresting officer shall request a **Fugitive from Justice** warrant (T.C.A. 40-9-103). If the warrant is granted, the arresting officer shall attach the following to the warrant:

   a. The fugitive warrant(s) or capias, and N.C.I.C. printouts;

   b. The fugitive arrest report;

   c. The arrest report for any other charges the individual was booked on;

   d. Any other reports in reference to the fugitive charges; and

   e. Any communications with the out of state agency: teletypes, facsimile communications, letters, et cetera. (If communication was made by telephone, give the agency's address, the telephone number called, and the name, rank, and identification number of the person that verified the warrant.)

3. Once all of the above is compiled, a copy shall be placed in the designated mail trays for the Fugitive Unit in either the Warrant Division or the Prisoner Processing Division.

NOTE: A Case Preparation Report does not need to be filed on a Fugitive from Justice warrant. However, the arresting officer shall contact the Fugitive Unit the next working day to verify that the unit has received the information.

15.120 Authorization, Distribution, and Use of Surveillance and Undercover Equipment

15.120.010 Purpose

The purpose of this order is to establish a system for the authorization, distribution and use of surveillance and undercover equipment.

15.120.020 Definitions

A. **Surveillance:** The discreet observation of people, locations, organizations or property involved, or suspected of being involved, in criminal activity in violation of local, state, or federal laws.

B. **Surveillance Equipment:** For the purposes of this order, surveillance equipment is any audio or visual enhancement or recording device used to facilitate a surveillance operation and is the property of, or on loan to, the Metropolitan Nashville Police Department, or a component thereof, and may be made available for use by other components of the department in accordance with this order.

15.120.030 Authority

Once a surveillance operation has been authorized, the Bureau Commander of the unit, section, or division having responsibility for the maintenance and security of any department surveillance equipment may authorize the use of such equipment to assist in the operation. The Bureau Commander having such authority shall institute a tracking system in which each piece of surveillance equipment is inventoried in compliance with the orders of the Metropolitan Police Department and the procedures of the Metropolitan Government. That Commander shall also institute procedures for tracking the distribution and use of the equipment. The tracking procedure shall track to whom the equipment was loaned, the date and time the equipment was issued, the expected date of return, the actual date of return, and the case file number or complaint number.

15.120.040 Distribution

Distribution of surveillance equipment may be made to any sworn employee of the Metropolitan Nashville Police Department conducting an authorized surveillance operation. However, the sworn employee must be trained in the lawful use of such equipment and be legally authorized to do so. Surveillance equipment will be distributed as needed subject to availability.

15.120.050 Use of Surveillance Equipment

A. Surveillance equipment shall be used by employees in compliance with all laws that may govern its use. The equipment shall also be used consistent with the manufacturer's recommendations and directions and in a manner that will assure the equipment will remain in the best possible working order during its life.

B. Employees using surveillance equipment will return it to the unit from which it was obtained as soon as possible after the completion of the surveillance operation. Any damage or modification to the equipment will be documented in accordance with departmental procedures.

C. All evidentiary materials obtained subsequent to the use of the surveillance equipment will be documented and stored in accordance with departmental procedures.

Title 16: Juvenile Procedures

16.10 Juvenile Arrest Reports and Citations

16.10.010 Purpose

The purpose of this order is to communicate procedures for taking a juvenile into custody. This order also contains provisions for completing and processing juvenile arrest reports and juvenile citations.

16.10.020 Prior to Taking Juveniles Into Custody

A. An officer shall determine whether the juvenile is alleged to have engaged in criminal or non-criminal behavior (a status offense).

B. An officer shall determine whether the juvenile is alleged to have been harmed or is in danger of harm. The officer shall provide immediate medical attention (e.g., first aid, transportation to a hospital, etc.) if warranted under the circumstances. Notification of internal components (Youth Services Division) or external agencies (Department of Children Services) shall be made according to current department policy.

C. Prior to and during the detainment of a juvenile for a criminal or status offense, an officer shall ensure that the individual's constitutional rights are protected. An officer shall use MNPD Form 266, Rights Waivers as directed in current departmental policy.

D. When safe and feasible under the circumstances, prior to a custodial arrest of a juvenile under age 12, the officer shall notify their supervisor and document in the narrative of the arrest report which supervisor was notified. The supervisor shall assist in evaluating the necessity for a custodial arrest, the existence of alternatives to arrest, and, if necessary, respond to the scene. If no alternative to custodial arrest is available, the narrative shall include the reasoning for making a custodial arrest.

16.10.030 General Provisions – Juvenile Arrest Reports

A. An MNPD Form 106, "arrest report," shall be completed for the physical arrest of any juvenile charged with a status or criminal offense.

1. The box indicating "juvenile" shall be marked appropriately on the report.

2. The precise charge(s) for which the defendant was arrested will be indicated on the report.

3. The right index fingerprint should be affixed to the report for the purposes of identification, prior to processing the offender at Juvenile Court.

4. Personnel shall document probable cause for arrest in the narrative of the report. Specific information including the names of victims and witnesses, (and telephone numbers for contacting each), parent/guardian information, relevant ages, dates of birth, and a specific description of the arresting offense, shall be listed on the report.

5. In cases where the officer is transporting a juvenile to detention for a private prosecutor, the officer may have the person sign the arrest report indicating his/her intent to prosecute and affirming the correctness of the information contained in the report.

B. Juvenile law enforcement records and files are confidential and subject to the provisions of applicable state law, including those found in the police computer system.

C. When taking a juvenile-to-Juvenile Court Detention, an officer shall transport them without delay (unless a juvenile is in need of emergency medical treatment).

D. When a juvenile defendant is bound over to Criminal Court under the provisions of TCA 37-1-134, that defendant should be processed at the Criminal Justice Center Booking Facility as an adult. No additional arrest report should be completed. The original incident number should be used from the offense for which the juvenile was bound over.

E. The incident number is available from the juvenile arrest system (QJARST) or from the original arrest report. Juvenile Court is responsible for transporting the defendant to the Criminal Justice Center Booking Facility.

16.10.040 General Provisions – Juvenile Citations

A. The MNPD Form 219, "Juvenile Citation" is issued to a juvenile in lieu of making a physical arrest for committing a status or misdemeanor offense.

B. If an officer makes an arrest of a juvenile who has committed a status or misdemeanor offense, the officer shall choose one of the following response alternatives:

   1. Issue a citation, or

   2. Take into custody and transport to Juvenile Court Detention.

   NOTE: A citation should be used when appropriate.

C. Officers shall consider the following before selecting the response alternative for a status or misdemeanor offense:

   1. Nature of the alleged offense;

   2. Age and circumstances of the alleged offender;

   3. Alleged offender's previous record;

   4. Safety of the alleged offender or others;

   5. Rights of the complainant or victim; and

   6. Protection of the alleged offender's constitutional rights.

D. No juvenile citation shall be issued for any offense if:

   1. The offender requires medical attention or medical care, or he/she is unable to care for him/herself due to the influence of a controlled or intoxicating substance (until these needs are met);

   2. There is a reasonable likelihood that the offense would continue or resume, or that property would be endangered by the offender;

   3. The rights of the victim or complainant would be jeopardized if he/she were not given the option of filing a petition at Juvenile Court;

   4. The offender commits "public intoxication" by appearing in a public place while under the influence (substances include marijuana, alcohol, glue, etc.) where there is endangerment to the offender, others, or property; or the offender unreasonably annoys others;

   5. The violation is for a traffic offense;

6. The officer is unable to verify the offender's identity (photo identification, parent or teacher statements, etc.); or

7. The violation is for any weapon offense.

E. A juvenile citation shall be issued for a specific status offense or misdemeanor violation which is supported by a metropolitan or state law. Multiple violations can be listed on one citation. If there is more than one prosecutor, a separate citation shall be issued for each prosecutor.

F. A complaint/incident number will be included on each juvenile citation. One complaint number shall be used for all offenders of the same incident (i.e., possession of alcoholic beverages by four offenders will all have the same complaint number).

G. The juvenile offender should sign his/her name in the designated space to acknowledge receipt of the citation and thus agreeing to give it to the parent/guardian. If the juvenile declines to give the citation to the parent/guardian or refuses to sign the citation after being advised that his/her signature is not an admission of guilt, the officer shall void the citation, take the juvenile into custody, and transport him/her to Juvenile Court Detention.

H. Officers shall advise private prosecutors, victims, or complainants of the two choices for prosecuting a juvenile offender after considering the directions listed in Article 16.10.040, Section D:

1. Issuing a juvenile citation with the victim/complainant as the prosecutor; or,

2. Filing a petition (by the victim/complainant) at Juvenile Court. (If a prosecutor wants restitution, the prosecutor shall file a petition rather than a citation be issued.)

I. The officer will give a citation copy to the violator and explain to him/her the "ATTENTION PARENT" directive. The officer will advise the juvenile that the parent or guardian should call a Youth Support Services Counselor at the Family Intervention Program, after 48 hours, Monday through Friday (except on weekends and holidays), 12:00 noon- 4:00 p.m. The officer shall inform the juvenile that the failure of the parent or guardian to call and settle the citation can ultimately result in a referral to Juvenile Court.

J. For all alcoholic beverage violations, the officer shall specify the offense as to "Possession" and/or "Consumption" (Drinking), and

the alcohol type and amount. For all controlled substance violations, the offense shall be specified by the substance type and amount.

K. When a citation is voided, the officer shall write "VOID" on the citation and forward both the original (yellow) and the manila (hard) copy to the Youth Support Services Section at the Family Intervention Program. The officer may keep the officer's copy and destroy the violator's copy.

L. The officer shall turn in the citation to the officer's supervisor by the end of the tour of duty. A citation issued during times other than the officer's duty hours will be turned into the nearest patrol precinct within eight hours from the time of issue. Before forwarding the citation to the Youth Support Services Section at the Family Intervention Program, a supervisor shall review for accuracy and sign in the designated space. The supervisor will forward the citation by the end of the tour of duty.

16.10.050 Control Provisions – Juvenile Citations

A. If an officer makes a physical arrest and there is more than one offense, all offenses shall be filed at Juvenile Court and a citation not be issued.

B. When issuing a citation, an officer shall guard against accepting false information from the juvenile (e.g., juvenile's name, date of birth, address phone number school, and parent's name). If an officer suspects a juvenile of giving false information, the officer shall check with other available sources (school, parent, another relative, etc.) before completing the citation and releasing the juvenile.

C. It is acceptable to issue a citation to an out-of-county juvenile or out-of- state resident. The officer shall use discretion as to the juvenile's identity and the likelihood of a parent or guardian will settle the citation.

D. When a citation is issued, an arrest report shall not be written for the same offense. If there is a corresponding report to the incident an officer shall check the corresponding citation block for "See incident report" or "See arrest report" (for companion). When there is no corresponding report, the officer shall complete the details of the offense with a clear statement of the "probable cause" written in the citation narrative. If a citation is issued when a victim or complainant is involved, an incident report shall also be written.

E. The officer shall turn in all physical evidence related to the case in accordance with applicable departmental policy and

procedures.

F. The prosecution of a juvenile who is in violation of the law shall be consistent. For example, when a 17-year-old juvenile and an 18-year- old juvenile are in possession of an alcoholic beverage, both offenders shall be charged. The 17-year-old juvenile shall be cited on a juvenile citation or taken into custody and transported to Juvenile Court. Likewise, the 18-year-old shall be charged according to departmental procedures for handling adult offenders. Another example of prosecuting consistency is when two officers observe two juveniles committing the same offense; the officers would charge the juveniles with the same violation and code.

G. The officer shall not attempt to explain to any person (juvenile, parent, guardian, private prosecutor, etc.) how a citation will be settled. Confusion can be created by the officer advising anyone of a "probable" disposition. The disposition will be either at the Youth Support Services Section at the Family Intervention Program or Juvenile Court, but the officer cannot make the determination in advance.

H. An officer shall be prepared to testify in court if the Youth Support Services Section at the Family Intervention Program refers a citation offense to Juvenile Court.

16.20 MNPD Pastor's Youth/Young Adult Violence Intervention Program

16.20.010 Purpose:

The purpose of this order is to communicate procedures for calling out Youth Violence pastors for Youth Intervention. Consistent with established policy for call out procedures, when a member responds to or otherwise investigates an incident involving youth/young adult violence, actual or threatened, and reasonably believes that a pastor can assist those involved in the incident or in the handling of the call/investigation, a supervisor may then request the Department of Emergency Communications (DEC) to notify the on call "Youth Violence Pastor". The Pastor will make contact via cell phone with responding/investigating officer to determine the most appropriate level of response.

16.20.020 Policy:

The Pastor's Youth Intervention Program ministers to the needs of victims involving youth/young adult violence and the perpetrators. The Pastor's representing different faiths, volunteer at least one (1) **week** service per month, to this program.

16.20.030 Procedure:

A. Requesting Pastor's Assistance

1. Officers on the scene of an incident involving youth violence may request a Youth Pastor, by calling or requesting by radio communication, to the countywide dispatcher at the Department of Emergency Communications. The on-duty dispatcher will contact the Youth Pastor on-call, by cellular telephone. The DEC will have a listing of the on-call Youth Violence Pastor and back-up Pastor for each day of the week.

   Examples of incidents where a supervisor may request notification of a "Youth Violence Pastor" includes, but are not limited to: homicide, aggravated assault, robbery, and similar offenses.

2. When the Youth Violence Pastor calls, he will be put through to the countywide dispatcher, and the dispatcher will give the Youth Violence Pastor the following information:

   a. Location of the call,

   b. Type of call,

   c. Name of requesting officer,

d. The officer's call number, and

e. Where the youth pastor needs to respond (i.e., scene, hospital, etc.)

3. If the Youth Violence Pastor does not return the call within five (5) minutes, the dispatcher should consult the secondary on call Youth Violence Pastor. If all attempts are unsuccessful, the countywide dispatcher should call or page the Senior Chaplain of the MNPD at home or work, and he will give further instructions concerning the call.

4. A report sheet shall be created by the Youth Violence Pastor for all dispatched calls, and copies of the reports shall be kept by the Pastors and B.H.S. Division.

B. Cell phone are provided and maintained by Cricket's Communications.

C. Procedures

1. The Youth Violence Pastor shall drive his/her private owned vehicle to the Incident Scene, Hospital, or requested location.

2. A zone car should be made available when requested by the Youth Violence Pastor, to assist, and accompany him/her to a determined location where the death notification is to be made. Especially, in circumstances to where there may be a potential for violence, or during late night or early morning hours.

3. At no time shall a Youth Violence Pastor make a death notification by telephone or transmit over the radio the name of the deceased person.

4. Death notifications made by a telephone contact will be permitted as a last resort ONLY when extenuating circumstances warrant.

D. Request for Youth Violence Pastor Services from other agencies of a death notification should be made in the form of a written request (i.e., teletype, facsimile, etc.).

E. At no time will a Youth Violence Pastor release any statements or give any information concerning any persons that have been killed or seriously injured in an incident.

F. At no time shall MNPD Youth Violence Pastors possess or carry any firearm when responding to any call for assistance. This restriction applies whether or not the responding pastor possesses a valid handgun carry permit.

Title 17: Professional Development

17.10 Training Standards

17.10.010 Training Committee

A training committee will be appointed to assist the Training Division Academy staff in developing and evaluating training needs. The committee is to serve as a focal point for input from the respective bureaus. Each bureau commander and/or their designee will select two employees to represent their bureau on the training committee. A representative can be replaced at the discretion of the bureau commander. The director of training and/or their designee will serve as chairperson of the committee and will appoint an instructor from the Training Division's In-Service Training Unit to serve on the committee. The chairperson shall provide the Administrative Services Bureau commander and/or their designee any necessary reports or recommendations. The chairperson will schedule meetings with considerations on the time needed to implement committee recommended in-service changes or additions for future in-service programs with that meeting generally taking place in the month of June. It shall be the responsibility of the director of training and the Administrative Services bureau commander and/or their designee to decide which recommendations from the training committee shall be implemented into the in-service curriculum.

17.10.020 Attendance

A. All sworn officers except those having attended the basic police training within the calendar year must participate in a Peace Officer Standards and Training Commission approved forty-hour in-service training session each year.

B. Command level supervisors may elect to participate in a separate Police Officer Standards and Training (POST) Commission approved forty-hour Command level In-Service training session if one is offered by the Training Division during the current training year.

   1. “Command level supervisors” refers to personnel at the rank of Captain up to, and including, the Chief of Police.

   2. All personnel at the rank of Lieutenant and below are generally not eligible to attend the Command In-Service training session. Exceptions to this general rule may be made at the discretion of the Director of Training.

C. Each in-service training session shall include firearms training. Annual qualifications must be conducted with all firearms carried pursuant to the law enforcement authority granted by the MNPD. All qualification

requirements specified in the current department policy on firearms must be met or exceeded.

D. All training should ensure that personnel are kept up to date with new laws, technological improvements, and revisions in department policies, procedures, rules, and regulations.

E. Attendance records must be maintained on all employees. An attendance roster listing the names of all persons attending a scheduled block of training will be maintained and kept on file by the Training Division.

F. Personnel must attend all classes unless temporarily excused by the Training Division In-Service Training Coordinator. Absences (court appearances, emergencies, or personal illness) may not exceed ten percent of the course duration. Absences of more than ten percent require that the portion of the course missed be repeated within thirty days of the absence. If an employee is unable to complete the make-up within thirty days, they must repeat the entire course.

G. Due to the size of the Metropolitan Nashville Police Department, and the need to accurately report In-Service completion to the Tennessee POST Commission, sworn officers and professional support staff employees will generally not be allowed to substitute specialized or advanced training for the TN POST approved 40-hour in-service training session offered by the Training Division each year. Approval of any substitutions would be at the discretion of the Director of Training.

17.10.030 Academics

A. All sworn employees attending in-service training will be required to pass the academic portion of the training with a seventy-five percent score on the material presented, which may include one or more of the following testing mechanisms:

1. Written examination;

2. Oral examination or presentation; and/or

3. Practical exercise examination, presentation, or participation.

B. At the end of the In-Service Training Year, the employee will be advised of his/her final score. If the final score is below that grade which has been established as the seventy-five percent level, the employee will have the following options available:

1. Request administrative leave with pay in order to complete a course of remedial training which has been designated by the Director of Training and the Chief of Police as adequate to remedy

the employee's training deficiency;

2. Retire, if eligible; or

3. Resign.

Persons failing to elect one of these options shall be terminated.

C. Employees electing administration leave have the following options:

1. Re-take the failed examination(s) immediately after completing the required remedial training; or

2. Attend another full session of in-service training, if available, prior to taking any second examination(s).

Employees who chose to re-take the failed examination(s) immediately after completing the required remedial training, and successfully pass the examination will report back to their regular assignment. Employees failing the second examination after completing the designated remedial training, and/or second full session of in-service, must either resign or retire, if eligible.

Those doing neither shall be terminated.

D. Those employees failing the academic portion of in-service the first time shall not qualify for in-service supplemental pay.

E. Employees who have failed the in-service academic examination, but passed the firearms qualification, may receive special academic study assistance, if requested, during the scheduled gun range hours for the repeat in-service class session.

F. Those employees failing the firearms qualification will be subject to firearms qualification standards laid out in the Department Manual under Chapter 8.10 Firearms: Policy and Procedure.

17.10.040 General Provisions for In-Service Training

A. All sworn personnel are required to have forty hours of training each year. The training will consist of:

1. In-service training will be conducted at the Training Academy and through web-based distance learning managed in PowerDMS. The curriculum shall consist of Peace Officer Standards and Training Commission required classes and those classes that have been determined to be important for all sworn personnel, e.g., law updates, officer survival, etc. A minimum of 8 hours of in-service training shall include firearms training. Supervisors shall ensure web-based training is conducted in an environment

conducive to learning which limits distractions and/or interruptions.

2. Lesson plans for all training courses conducted by the department will utilize procedures outlined in the Training Division Standard Operating Procedure Manual that include provisions for the following:

    a. Guidelines and format for lesson plan development;

    b. A statement of performance and job-related objectives;

    c. The content of the training and specifications of the appropriate instruction techniques;

    d. A process of approval of lesson plans; and

    e. Identification of any test used in the training process that follows a format which must show the name, rank, and employee number of the employee taking the test.

B. All personnel shall coordinate their training hours with their direct supervisor(s). The training schedule must coordinate with the employee's ability to attend the class and not significantly impact the work schedule.

C. The rules of the Training Division shall apply throughout this process:

    1. An attendance roll will be maintained;

    2. There will be documented testing of core and/or other specified classes;

    3. Class attendance is mandatory;

    4. Proper attire will be strictly enforced;

    5. There is no smoking, vaping, or other tobacco products, newspapers, food or drink not enclosed in a container, or weapons, allowed in any classrooms (see the "General Information" section of the In-Service Training Catalog for further rules);

    6. A professional atmosphere and work environment will be observed at all times by both the instructors and attendees; and

    7. Any employee who is disruptive and not in compliance with the rules and regulations of the department will be disciplined.

D. The Training Division staff will monitor in-service training attendance throughout the year and notify employees who are not enrolled so they may enroll in required In-Service training as soon as possible.

E. The Training Division will maintain records of each training class it conducts, to include, at a minimum:

   1. Each hour of instruction by Training Division staff personnel will be taught from an approved lesson plan. The approved lesson plan will be maintained at the Training Division in the master lesson plan file;

   2. The names of all attendees in each training class; and

   3. The performance of individual attendees as measured by test results, if administered.

F. Instructors shall follow the rules as designated by the In-Service Training Unit staff, and the rules specified in the In-Service Training Catalog.

G. Further information regarding in-service training should be obtained from the In-Service Catalog or from In-Service Coordinators of the Training Division staff.

H. The Training Division In-Service Training Unit shall maintain permanent training files on each individual attending training, and update records of employees following their participation in training programs. Permanent training files shall contain at a minimum the data listed below:

   4. Testing results, including performance-based, written and other methods as necessary and applicable.

   5. Records of dates of attendance in the program.

   6. Achievement of any special skills, honors, and department records, such as highest firearms qualification score, physical agility score, etc.

I. The In-Service Training Unit of the Training Division shall maintain as part of its permanent records:

   1. Names of all attendees;

   2. Course curriculums;

   3. Lesson plans;

   4. Training schedules;

   5. Names of instructors teaching courses and their qualifications;

   6. Dates courses are given;

7. Testing results; and

8. Other records as may be required by the Chief of Police, the Director of Training, or the Tennessee Peace Officer's Standards and Training Commission.

17.10.050 Basic Police Training

The Training Division will provide an approved program of instruction for newly hired police officer candidates comprising fundamental law enforcement skills and knowledge, which shall be designated as the Basic Police Course. The course will meet or exceed all applicable State of Tennessee Peace Officer Standards and Training Commission requirements. Newly hired police officer candidates will complete the Basic Police Training program prior to routine assignment, in any capacity, in which the candidate is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program.

17.10.060 Specialized Training

A. Advanced training is that training that exceeds or is required to fulfill the training needs of personnel beyond the general in-service level. This advanced training can be achieved through in-house instruction or through coordination with outside agencies. The department, in an attempt to further the operational and management skills of supervisors, managers, professional support staff, and sworn personnel, may enroll them in advanced individual training. This advanced training may be conducted outside of the department's Training Academy.

   The Training Division will provide and or assist in the facilitation of specialized "in-house" training. The training will develop and/or enhance skills, knowledge, and abilities particular to the specialization. Training will be provided in the following specialty areas:

   1. Management/Executive Development;

   2. Supervisory (Pre/Post Appointment);

   3. Criminal Investigations;

   4. Field Training Officer;

B. The Training Division may provide specialized training through coordination with outside agencies, in the following specialty areas:

   1. Executive Development;

   2. Investigative Techniques;

3. Bomb Techniques and Post-Blast Investigation;

4. Crime Scene Evidence Techniques;

5. Crime and Forensic Laboratory Procedures;

6. Counter-Terrorism Management and Tactics;

7. Technical/Electronic Investigation;

8. Polygraph and or Computer Voice Stress Analysis Examination;

9. Advanced and Technical Accident Investigation;

10. Hazardous Materials Management;

11. Incident Command System; and

12. Other areas as needed.

C. An employee who wishes to be considered for advanced training will submit their written request on MNPD Form 445 through their chain of command for review and approval. Upon review, the employee's immediate supervisor will check the requested course availability or determine if there may be similar courses available. If the requested training is out of state, the bureau commander will review. If approved, the request will be forwarded to the Chief of Police for final approval.

D. The selection of employees to attend advanced training is based upon the following criteria:

1. Competency displayed by the individual employee regarding the task requiring the advanced training;

2. Recommendations from the employee’s supervisor;

3. Needs of the department; and

4. The approval of the employee’s chain of command.

E. Certain advanced training courses may cost the department a considerable sum of money. After successfully completing the advanced training the employee may be required to work in an assignment relative to the area of study.

F. Employees who are sent to specialized training or to professional conferences by the department, shall be held accountable for the information/training they have received. Upon return, the employee may be contacted by the Training Division staff to determine if subject matter from the trip can be added to the In-Service Training Catalog.

G. Training for the listed positions/specialties will be designed so as to develop and/or enhance the skill, knowledge and abilities required for the specialized job/position. Included in the training will be instruction on policies, procedures, rules and regulations, and performance standards related to the job function.

H. Training will be presented and be in conjunction with supervised, on-the-job training.

I. The Training Division will present pre/post appointment, supervisory training to officers promoted within the department to the first-line supervisory rank, according to the following guidelines:

1. Training in basic supervision will be presented for all personnel promoted to the rank of sergeant;

2. Personnel attending basic supervision courses must successfully complete the course of instruction;

3. Personnel who fail to successfully complete the course of instruction shall be recommended for reduction in rank as having failed to meet training standards during the probationary period; and

4. Basic supervision courses will be presented no later than six months following promotional appointment, but preferably prior to assuming duties.

J. Promotional training will include curriculum designed to enhance an employee's supervisory and/or management skills.

Management training may include, but not be limited to:

1. Management information systems;

2. Fiscal management;

3. Organizational behavior;

4. Decision making;

5. Basic supervision;

6. Communication skills; and

7. Human resource management.

K. The Training Division will be responsible for providing training and orientation to the Career Development Unit regarding career

counseling. The unit conducting career counseling activities will be trained in the following topics:

1. Counseling techniques;

2. Skills, knowledge, and abilities assessment techniques;

3. Salary benefits and training opportunities that are available;

4. Educational and incentive program opportunities;

5. Cultural and ethnic background awareness;

6. Record keeping techniques;

7. Career development programs in other jurisdictions; and

8. Availability of outside resources.

17.10.070 Field Training Officer Selection, Training, and Retention

The Director of Training, in conjunction with the FTO Coordinator, shall conduct periodic review to determine if the number of FTOs is sufficient to appropriately train the number of officers graduating from the Training Academy. While a Field Training Officer is responsible for training and oversight of officers assigned to them, they are not considered a "supervisor" as referenced throughout the Department Manual.

A. Application

1. When a deficiency in the number of available FTOs is projected, the FTO Coordinator shall recommend that the selection process for FTO candidates be opened.

2. The application shall include a written application (MNPD Form 180), which details the candidate's qualifications.

B. Qualifications

1. An officer must meet the following minimum requirements to apply for the position of FTO.

   a. Time in grade

      (1) Those officers who attended a Basic Recruit Class should have at least three years as a police officer with the Metropolitan Nashville Police Department, or the specified length of time in the posting, by the time of appointment.

(2) Those officers who attended a Lateral Recruit Class should have at least one year as a police officer with the Metropolitan Nashville Police Department, or the specified length of time in the posting, by the time of appointment.

b. Have not been suspended for more than five days withing twelve (12) months of the application closing date; and

c. Must be willing to attend and successfully complete one week of FTO training within 12 months of appointment.

C. Application Process

1. The application process shall consist of the following:

a. The applicant completes the MNPD Form 180 and submits to the Police Human Resources Division, as specified in the posting.

b. The applicant completes an oral interview related to the position.

c. The applicant's direct supervisors, district sergeant and detail lieutenant, may be asked to complete an evaluation relating to the applicant's suitability as a FTO.

D. New FTO Training Course

1. Curriculum: The curriculum for the FTO Training Course shall consist of forty hours of job-related training. This training will be in addition to departmental in-service training program requirements.

The candidate shall attend the entire 40-hour course. An excused absence of four hours or less may be approved by the FTO Coordinator and/or their designee.

17.10.080 Police Officer III Training

The training criteria for advancement to and maintaining the Police Officer III classification are stated in the Civil Service Commission Policies, Police Officer III Advancement Policy.

17.10.090 Shift Briefings/Roll Call Training

A. The purpose of shift briefings are to keep personnel up to date with new laws, technological improvements, and revisions in policy, procedures, rules and regulations effecting personnel in the performance of their responsibilities.

B. Shift commanders are responsible to see that roll calls are used for training purposes as often as possible.

1. Training topics will vary based upon assessed needs, but may include:

    a. Department policy and procedure presentation and discussion;

    b. New or reviewed case law;

    c. New or reviewed statutes;

    d. Tactical procedures and/or information;

    e. Presentations by officers who have attended specialized training;

    f. Department and/or other agency memorandums;

    g. Professional literature articles or video tapes related to policing and law enforcement responsibilities.

2. All roll-call training will generally be conducted by the supervisor holding rollcall or by another person who may have expertise in the subject matter.

3. Roll-call training presentations are informal and need not comply with the formal lesson plan requirements established for in-service or advanced training.

C. The shift commander is responsible for planning roll-call training on an as needed basis.

    1. The training committee may suggest topics for roll-call training.

    2. Audio visual aids, literature, publications, etc., can be incorporated into short informal programs presented at roll calls.

D. The shift commander will establish procedures for documenting roll-call training subject matter and attendance for inclusion in a training database.

    1. When training is required, the sergeant or other designated person responsible for the training shall provide the shift commander with the required documentation.

    2. Sergeants will also provide training documentation to the shift commander for training programs conducted for individual components or sections at rollcalls or otherwise.

17.10.100 Professional Support Staff Training

A. All newly appointed full time professional support staff personnel will receive information or training regarding:

   1. The agency's role, purpose, goals, policies, and procedures;

   2. Working conditions and regulations; and

   3. Responsibilities and rights of employees.

B. This will be accomplished by distributing to all newly hired full time personnel the following:

   1. Written Directives (Departmental Manual);

   2. Civil Service Rules; and

   3. A listing of benefits.

C. Newly hired full-time professional support staff employees will also receive "New Employee Orientation" training provided by the Metropolitan Personnel Department's Training Section.

D. In-service training for professional support staff personnel who are component managers, facility guards, school-crossing guards, and other appropriate personnel who deal with the public on a regular basis is required. The training for this category of personnel should include the legal, safety, and other responsibilities of their assignment, including dealing with the public. The commanders of the components with affected personnel may choose classes they deem appropriate for their personnel from the department In-Service Training Catalog, or the Training Division staff will assist by designing classes specifically for their department function. The scheduling of these classes shall be managed by the component commander and/or their designee.

D. Pre-service training will be required for professional support staff personnel who are facility guards, school crossing guards, & Technical Services Identification Division latent fingerprint examiners. Newly hired professional support staff candidates in these classifications will complete their pre-service training prior to routine job assignment, except as part of a formal field training program. Pre-service training may consist of in-house classroom or specialized training through outside agencies. All training will be approved by the appropriate bureau commander who supervises the affected employee.

17.10.110 Remedial Training

A. Remedial training is individualized instruction used for specific deficiencies in personnel. Generally, the need for remedial training is

recognized during the supervisory evaluation process, during training, evaluation during routine job performance, or during inspections.

B. Any aspect of the employee's job-related responsibilities that are observed to be deficient may be cause to require the employee to receive remedial training.

   1. Sworn Employees

      Any sworn supervisor or authorized training instructor may recommend, and the employee's shift commander may require a sworn officer or other employee under his/her command to submit to remedial training when circumstances indicate the officer(s) have violated a departmental policy or may otherwise benefit by remedial training.

   2. Professional Support Staff Employees

      A police supervisor or authorized training instructor may recommend, and the employee's shift supervisor may require, any professional support staff employee to submit to remedial training when circumstances indicate the individual(s) have violated any departmental policy or may otherwise benefit by remedial training.

C. Training instructors for any approved training program, may be assigned by the Director of Training and/or their designee, to conduct remedial training as required for personnel to achieve the knowledge, skills, and abilities necessary to maintain proficiencies commensurate to their job responsibilities.

   Remedial training shall be assigned and accomplished as soon as possible following the observance of any deficiency.

D. Supervisors shall monitor employee's job task performance and report circumstances which may require the need for remedial training to the employee's shift commander for consideration of redemption consistent with the provisions of this order.

E. Personnel designated to receive remedial training are required to attend the appropriate instruction training.

   Failure of any employee to attend, participate, and complete the assigned training shall be reported through the chain of command for disposition and possible disciplinary action.

F. Remedial training shall be documented in accordance with the requirements of the order, and the involved employee's shift commander shall be advised of the progress and/or outcome of any required training. Documentation of any required remedial training provided will be placed in the employees training file.

17.10.120 Community Police Academy

A. In a continuing effort to strengthen the partnership with the community the department has established a Community Police Academy. The academy is a series of classes designed to provide citizens a detailed overview into the operation of the department. It will give citizens the opportunity to see how officers are trained and what officers go through on the streets.

B. Participants must be residents of Davidson County, at least twenty-one years of age, have no arrest record, and be able to attend a minimum of ten of the twelve sessions. Applications for the academy will be available online at:

   www.nashville.gov/departments/police/get-involved/community-police-academy.

C. The five key objectives of the program are:

   1. To familiarize the participants with the function of the department;

   2. To obtain a better understanding of why different situations are handled a certain way;

   3. To provide another channel of communications for citizens and the department;

   4. To promote community support for the department; and

   5. To help members of the department become more aware of community concerns.

17.20 Wellness and Fitness Program

17.20.010 Control Provisions

A. At the direction of the Chief of Police and/or their designee, the Training Division may develop, maintain, amend, revise, and otherwise administer a wellness and fitness evaluation.

B. Sworn/ professional support staff personnel may participate in the evaluation as scheduled.

17.20.020 General Wellness and Fitness Program

The Training Division will designate a trained Program Coordinator whose responsibilities are:

A. Develop a general wellness and fitness program to enhance the physical fitness of sworn/ professional support staff personnel.

   1. This voluntary program may include, but is not limited to, nutritional information, aerobic exercise, anaerobic exercise, etc.

B. Provide health screening and fitness assessments;

C. Fitness education and goal setting; and

D. Ongoing support and evaluations.

17.30 Training and Professional Conferences

17.30.010 Control Provisions

A. Employees who are sent to specialized training or to professional conferences by the department shall be held accountable for the information/training they have received. Upon return, the employee may be contacted by the Training Division staff to determine if subject matter from the training can be added to the In-Service Training Catalog.

B. With the expensive cost of advanced training courses, an employee successfully completing an advanced training course may be required to work in an assignment relative to the training's area of study and/or provide training to other employees.

C. The selection of employees to attend advanced training/conferences shall be based upon the following criteria:

1. Competency displayed by the individual employee regarding the task requiring the advanced training;

2. Needs of the department; and

3. The approval of the employee's chain of command.

NOTE: Policy, procedure and governing law may vary greatly between jurisdictions and agencies. Therefore, employees shall be aware that training received by any outside source may be in conflict with departmentally approved or authorized policy and procedure. Any conflict shall be resolved in favor of MNPD policy, tactics, procedure and/or governing law. A vendor may no longer be utilized if conflicts of training continue to occur.

D. Anytime an employee is requesting to be marked in the MNPD time accounting system as "Temporary Special Assignment" (TPSPA) to attend training, regardless of funding, the requesting employee shall complete a MNPD Form 445, Request for Specialized Training and receive approval before being entered as TPSPA in the time accounting system.

17.30.020 Procedures

A. Approval Process:

1. Employee makes request for training by completing MNPD Form 445, Request for Specialized Training and submitting through his/her

appropriate chain of command;

2. Employee's chain of command approval/disapproval to Captain/ Commander or professional support staff equivalent level (This to include ensuring funds are available and/or identifying the funding source to cover any related expenses);

3. Employee**'**s request is then forwarded to appropriate Deputy Chief/Director for approval/disapproval;

4. Employee**'**s request is forwarded to Chief Financial Officer (CFO) office to ensure funds available and noted by CFO office for approval/disapproval;

5. Employee**'**s request is forwarded to Chief of Police for final approval.

B. The Director of Training will be notified on all approved requests for specialized or advanced training or professional conferences received from the various bureaus and units of the department. The Director of Training may be contacted for recommendations about training programs on an as needed basis. Additionally, the Training Division may make a determination and/or plan to provide for training within the MNPD, based upon the external training our employees receive (i.e., train the trainer type classes our personnel may receive and then can return to the MNPD to provide training)

C. Training and associated travel for specialized training may be funded utilizing grant funding from various sources that may include either discretionary, or non-discretionary sources. Employees utilizing grant funds for training/travel must have all requests approved by the MNPD Grants Unit Supervisor.

The Grants Unit Supervisor shall ensure such requests meet all requirements and budgetary guidelines outlined in the award document for the grant wherein the training/travel expenses will be charged.

17.30.030 Completing MNPD Form 445, Request for Specialized Training

A. Section I: Employee

This section should include the requesting employee's name, employee number, current assignment, regularly scheduled days off, immediate supervisor's name and must note whether the requesting employee is sworn or professional support staff.

B. Section II: Training Info

1. The requesting employee should provide detailed information on the requested training. Course title, location and description should be

included. Requesting employee shall attach any brochures, fliers and other information (to include information printed from websites) to the request form.

2. Requesting employee should provide detailed information for justification of request. Requesting employee shall include information on how training will benefit the MNPD or the employee in productivity, efficiency, crime reduction or service to the community etc.

3. Detailed information on all associated costs must be provided. Additionally, if a particular funding source has been identified such as grant funding or program travel/training budget, this information must be included in the request. If no funding source has been identified, the requesting employee shall insert "unknown" in block 13.

C. Section III: Mode of Travel

1. The requesting employee must complete the mode of travel information in boxes 21, 25, and 26. If a Metropolitan Government vehicle is used, the employee must enter the vehicle's decal number where indicated. If a personal vehicle is used, all vehicle information must be entered where indicated and the appropriate MNPD forms completed.

2. If the employee is seeking a Payment Advance (if applicable) check the appropriate box. Note: Only eligible if 75% of out-of-pocket travel expenses exceed $500.00. (Airfare & Registration are excluded to calculate Payment Advance.

D. Section IV: Approval

1. Once all required information in sections boxes I thru IV has been entered, the requesting employee shall forward the request through the appropriate chain of command as indicated.

2. At each stage of the approval process, supervisory personnel should analyze the request and weigh the benefits of such training with the associated costs and mission of the MNPD. Supervisory personnel shall not merely "Rubber Stamp" approval for training requests.

17.30.040 Certificates/Certifications

Employees attending approved training courses shall ensure copies of any certificates/certifications awarded for such training are submitted to the MNPD Human Resources Division, for placement in the employee's permanent file.

17.40 Career Development/Succession Program

17.40.010 Administration

The Career Development Program will be administered under the direction of the Commander of the Administrative Services Bureau. The program will be reviewed on a continual basis in relation to the organizational goals and objectives of the department and revised as necessary.

17.40.020 Goals and Objectives

A. Goals

1. Provide all personnel (Professional Support Staff/Sworn) with the opportunity to become proficient in their duties and enhance the employee's potential for lateral and upward mobility.

2. Provide a process for reviewing MNPD leadership talent and identifying possible agency successors and provide those individuals with training, mentoring and support to prepare them for promotion.

B. Objectives

1. To maintain an annual assessment of individual skills, knowledge, and abilities (SKA's) derived primarily from the existing employee evaluation program to determine strengths and weaknesses and identify training needs.

2. To provide career counseling to all members who request it. The specific objective is to obtain 50% participation in the program.

3. To encourage continuation of education through a degree-granting program at an accredited college or university. The specific objective is to obtain 50% participation in higher education.

4. To include a minimum of 4 hours training in current and valid topics annually, either during or in addition to regularly scheduled in-service training.

17.40.030 Career Paths

The Career Development/Succession Program will be comprised of three career paths:

A. **Proficiency:** Designed to provide training and experience to establish

proficiency in an officer's current duties.

B. **Specialization:** Directed toward a specific job function on which an officer wishes to focus and further develop expertise.

C. **Succession:** To acquire the skills, knowledge, and abilities required to enhance opportunities for promotion.

17.40.040 Career Counseling

A. The components of Career Counseling include:

1. Skills, knowledge, and abilities (SKA's) assessment

2. Career path analysis

3. Plan of action for officers

B. The Training Division shall be responsible for providing training and orientation to all supervisors regarding career counseling, which will occur in conjunction with annual evaluations. Supervisors conducting career counseling activities will be trained in the following topics:

1. Counseling techniques

2. Skills, knowledge, and abilities (SKA) assessment techniques

3. Salary benefits and training opportunities that are available

4. Educational and incentive program opportunities

5. Cultural and ethnic background awareness

6. Record keeping techniques

7. Career Development programs in other jurisdictions

8. Availability of outside resources

C. Supervisors providing career counseling will use a checklist to assess the effectiveness of the career counseling process and measure an officer's level of performance in the program. The checklists will contain the following elements:

1. A timetable for performing key activities relative to the officer's career path

2. A self-analysis of skills, knowledge, and abilities

3. Counselor rating criteria and evaluation. The existing employee evaluation program meets these requirements.

D. The Police HR Personnel Section will maintain inventories of skills, knowledge, and abilities (SKA's) of every officer. The inventory will include the officer's educational background, completed training, work experience, and other special skills.

1. The officer shall be responsible for providing the Police HR Personnel Section with the above information as it is acquired or achieved.

2. The officer may be required to provide documentation of training.

E. The Police HR Personnel Section will maintain on file all specialized assignments and the skills, knowledge, and abilities (SKA's) for each. SKA's may be determined by the most frequently performed tasks of a specialty and the knowledge required to perform specific duties:

1. Combined with pertinent job analysis data, the personal inventory may be used in the determination of training requirements or career paths.

2. It shall be the responsibility of the division/unit commander to provide the Personnel Section with the job analysis data.

IMPORTANT: In all cases, the department will adhere to applicable federal, state, and local privacy, security, and freedom of information requirements.

17.40.050 Career Development/Succession Training

Career Development/Succession training will be provided to all officers.

A. Supervisors will annually review their command to assess training as it relates to officers' career goals. Training may be provided through a variety of resources that include, but are not limited to:

1. Tennessee Law Enforcement Training Academy

2. Metropolitan Police Academy

3. FBI National Academy

4. Accredited educational institutions

5. Private industry

6. International Association of Chiefs of Police

7. Other police agencies or professional police organizations

8. Online courses/webinars/publications

B. Proficiency training is training designed to keep personnel up to date on job duties and responsibilities. Proficiency training will be used to enhance the personnel skills and enhance the potential of lateral and upward mobility within the department. **Personnel may be required to participate in remedial proficiency training as a part of Career Development.**

C. Specialty Training will be provided to personnel after their transfer to a specialized assignment to enhance the individual's job knowledge and potential for upward mobility within the department.

D. Promotional Training will include training designed to enhance the supervisory and/or management skills of all personnel. Supervisory and management training is vital to all personnel in supervisory or management positions, or those individuals working toward such career goals. Management training will include, but not be limited to:

1. Management information systems

2. Fiscal management

3. Organizational behavior

4. Decision making

5. Basic supervision

6. Communications skills

7. Human resource management

E. Advanced management training shall be made available to the appropriate level of supervision or management to impart higher levels of training to participants who possess exceptional leadership abilities.

17.40.060 Records Management

The Administrative Services Bureau shall be responsible for maintaining records of all proficiency, career specialty, management, or supervisory training received by members of the department. An annual inventory of resources used to develop in-service, specialized, and/or advanced

training for employees of the Metro Nashville Police Department will be maintained by the Career Development Officer.

A. Information about training will include at minimum:

1. Course title

2. Type of training

3. Source of training

4. Date(s) and time(s) of training

5. Course performance, certificate, skills, or honors achieved

B. An annual review of the employee's in-service training record will be conducted by the employee and their immediate supervisor/counselor in order to assess the training progress of each employee in achieving career objectives and if the training adequately assisted in the development of the employee's skills, knowledge, and abilities, (SKA's) or is justified by business necessity.

17.40.070 Lateral Movement Policy

A. While lateral movement is considered a desirable part of an employee's career development, it is the prerogative of management to assign employees when and where they are needed. The operational needs of the department shall take priority in all lateral movement decisions.

B. As with all other selection decisions, lateral movement decisions shall be made without regard to race, color, sex, political affiliation, religion, national origin, age, or marital status, unless there is a job-related requirement.

C. Lateral movement may be described in terms of temporary assignment (as in a job rotation as part of career development) or in terms of transfers. Lateral movement is one of several components of the Career Development Program. It provides employees with opportunities for individual and professional growth and development which can lead to improved job performance, job satisfaction and improved chances for upward mobility.

1. Lateral movement is movement between a basic assignment and a specialized assignment or between two specialized assignments. It involves no change in rank or pay and may occur at the initiative of the department or at the request of the employee.

2. Transfers are lateral movements of an employee in which the assignment has an unlimited duration.

3. Temporary assignment is lateral movement of an employee for training purposes or to fill a position on a temporary or emergency basis on an expected duration.

4. Specialized assignments are assignments that usually require specialized skills and are considered more desirable.

17.40.080 Procedures Concerning Lateral Movement

A. All components shall identify, in their procedures, positions that fit the definition of specialized assignment and specify the skills, knowledge, and abilities, education, and experience necessary to perform the job. The unit procedures shall identify also any specialized training within a specified amount of time of the employee's assignment to the position.

B. When a specialized assignment opening occurs, the component shall ensure that the selection process is applied to all eligible applicants and that the results, including evaluation documentation, are forwarded through the chain of command and MNPD Human Resources Division.

C. In general, when a component is able to meet its minimum staffing requirements, it is encouraged to allow interested employees to be temporarily assigned to other divisions/units. This will afford an employee an opportunity for individual growth as well as improved job performance and satisfaction. Patrol officers in particular can gain significant experience by being temporarily assigned to Investigative and Support Units.

D. Employees wishing to gain additional experience may request temporary assignment to another component by submitting a request in writing through the chain of command to their commander. The expected duration of the assignment shall be included.

E. Concurrence from both the employee's commander and the commanding officer of the component to which the employee is requesting temporary assignment are necessary for the assignment to be made.

F. If the temporary assignment is granted, the written request shall be forwarded to the Career Development Officer along with a worksheet change from the component receiving the employee.

17.40.090 Educational Leave

A. Leave for educational purposes will be classified under administrative leave and all applicable Civil Service and departmental rules and regulations will apply. Leave may be authorized for attending outside

workshops, seminars, state training academies, or formal educational programs. The department may support the employee who pursues the educational opportunity by providing flexible work schedules where possible.

B. Application for leave or shift adjustments shall be made through the chain of command up to the Bureau Commander who, upon approval, will submit the application to the Chief of Police for final approval.

C. The application shall include a justification of the subjects to be studied and their relationship to the employee's career development and job relationships, as well as the need for a shift exception.

17.40.100 Education Incentives

A. The Metropolitan Police Department currently offers monetary educational incentives in the form of 3% for an Associate's Degree and 6% for a Bachelor's Degree. Other educational incentives are those described in the promotional ladder as prerequisites for promotion. This department encourages continuous education.

B. The Metropolitan Police Department encourages continuous education. For promotion to Police Captain or above, the candidate must have at minimum of a Bachelor's Degree from an accredited college or university as established by the Civil Service Commission.

C. Colleges have partnered with MNPD to offer educational opportunities. Please reach out to the Career Development officer for details.

Title 18: Field Operations

18.10 Traffic Enforcement

18.10.010 Generally

The Metropolitan Nashville Police Department recognizes the importance and value of a diligent, concentrated enforcement strategy targeting speeding, impaired driving, and motor vehicle occupant safety. Traffic enforcement shall be a high priority in the department's efforts to reduce motor vehicle crashes, property damage, personal injury, and traffic related fatalities. To that end, MNPD personnel shall adhere to the provisions herein with respect to:

A. Identifying violations;

B. Stopping and approaching traffic violators;

C. Accurate identification of the cited person; and

D. The issuance and processing of traffic citations.

18.10.020 Bearing and Appearance

A. Professional Manner

Employees of the department making enforcement contacts shall be professional in their appearance, language, and bearing and exhibit emotional self-control. Employees shall be courteous, civil, and respectful to all persons, and shall not argue with individuals stopped for enforcement activities.

B. Direct Communication

Enforcement action should be made through direct verbal communication between departmental employees and violators. Gestures, signals, and other forms of non-verbal communication should be avoided unless necessary due to exigent circumstances.

18.10.030 Procedures for Enforcement Contacts

The public expects and deserves to be treated with courtesy and respect. Department personnel must balance these concerns with the need for caution and the detection of criminal activity. Department personnel shall comply with the following guidelines when stopping violators, stopping to assist stranded motorists, checking abandoned vehicles, or in other similar and potentially hazardous situations:

A. Legal Basis for Stop

1. All vehicle stops shall be based upon at least reasonable suspicion, probable cause, or other authorized procedures.

B. Preparation

Have the necessary equipment available and ready for use (i.e., radio, flashlight, emergency equipment, citation books reports). If an officer is involved in a prolonged traffic enforcement action, the officer shall wear their reflective traffic vest.

C. Location

When possible, select a location for the enforcement contact that is reasonably conducive to safety, e.g., wide shoulders, unrestricted visibility, and artificial lighting when dark.

D. Recording the Stop

1. Preferably, officers shall verbally check-out via radio communication with the Department of Emergency Communications on all traffic stops of an enforcement or investigative nature. If necessary due to radio traffic or radio frequency closure, officers may check out via Mobile Data Computer.

2. Officers shall use the proper radio code to inform the dispatcher that an enforcement contact or check of an abandoned vehicle will be initiated.

3. After the code is acknowledged, the following information should be reported to the dispatcher when applicable:

   a. Location and direction of travel;

   b. Vehicle description and vehicle license information;

   c. The apparent number of occupants; and

   d. Any other information deemed relevant by the officer.

E. Stopping the Violator

1. Using a Marked Police Vehicle

Traffic stops should be made using the police vehicle’s emergency blue lights, flashing headlights, emergency flashers, horn, and, if

necessary, siren. The public address system can be used to direct the actions of the violator from a safe distance. The spotlights or hazardous warning lights should not be used to signal violators to stop due to the possibility of temporary blindness of the violator and other motorist due to the glare created by these lights.

2. Using an Unmarked Police Vehicle

    a. If a driver is unwilling to stop for an unmarked vehicle, the officer will not force a stop. The officer will give the driver reasonable time to find a comfortable or safe place to stop. If the officer feels the driver had this opportunity, and the driver is not going to stop, the officer will call for a marked unit to help make the stop.

    b. Officers shall not attempt to make traffic stops in their personal vehicles.

F. Positioning of the Police Vehicle

1. Unless circumstances require otherwise, the police vehicle should be positioned behind and slightly to the left of the violator's vehicle. The police vehicle should be pointed slightly to the left with the front wheels turned to the left to provide a safety lane and defensive cover.

2. Motorcycle officers should position their motorcycle behind and pointed slightly to the right of the violator's vehicle. Motorcycle officers should then dismount from the right side of the motorcycle and, if necessary, use the motorcycle for cover.

G. Approaching the Violator & Documenting the Interaction

After stopping the police vehicle, personnel should remove their safety belt and exit the police vehicle prior to allowing violators to exit their vehicle. Personnel should not remain seated as a violator walks back to the police vehicle. Personnel should also:

1. Vary their approach to violators and the violator’s vehicle as appropriate for the situation;

2. Turn on their portable radio;

3. Monitor the activity of the occupants in the vehicle and do not place themselves in a position of tactical disadvantage;

4. Position themselves and any persons with whom they are in contact in a reasonably safe location, if possible. Under ideal conditions, the violator should be told to remain seated in the vehicle. However, if he/she insists upon getting out or staying out of their vehicle, have

him/her stand on the curb side of the vehicles, **never** between the vehicles and **never** on the roadway.

The violator should not be allowed in the front seat of the police vehicle. Consistent with current legal and training standards, nothing herein will prevent an officer from removing the violator or other occupants from a vehicle while conducting a traffic stop;

5. As circumstances make it appropriate, contact the violator and identify themselves and the reason for stopping the violator. At no time shall employees argue with the violator;

6. Ask for the violator's drivers' license and any other necessary documents. If a violators Social Security number is listed on their operator's license, the officer **shall not** include this information on the citation. Therefore, the Social Security number section on the citation shall be left blank;

7. Be observant for any indications or evidence of criminal activity, signs of physical impairment, or alcohol or drug use;

8. Initiate checks as soon as possible to ensure the subject(s) are not wanted and have legitimate possession of the vehicle;

9. Determine the appropriate enforcement action to be taken based on applicable laws and directives, available information, training, and experience. Officers have the discretion to issue warnings or to arrest/cite the violator;

10. Complete any required forms and explain the violation(s) and all actions required of the violator; and

11. A Vehicle Stops Data MNPD Form 252 shall be completed for all officer initiated vehicle stops (moving traffic violations, equipment violations, and investigative stops based on reasonable suspicion or probable cause of criminal conduct).

12. A printed receipt of the MNPD Form 252 shall be provided to the violator for warnings where no citation is issued.

13. In the event that an officer uses a Be On The Look Out (BOLO) or All Points Bulletin (APB) as a justification for stopping and/or arresting a suspect, the initiating officer must include the information contained in the BOLO/Department of Emergency Communications (DEC) communication in their notes or report.

    The Officer should clearly state the connection between the information broadcast and the subject/vehicle to be stopped that gave rise to the officer's decision to intervene. This information

should be noted in the officer's comments section of the MNPD Form 252, Vehicle Stops Data Form, and/or the narrative of any associated report.

H. Post-Action Contact

1. After an enforcement contact from which the violator will be released, personnel should remain in the area until the violator has re-entered the traffic flow safely to ensure the violator is not inadvertently left stranded.

2. Personnel should then advise the Department of Emergency Communications via the radio or Mobile Data Computer that the contact with the traffic violator has been terminated.

I. Issuance of Traffic Citations – Requirements and Exemptions

Officers shall base warnings or enforcement actions on the circumstances of the violation and not on the physical or personal attributes of the violator. Officers may warn or cite a violator in any combination where incidents involve multiple infractions.

1. When issuing citation(s), officers shall ensure the violator is provided the following information:

   a. The charge(s);

   b. The option of requesting a court hearing;

   c. If a court appearance is mandatory for any charge;

   d. If he/she is allowed to enter a plea and/or pay the fine by mail or at the Traffic Violations Bureau; and

   e. That their signature is not an admission of guilt.

2. If the violator refuses to sign the citation, the following procedure shall be followed:

   a. Officers shall write on the signature line "Refused to Sign—Copy Issued" and make a reasonable effort to ensure that the violator receives a copy of the citation.

   b. If the violator refuses to accept the copy, the officer shall make a reasonable effort to explain that a failure to respond to the citation within forty-five (45) days will result in sanctions imposed by the court.

   c. If the violator continues to refuse his/her copy of the citation, the

officer shall attach the violators copy to the original (white copy) with a notation that the violator refused to accept the citation, and all copies will be processed according to current procedure.

d. The violator will be released from the stop unless further action is taken subsequent to sections e. or g. below.

e. If it is necessary and appropriate, an officer may issue a State Misdemeanor Citation for those offenses which are also State Misdemeanor Offenses.

f. At no time shall an officer issue a traffic citation and a State Misdemeanor Citation for the same violation. Likewise, if the violator has refused to sign a completed traffic citation, the officer shall not issue a State Misdemeanor Citation for the violation but shall follow the procedure outlined items “a” through “d” above.

g. When an officer determines that the circumstances surrounding a refusal to sign a citation for a violation of a Metro Ordinance warrant further consideration, they should seek supervisory guidance in determining the best choice of available options.

3. Whenever a person is stopped for a violation of T.C.A. Title 55, Chapter 8 (Rules of the Road); Chapter 9 (Equipment); Chapter 10, (Accidents, Arrest, Traffic Crimes and Penalties); or a violation of any Metropolitan traffic ordinance, the officer **shall** issue a traffic citation **(in lieu of custodial arrest)** to such person, unless the violator falls into one of the exceptions listed below:

   a. **No citation shall be issued for any traffic violation if:**

      (1) The person demands an immediate appearance before a magistrate or judge; or

      (2) When the person is arrested upon a charge of criminally negligent homicide, voluntary manslaughter, or murder; or

      (3) When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs unless the offender was admitted to a hospital, or detained for medical treatment for a period of at least three (3) hours for injuries received in a driving under the influence incident; or

      (4) When the person is arrested upon the charge of failure to stop in the event of accident when such person knew or should reasonably have known that death resulted from the accident; or

(5) When the person arrested refuses to give written promise to appear in court and cannot provide satisfactory identification. Satisfactory identification will be defined as listed in sub-section O detailing identification of offender outlined in this directive; or

(6) The person is subject to arrest pursuant to § 55-10-119; or

(7) Departmental policy on State Misdemeanor Arrest Citations will be followed and the necessary documentation will be noted if a custodial arrest is made based upon any of the above exceptions.

b. Violations of **state** laws that carry the penalty of a jail sentence and/or suspension or revocation of driving privileges shall be **prosecuted through a misdemeanor arrest or misdemeanor arrest citation and not on a Metropolitan traffic citation**.

Examples of such offenses include the following:

(1) Driving under the influence;

(2) Leaving the scene of an accident;

(3) Failure to report an accident;

(4) Reckless driving;

(5) Drag racing;

(6) No driver license;

(7) Driving on a revoked, suspended, or canceled driver license;

(8) Other offenses that include the penalty of a jail sentence or suspension or revocation of drivers license which are now in effect or may be enacted in the future; and/or

(9) The person is subject to arrest pursuant to § 55-10-119.

c. Article 18.10.040, Section I, Sub-section 3, Paragraph b, Part (4) shall not be interpreted as prohibiting officers from prosecuting drivers for violation of Metropolitan Code 12.68.180, Reckless Driving.

d. Nothing herein shall be interpreted as prohibiting an officer from issuing citation(s) pursuant to an arrest for an outstanding warrant.

J. Driver Re-Examination

Routine traffic law enforcement may lead to the discovery of a driver who may be incapable of exercising reasonable and ordinary care over the operation of a motor vehicle. An officer may request a re-examination of any Tennessee licensed driver who appears incapable of safely operating a vehicle by completing State Form TDS-D1-19, SF-0365. This form must be completed and returned to the Tennessee Department of Safety.

K. Off-Road Vehicles

1. Consistent with T.C.A. 55-8-185 and T.C.A 55-10-206, it is unlawful for any person to operate a motor vehicle on private property for the purpose of testing or demonstrating driving skills or ascertaining certain vehicle endurance factors, unless the consent of the owner or person in control of the property has been granted for such activities. Such driving skills and vehicle endurance factors include, but are not limited to, cross country driving, drag racing or testing the motor vehicle's capabilities over natural, rough, or muddy terrain.

2. It is illegal to operate any type of unlicensed vehicle on a public roadway. Officers making contact with violators have the discretion of allowing the violator to remove the vehicle or having the vehicle towed as per current policy. Officers should take into account such things as the age of the violator, nature of the violation, and the violator's previous record in making a final determination regarding what enforcement action to take.

3. In respect to crossing the highway, off-road vehicles are authorized to drive across on two stipulations. On a two-lane highway, an off-road vehicle may cross at an angle of approximately ninety (90) degrees to the direction of the roadway and at a place where a quick a safe crossing may be made. On highways greater than two lanes, off-road vehicles may **only** cross at a place designated by the department of transportation or local government authorities.

L. Parking Violations

Officers shall enforce parking violations when appropriate, and especially when traffic flow and safety considerations warrant. Established departmental policy and procedure concerning vehicle impoundment will be followed.

M. Claims of Immunity

Persons may occasionally claim “immunity” from arrest.

1. Legislative arrest immunity is applicable only when the General Assembly is in session, and when the legislator is going to and

returning from the session. There is no legislative immunity for a felony or breach of the peace. Furthermore, **legislative arrest immunity does not apply when legislators are issued traffic citations.**

2. **Complete** immunity from arrest or detention exists for:

   a. A diplomatic agent who is the head of a mission or member of the diplomatic staff of a mission. A mission is a body of persons sent to conduct negotiations or establish relations with a foreign country;

   b. Family members of the diplomatic agent;

   c. Members of the administrative and technical staff of the mission. These persons are employed in the administrative and technical service of the mission; and

   d. A diplomatic courier while in possession of a diplomatic bag and official documents indicating his/her status.

3. Under normal conditions military personnel have no immunity. However, state law specifies that except for the commission of treason, a felony, or breach of the peace, the officers and enlisted personnel of the National Guard shall be exempt from service of civil process and from arrest while actually engaged in the following activities:

   a. Drill;

   b. Instruction;

   c. Voluntary aid and assistance; or

   d. Other military duty.

N. Residency Requirement

When analyzing the circumstances to determine if an arrested person is eligible to receive a citation, there are no strict residency or employment requirements. A citation may be issued to a person who does not live or work in Davidson County unless prohibited by statute, by this order, or for any other reason consistent with this order.

O. Identification of Offender

1. The Metropolitan Nashville Police Department recognizes that a critical problem exists in the use of assumed or fictitious names by arrested persons. Therefore, satisfactory identification is required

from any person before he/she receives a traffic citation. Because a traffic violation is generally committed while driving an automobile, a **valid** driver license is the preferred type of identification required from an arrested person. Valid documents bearing a recognizable photo of the person stopped may also be utilized in the determination of identity (e.g., government employee or military identification, student identification, etc.).

2. Other items of identification are to be considered satisfactory, but less reliable than photo identification. Such satisfactory items would include but limited to:

   a. Computer verified information,

   b. Vehicle registrations and titles,

   c. Government food or housing documents,

   d. Voter registration cards,

   e. Club/fraternal/service organization membership cards,

   f. Social security cards,

   g. Birth certificates,

   h. Jail identification,

   i. Parole/probation documents, and

   j. Rent or utility receipts.

3. Nothing herein shall prohibit the issuance of a citation when an officer uses investigative skills, interview techniques, or personal knowledge of an arrested person to satisfactorily identify that person. However, officers must be able to articulate their reasons for issuing a citation in the absence of identification required by these provisions or obtain supervisory approval. Misidentification could result in civil liability to the employee and/or department.

4. **Any citation that is issued**, and later determined by appropriate authority to be **in a fictitious or assumed name, will be brought to the attention of the issuing officer and the approving supervisor**. The reviewing authority will discuss with those employees the identification procedures used at the scene of the incident. The employees shall make every effort to correct the documents in question and **will be held accountable for the identification requirements mandated herein.**

P. Driver License Confiscations

1. The Tennessee Code Annotated authorizes local law enforcement agencies to confiscate Tennessee driver licenses that are currently revoked, suspended or canceled.

2. The statute applies only to Tennessee driver licenses, not licenses issued by other states, and not items listed as “identification only”, even though they may be revoked, suspended, or canceled. More specifically, licenses that are valid, restricted, expired, medical, eligible for reinstatement, valid photo card mailed, moved from Tennessee, or expired-medical, will not be confiscated.

3. Officers should refer to current Department Policy addressing the collection of evidence and property for additional information on the confiscation of drivers’ licenses.

18.10.040 Use of Speed Measuring Devices

The commander of the Support Services Bureau will cause to be established procedures for the use of speed measuring devices. These devices should be used primarily at those times and locations with a high incidence of speed-related accidents and in conjunction with community problem solving efforts.

A. Equipment specifications will be governed by department procurement procedures and will be developed and updated in conjunction with Traffic Section personnel.

B. All repairs shall be coordinated through the Traffic Section and will be completed by the manufacturer of the speed measuring device or an authorized service center.

C. Each component, to which a device is assigned, will maintain a record of repair, maintenance, and calibration for each assigned unit. Each device will be recertified equivalent to the standards published by the National Highway Traffic Safety Administration.

D. The Traffic Section will have personnel trained as speed measuring device instructors and will conduct training as necessary. This training will be equivalent to the standards promulgated by the National Highway Traffic Safety Administration and will specify operational procedures and operator certification requirements. No employee will be certified to operate any speed measuring device without demonstrating competence to the satisfaction of the instructor.

18.10.050 Specific Provisions Regarding Juvenile Violators

A. Pursuant to T.C.A. Section 37-1-146(c), and by order of the Davidson

County Juvenile Court, the Metropolitan Nashville-Davidson County Juvenile Court has waived jurisdiction of all traffic violators who are sixteen (16) years of age or older at the time the offense is committed. These cases shall now be processed and disposed of in the manner prescribed by law for adult offenders. Traffic Court will now process traffic citations for violators' ages sixteen (16) and seventeen (17) years old. Juvenile Court will continue to handle traffic citations for violators' ages fifteen (15) years old and younger.

B. Juveniles charged with traffic-related delinquent offenses will be handled by Juvenile Court. The juvenile's age and specific offense are the determining factors whether to issue a Metropolitan traffic citation at the scene or take the juvenile into custody.

C. The following alternatives exist for personnel to prosecute juvenile traffic violators:

1. Licensed juveniles sixteen (16) and seventeen (17) years old should be issued a traffic citation.

2. All juveniles fifteen (15) years old and younger may be either issued a traffic citation or taken into custody and transported to Juvenile Court. This is a discretionary function of the arresting officer. A traffic citation is appropriate, for a minor offense, unless the offense(s) committed include any violation listed in subsection three below.

3. All juveniles, regardless of license status or age, must be taken into custody and transported to Juvenile Court for the following offenses:

   a. Driver license not on person;

   b. Drag racing;

   c. Driving under the influence;

   d. Leaving the scene of an accident;

   e. Duty to give information or render aid in accident;

   f. Duty upon striking fixtures upon a highway;

   g. Immediate notice of accident over $50.00 (failure to report); and

   h. Failure to file a written report of accident to the state (over $1,500 damage).

18.10.060 Processing Citations

All traffic citations shall be processed in accordance with the following provisions:

A. Traffic citation books are distributed by the Traffic and Parking Violations Bureau. All traffic citation books will be inspected for proper numbering and printing by the officer receiving the citation book. A receipt bearing the signature of the officer will be retained by the Traffic and Parking Violations Bureau.

B. Traffic citations shall be given to a supervisor for departmental mail processing.

C. The original traffic citations (white copies) shall be deposited in the Traffic Violations lockbox in the Records Section of the MNPD for pick-up by employees of the Traffic and Parking Violations Bureau.

18.10.070 Intervening in Citations/Arrests

A. Employees **shall not** intervene in, or request intervention in, the processing or adjudication of any citation or arrest, unless the proper authorization from the employee's chain of command has been issued.

B. If, in the course of official duties, a member of the MNPD must intervene on an individual's citation or arrest in a manner other than normal court procedures in exchange for cooperating during an ongoing investigation, prosecution or other authorized purpose, the requesting member shall:

1. Request such action in writing including all supporting documentation,

2. Forward the request through his/her authorized chain of command to their Bureau Commander or appropriate Executive Staff member for consideration.

18.10.080 New Laws

All officers shall remain knowledgeable of all newly enacted traffic laws, ordinances, and regulations, enforcing them when appropriate.

18.20 Traffic Crash Investigation and Reporting

18.20.010 Generally

It is the policy of the Metropolitan Nashville Police Department (MNPD) that all personnel adhere to the provisions herein regarding traffic crash investigation and reporting.

18.20.020 Traffic Crash Response, Investigation, and Reporting

The investigation and reporting of traffic crashes within Nashville-Davidson County shall generally be the responsibility of the Traffic Division, and any components organized for special traffic duties. The investigation and reporting of traffic crashes shall be as follows:

A. Traffic Crash Response

Tennessee Code Annotated Section 55-10-106, requires that drivers of vehicles involved in traffic crashes resulting in death, injury, or property damage of fifty dollars ($50.00) or more immediately notify the nearest law enforcement agency. It shall be the policy of this department to respond to traffic crashes in Nashville-Davidson County occurring upon public highways and public premises.

1. General Response

Response to crashes shall be in accordance with current departmental policy. Officers shall proceed as authorized by the dispatched response code to investigate traffic crashes involving any of the following:

a. Death or injury;

b. Hit and run crash occurring on the roadway;

c. Hit and run crash on private property where suspect information is known;

d. Impairment of an operator due to alcohol or drugs;

e. Damage to public vehicles or property;

f. Placarded vehicles with a cargo of hazardous material that have the potential to leak, spill, or discharge hazardous material;

g. Disturbances between drivers;

h. Major traffic congestion due to the crash; or

i. Damage to vehicles to the extent towing is required.

If a MNPD officer should **arrive on the scene of any** traffic crash involving property damage or personal injury, the officer shall **complete a Titan E-Crash Report** as directed by current MNPD policy.

2. Weather/Disaster Condition Response

During times of snow, icy roadway conditions, or other disaster type situations where there are a large number of crashes that overwhelm available police resources, the Precinct shift commander or a member of the Field Supervisor Section, may notify the Department of Emergency Communication (DEC) shift supervisor to impose the following limitations:

a. Prioritize calls based upon the severity of the crashes, instructing officers to respond to major crashes first; and

b. If the workload is extremely heavy, and there are no available units to dispatch, advise dispatchers to inform drivers (complainants) involved in minor crashes to exchange information. Complaint clerks shall explain to complainants/drivers the reasons why a police response/investigation cannot be immediately made.

c. Use of these alternatives to avoid responding to crashes shall be strictly prohibited.

B. First Officer at Crash Scene Responsibilities

The responsibilities of the first officer to arrive at the scene of a crash shall include, but are not limited to the following:

1. Administering emergency medical care (first-aid) and providing basic life support;

2. Summoning additional assistance such as ambulances, the fire department, wreckers, additional officers, etc.;

3. Protecting the crash scene;

4. Preserving short-lived evidence;

5. Establishing a safe traffic pattern around the scene;

6. Locating witnesses and recording crash information; and

7. If appropriate, expediting the removal from the roadway of vehicles, persons, and debris.

C. Officer in Charge

1. When more than one officer or other responders are at the crash scene, appropriate protocol must be followed to determine who is in charge, and to ensure that all required tasks are carried out.

2. The first officer on the scene is expected to take charge of the crash scene immediately upon arrival and will retain charge of the scene until the completion of operations. Exceptions include subsequent arrival at the scene by supervisory personnel, or by other officer(s) whose primary responsibility is to investigate traffic crashes.

3. Some crashes will require that Incident Command be established. When Incident Command has been established, officers will coordinate police department responsibilities and duties with the other agencies on the scene as directed by the Incident Commander. Officers of this department are expected to cooperate with the personnel of other agencies that might have occasion to respond to the same crash scene.

4. Officers involved in traffic crashes will, to the extent possible, exercise charge over the crash only until the arrival of another officer or supervisor, to whom the responsibility will be surrendered.

D. Crash Scene Control

1. The first responsibility of officers responding to a crash scene is to keep the situation from worsening. This responsibility may become more important and complex when injuries, actual or potential fire hazards, or hazardous materials are present. It may be necessary for officers to perform special activities and to coordinate actions with other public safety agencies.

2. In some cases, traffic direction and crowd control may be all that is necessary to protect the public. Regardless, priorities for action may be affected by the extent and nature of the hazards present.

E. Personal Injuries

1. Officers arriving at the scene of a traffic crash involving personal injury or complaint of injury shall advise the dispatcher to notify the Metro Fire Department that emergency medical units are needed, if those units have not already been dispatched. Immediate first-aid shall be given to victims until the arrival of medical units.

2. After medical units have arrived, officers, in addition to other investigative and traffic control duties, shall offer assistance to medical personnel, if needed. In the event of mass traffic casualties, the Behavioral Health Services Division may be contacted for victim counseling or family member notifications.

F. Fire Hazards

Officers arriving at the scene of a traffic crash where a fire exists or there is a potential fire hazard (spilled gas, chemicals, sparking power lines, etc.) shall advise the dispatcher to notify the Metro Fire Department. In addition, the following steps shall be taken:

1. If appropriate, injured victims shall be carefully removed from the hazard area;

2. All other persons in the immediate areas should be evacuated from the hazardous area. Officers shall isolate the area to prevent unauthorized persons from entering; and

3. Officers shall arrange for, or attempt to, control fires when practical until the arrival of the Metro Fire Department.

G. Hazardous Materials

Officers arriving at the scene of a traffic crash involving hazardous materials shall immediately advise the dispatcher to notify the Metro Fire Department and the Office of Emergency Management. Hazardous material incidents will be handled in accordance with current departmental policy. If possible, the dispatcher will be advised of any placards on the crash vehicle so fire department personnel can respond in an appropriate manner.

H. Crash Investigation and Control-Equipment/Supplies

Equipment and supplies necessary for the investigation and control of traffic crash scenes shall be carried in each designated police vehicle as outlined in current departmental policy.

NOTE: All MNPD personnel on the scene of a traffic crash, regardless of the job being performed, shall wear a reflective traffic vest. *(Violation of this provision shall be a Category E offense.)*

I. Traffic Direction and Control

Traffic direction and control at the scene of a traffic crash shall be in accordance with current departmental policy.

J. Property Control

Officers at the scene of a crash shall ensure that property belonging to crash victims is protected from theft or pilferage and is removed to a place of safekeeping if the owner is unable to care for it. Generally, vehicles and their contents shall be removed in accordance with inventory and towing procedures outlined in current departmental policy.

K. Emergency Traffic Control

1. Officers responding to a crash scene shall make note and advise the dispatcher of any defect, unsafe, or dangerous condition of any street, alley, sidewalk, or highway created by the downing or non-operation of any traffic control device or sign.

2. The officer shall then provide a warning to vehicular traffic of a dangerous traffic condition (i.e. a downed traffic signal, or sign), and provide proper traffic control. This can be accomplished by manually directing traffic or the placing of traffic cones or warning signs.

3. The officer shall be responsible for notifying the dispatcher of an inoperative traffic signal or sign.

4. DEC personnel shall notify the proper authority responsible for making repairs. DEC personnel should attempt to determine an estimated time of arrival for the agency making the repairs. If an estimated time of arrival cannot be determined, the dispatcher will notify the on scene officers so appropriate warning measures can be taken.

NOTE: No hazardous situation shall be left unattended until repairs have been made or temporary measures have been taken to alleviate the dangerous condition before actual repairs commence.

18.20.030 Traffic Crash Documentation

A. Traffic Crash Investigation and Reporting

After responding to a major traffic crash, an investigation will be conducted. Subsequent to such investigations, a TITAN E-Crash Report (SF-1481) shall be completed. The extent to which the investigation and reporting are taken shall depend on the seriousness of the crash.

1. Officers of the Traffic Division shall be utilized in traffic crashes involving fatalities or life-threatening injuries. If an officer not assigned to the Traffic Section responds to a fatal or life-threatening traffic crash, that officer will be responsible for notifying their supervisor. The supervisor shall send an officer to the hospital where the victim was transported to verify his/her medical condition. If the victim has fatal or life-threatening injuries, the Traffic Section supervisor shall be notified, and a crash investigation unit shall be dispatched to respond to the scene. The crash scene will be secured pending the arrival of Traffic Division personnel, unless otherwise authorized by the Traffic Division supervisor. Extensive and detailed investigations shall be made of all major crashes. Major crashes include, but are not limited to, crashes involving:

   a. Death or injury;

   b. Property damage in excess of $1,500.00;

   c. Hit and run drivers;

   d. A driver under the influence of alcohol/drugs; and/or

   e. Placarded vehicles with a cargo of hazardous materials that have the potential to leak, spill, or discharge hazardous material.

2. Crash Documentation

   All traffic crash investigations shall be documented in a written report as follows:

   a. All major traffic crashes shall be investigated and documented using the TITAN E-Crash Report. All related forms, authorized and issued by the State of Tennessee, shall be completed in accordance with the TITAN E-Crash Report Manual. Officers

shall use the proper forms issued by the state, unless the state does not provide an applicable form. If no applicable form is issued by the state, the Traffic Commander will be responsible for designing, receiving proper approval, and making the form available to all department personnel.

b. Minor traffic crashes may be reported by completing a~~n~~ TITAN E-Crash Report. Reports shall indicate identification information for drivers, vehicles, and location.

c. Test results for blood alcohol/drug content shall be included in crash investigations or submitted at a later date as an amended TITAN E-Crash Report.

d. For crashes involving non-emergency damage to an NDOT asset, i.e. guardrails, street signs, street lighting, etc., that damage shall be separately reported on the "hubNashville" application either via the officer's department issued cell phone or other device, utilizing the "Streets, Roads & Sidewalks" page.

<u>NOTE</u>: Officers shall include the MNPD complaint number in the narrative section of the hubNashville request and note in their CAD or with DEC that the NDOT property damage was reported via hubNashville. This ensures both proper follow-up and tracking for the damage.

e. Depending on the seriousness of a crash, a case or incident file may be established containing written statements, supplemental reports, lab reports, photographs, and other documentation. These files will be maintained by the Traffic Division.

4. Traffic Crashes Occurring on Private Property

Crashes occurring upon the premises of any shopping center, trailer park, apartment house complex, or business park, etc. will generally, be reported via CORe. However, if one or more of the following criteria are present, an officer will respond to the scene:

a. Bodily injury or the death of any person;

b. Vehicle crashes where one or more parties may be impaired;

c. Vehicle crashes involving Metropolitan Government vehicles;

d. Crashes that result from the commission of a criminal offense;

e. Crashes that result from any pursuit;

f. Hit and run crashes where suspect information is known; or

g. Any crash that involves a serious disturbance, potentially violent arguments, disturbance or confrontation involving principles or other persons present at the scene.

If an officer is in doubt about investigating or reporting a traffic crash on private property, his/her supervisor should be contacted for assistance or advice.

5. Citizen Online Reporting System (CORe)

   a. Citizens may report traffic crashes that involve property damage only via Citizen Online Reporting System (CORe), provided the crash meets certain criteria. CORe shall not be utilized for crashes where one or more of the criteria found in 18.20.030 (A)(4)(a-g) are present.~~:~~

   b. Citizens can access CORe by calling DEC or utilizing HUB Nashville.

   c. Citizens shall be directed to make a CORe report **and** complete the Tennessee Department of Safety and Homeland Security Owner/Driver Report Form.

   d. Section 5, a – c above notwithstanding, an officer may be dispatched to a property damage only crash if DEC or a MNPD supervisor deem it necessary to respond.

6. Delayed Reports

   Generally, officers will refrain from investigating or reporting crashes in which all participants have departed the crash scene prior to arrival of the investigating officer, unless the crash resulted in injury or death, or the investigating officer's arrival has been substantially delayed by compelling circumstances. Officers should not refer citizens to the Traffic Division for delayed reports. A delayed report may be made via CORe. If the involved party completes a crash report via CORe, no police follow-up will be made.

B. On-Scene Information Collection

The collection of crash data at the scene of a traffic crash is important for many purposes. Such data is used for crash classification systems as well as planning and coordinating crash prevention and enforcement programs. The information is also used to support the prosecution of traffic law violators.

Therefore, officers investigating and reporting traffic crashes shall collect all relevant information necessary for such uses. The information shall be obtained and recorded by:

1. Interviewing drivers and witnesses;

2. Examining/recording vehicle damage;

3. Examining/recording effects of the crash on the road surface;

4. Taking measurements, as needed;

5. Taking photographs, as needed; and

6. Collecting/preserving evidence.

C. Follow-Up Activities

Depending on the severity of a crash, detailed collection of crash related information or close examination of information or evidence may not be possible at the scene of a crash.

1. Information Collection

   Officers assigned to investigate crashes shall be responsible for initiating follow-up investigations. Follow-up investigations shall include, but are not limited to:

   a. Collecting off-scene data;

   b. Obtaining and recording formal statements from victims, witnesses, and drivers;

   c. Arranging for reconstruction, if needed; and

   d. Preparing formal reports to substantiate any criminal charges.

2. Department Resources

   Upon approval of the requested personnel's Shift Commander, officers shall have access to all department personnel with specialized skills in photography, reconstruction, evidence analysis, interviews, interrogations, etc., if the officer can show a need for such assistance.

3. Expert and Technical Assistance

   The investigation of major traffic crashes may require expert or technical assistance from surveyors, mechanics, physicians, or other specialists.

   a. Basic analysis of blood samples and drugs may be obtained from the Crime Lab.

   b. The use of other government agencies including other departments of the Metropolitan Government may be requested with approval of the officer's supervisor.

   c. A list of Traffic Division personnel with special training and skills in traffic crash investigation shall be maintained by the Traffic Section. Upon approval of the Traffic Section Shift Commander, these personnel may be summoned for assistance.

   d. The use of outside experts and specialists may also be considered; however, their use shall require the approval of the Traffic Section or Community Services Commander or higher authority if it is likely their services will require monetary reimbursement.

D. Traffic Law Enforcement

When an officer investigating a traffic crash detects a violation of a law or ordinance, and when evidence exists to satisfy the elements of the violation, the investigator should take the appropriate enforcement action.

1. Misdemeanors

   In crash cases, when violations are detected, responsibility for prosecution shall rest with the investigating officer.

2. Felonies

In crash cases involving life-threatening injury or death, and wherein felony charges that are traffic related may be placed, patrol officers shall summon Traffic Division personnel to assist in the investigation and prosecution of the felony traffic charges.

3. For crashes involving suspected DUI drivers investigating officers should reference the current policy governing Driving Under the Influence Arrest.

E. Impoundment/Towing of Crash Vehicles

1. Vehicles that are involved in life-threatening or fatal crashes may be impounded for investigation following current departmental guidelines on vehicle impoundment. Vehicles can be impounded if it is justified under the circumstances to collect/preserve evidence of a crime or if impoundment of the vehicle is otherwise absolutely necessary to expedite an enforcement or investigative action.

2. Vehicles that have been disabled due to a traffic crash will not be left disabled on the roadway or road shoulder. Current departmental guidelines on impounding vehicles will be followed if the driver of the vehicle cannot make arrangements for its removal.

F. Driver's Duty to Give Information

Tennessee Code Annotated Section 55-10-103 mandates that the parties involved in a traffic crash exchange information. Therefore, officers investigating a crash and completing the necessary reports shall encourage the involved parties to exchange information. This information includes the driver's name, address, the registration numbers of the vehicles involved, and the drivers' operator license numbers.

18.20.040 Crashes Involving Police Vehicles

A. Traffic crashes involving police vehicles shall be investigated in accordance with current guidelines set forth in police vehicle policy and procedure. All traffic crashes involving department vehicles or related equipment should be investigated by a member of the Traffic Division. DEC will notify the office of Risk Management of all traffic crashes involving injuries (10-46's). A member of the Community Services Bureau, but not the driver or passenger of the vehicle involved in the crash, may investigate the crash if an undue delay will be caused by waiting for Traffic Section personnel. An undue delay is defined as more than thirty minutes.

B. If a crash involving police personnel occurs during a time when the Crash Investigation Unit is not working and one of the parties suffers serious or fatal injuries, the Crash Investigation Unit on-call supervisor shall be notified.

C. The employee's on-duty supervisor, if available, shall respond to the scene to participate in and oversee the investigation. If the employee's immediate supervisor is not available then a supervisor from the precinct/section of the employee shall respond.

D. The responding supervisor shall conduct a separate investigation and complete a supplement report stating that he/she:

1. Responded to the scene;

2. Participated with the investigation;

3. Ensured the investigation was completed fairly and in accordance with all required laws and departmental procedures; and

4. Is in agreement with the investigation officer's findings.

In the event an agreement between the responding supervisor and the investigating officer cannot be reached a Traffic Section supervisor shall respond to the scene. The Traffic Section supervisor shall review the incident with the investigating officer and responding supervisor and shall be responsible for the final determination.

18.20.050 Review of Traffic Reports

A. Review of Traffic Crash Reports

1. All TITAN E-Crash Reports and related documentation will be forwarded to a sworn supervisor for review.

2. The supervisor shall review these reports for timeliness, accuracy, legibility, and neatness, paying special attention to the contributing factors, narrative, and diagram, ensuring that these areas do not contradict each other.

3. After the report has been reviewed and approved by the supervisor, the supervisor shall approve the report in the TITAN E-Crash system. Such approval signifies the supervisor has reviewed the report for the above-mentioned areas.

B. Release of Information on Traffic Crash Reports

1. Fatality Reports

   Through arrangement with the Office of the District Attorney General for Davidson County, Tennessee, the police Records Division stores original crash reports and supplemental reports when a injury or fatality has occurred that may result in a felony prosecution.

   These reports are limited in their general distribution and inspection to the original investigator, his/her approving supervisor as so signed upon the report, and authorized members of the Office of the District Attorney. The final authority in release matters for said crash reports shall be the Office of the District Attorney General for Davidson County.

2. Property Damage Crashes

   As a rule, these matters are open for public inspection or sale, unless otherwise indicated on the report.

3. Personal Injury Crashes

   These matters are open for public inspection or sale, unless otherwise indicated on the report. Charges of driving under the influence are not felony charges and will not prevent the inspection or sale of this document. **Arrest reports and associated chemical test result sheets will not be sold with the crash report, and will be treated as elements of an ongoing investigation until final adjudication has occurred.**

18.30 Traffic Direction and Control

18.30.010 Generally

A. It is the policy of the Metropolitan Nashville Police Department that all personnel adhere to the guidelines and policies established herein for the safe and efficient direction and control of vehicular traffic.

B. The manual direction and control of traffic is an everyday concern of the department. Whether a hazardous situation (fire scene, crash, weather, or road conditions), or specific event (parades, sporting events), employees shall utilize departmentally approved techniques for the direction and control of traffic.

18.30.020 Procedure

A. High Visibility Clothing

1. The department provides reflective vests to personnel assigned to perform scheduled manual traffic direction and control functions. Personnel shall wear such high visibility reflective vests, in addition to the full prescribed uniform, whenever conducting scheduled manual traffic direction and control.

2. Persons conducting unscheduled manual traffic direction and control in response to unforeseen contingencies will wear the issued high visibility reflective vests, provided that it is available to them, and that conditions make it practical to do so before initiating manual traffic direction and control.

B. Assuming and Maintaining a Traffic Direction and Control Position

Personnel carrying out manual traffic direction and control will ensure that their presence and purpose are well demonstrated to drivers and pedestrians by:

1. Positioning themselves so that they can clearly be seen by all, usually in the center of an intersection or street;

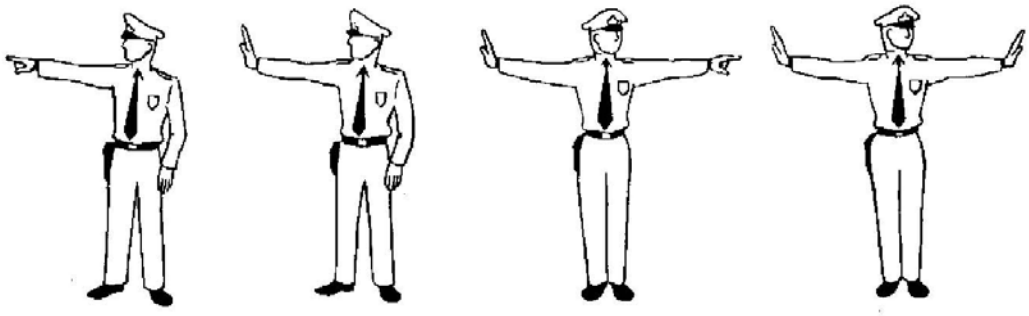
2. Standing straight with weight equally distributed on both feet;

3. Allowing hands and arms to hang easily at the sides, except when gesturing; and

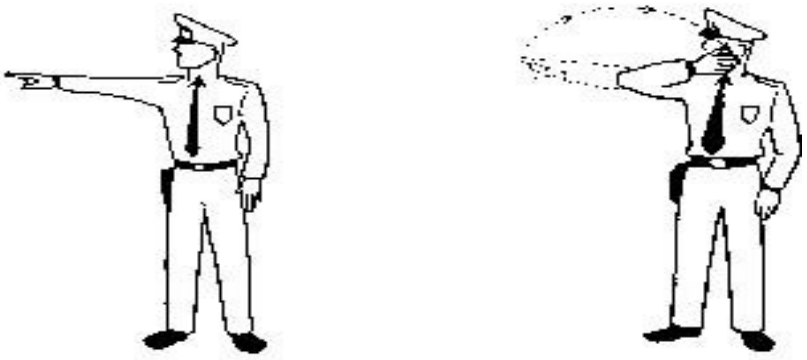
4. Standing facing or with back to stopped traffic and with the side toward traffic being directed to move.

C. Signals and Commands

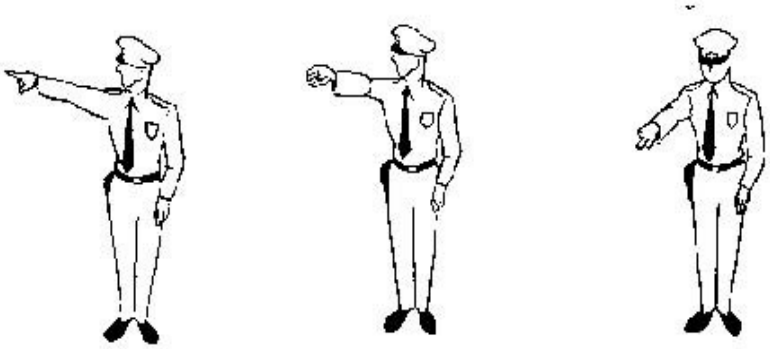
1. To stop traffic, the employee should first extend their arm and index finger toward and look directly at the person to be stopped until that person is aware, or it can be reasonably assumed that the driver is aware of the employee's gesture. Second, the pointing hand is raised at the wrist so that its palm is toward the person to be stopped. The palm is held in this position until the person has stopped. To stop traffic from directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.



2. To start traffic, the employee should first stand with shoulder and side toward the traffic to be started, extend their arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he/she is aware of the employee's gesture. Second, with palm up, the pointing arm is swung from the elbow, only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.



3. Right-turning drivers usually make their turns without the necessity of being directed by the employee. When directing a right turn becomes necessary, the employee should proceed as follows. If the driver is approaching from the employee's right side their extended right arm, index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn. If the driver is approaching from the employee's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.



4. Left-turning drivers should not be directed to make their movement while the employee is also directing oncoming traffic to proceed. Therefore, the employee should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into their turn. The employee's right side and arm should be toward the oncoming traffic. The left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm, index finger and employee's gaze is directed toward the driver who intends to make a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.



5. When an emergency vehicle responding to an emergency call or a funeral procession approaches an intersection the employee engaged in manual traffic direction shall stop traffic in all directions. An entrance and exit shall be provided from the intersection.

6. When an officer arrives on the scene of a crash or other incident where a civilian is directing traffic, the officer should relieve the civilian of this duty, or request additional units to the scene.

D. Signaling Aids

1. The whistle may be used to get the attention of drivers and pedestrians. It is used as follows:

   a. One long blast with a STOP signal.

   b. Two short blasts with the GO signal.

   c. Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.

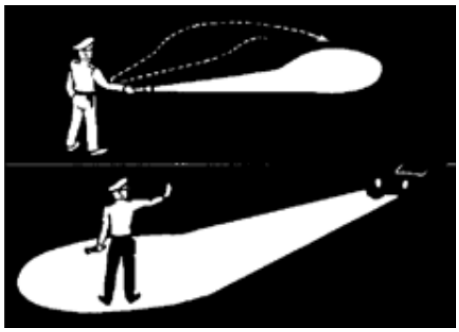
2. The whistle should be used judiciously. It should not be used to indicate frustration, but the volume should be just that sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention. When its purpose has been achieved, the employee should cease sounding the whistle. If the whistle is utilized continuously it ceases to hold meaning for drivers and pedestrians.

3. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. Verbal orders are not easy to give or understand and often lead to misinterpretations. An order which is shouted can antagonize the motorist.

4. When a driver or pedestrian does not understand the employee's directions, the employee should move reasonably close to the person and politely and briefly explain his/her directions. No

employee shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the employee's directions.

5. A flashlight shall be used to halt traffic during nighttime hours. To stop traffic slowly swing. The beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner. The vehicle's headlights should provide illumination.



6. If the employee has been issued a handheld "stop sign", they should use it in stopping traffic. They will hold the handheld stop sign in an upright visible manner toward the motorist. It will be used in conjunction with other signals and commands.



E. Temporary traffic control devices may be deployed in support of traffic direction and control activities. These activities will fall into the following categories:

1. Short Term

Traffic cones may be deployed by employees at the scene of any disruption or blockage of the normal traffic patterns, or to direct traffic around some event whether emergency or non-emergency. If in the opinion of the employee, the reason for the redirection of

traffic may be long term; a supervisor will be advised of the situation.

2. Long Term

   If, in the opinion of a supervisor, the redirection of traffic may be long term, barricades shall be requested from the Public Works Department.

3. Special Events

   The Police Department's Special Events Section Supervisors in conjunction with Public Works representatives will plan for the redirection of traffic for special events.

F. Manual Operation of Traffic Control Devices

The following circumstances warrant manual operation of traffic control devices:

1. Emergency Incidents;
2. Special Events;
3. Construction;
4. Signal Failure;
5. Unusual Incidents; or
6. When deemed necessary by a supervisor.

Manual control devices are found inside the traffic control boxes located on the corner of intersections with traffic signal lights. A control box key may be obtained from the Public Works Department with written approval from the Traffic Section Commander. The Traffic Section Commander shall establish a training program to operate the traffic control devices. Caution should be used when operating these devices.

18.40 Agency Referrals & Alternatives to Arrest

18.40.010 Generally

It shall be the policy of the Metropolitan Nashville Police Department to exercise the discretionary authority granted to its law enforcement officers and to seek alternatives to arrest by referring citizens to public and private social services when appropriate.

Often, social or mental health situations manifest into a law enforcement call for service. Recognizing the need for first responders to be best informed with accurate information and familiarity with available resources which would allow them to better serve individuals within our communities who may be affected by hidden disabilities, medical conditions, or mental illness as we may encounter them, it remains the goal of the MNPD to provide appropriate agency referrals or utilize an alternative to an arrest; when facts and circumstances suggest such a referral may be appropriate.

18.40.020 Agency Referrals

While performing their duties, officers often encounter people in need of assistance best provided by another criminal justice or social service agency. It is critical that police officers understand the nature of mental illness, disabilities, and these medical conditions. Officers need to know how to quickly assess and identify the possibility that an individual may have a mental illness, disability or medical condition. Officers do not need to make a diagnosis, but more importantly, to quickly identify the possibility that the person or situation they are encountering may involve a person involved in such a crisis can present signs and symptoms that may mimic illegal behavior such as intoxication, aggressive or resistive behavior. When these crises occur, officers should consider the facts available at the time should be examined to determine, if an alternative to arrest may exist, which agency could best provide the services needed by the individual and then to facilitate a proper response based upon that assessment.

On the PDWEB page, using the Quick Links tab under MNPD Resources: “Where to Turn in Nashville”, please see the link:

https://www.wttin.org/

18.50 Handling and Transport of Prisoners

18.50.010 Arrest of Prisoners

A. A sworn member shall not take any person into custody, nor restrain any person, except for a lawful purpose.

B. A member making an arrest shall use proper tactics as instructed by the Training Division; and shall not lose sight of the arrested person once secured.

C. The arrest of any prisoner should be accomplished safely. The taking of an individual into custody should, if possible, be done in a secure area away from hazards (i.e., fire, hostile bystanders, etc.). It may not be possible to always select or secure the area, but sound judgment and circumstances should dictate the manner of arrest and /or the necessity for arrest. The safety of the officer, the public, and the arrestee is the primary concern in an arrest situation.

D. A member is authorized under existing policy to use alternatives to a full custodial arrest. However, this does not negate the need to use proper tactics to ensure the safety of all concerned.

E. A member making an arrest shall maintain custody of the handcuffed prisoner until the prisoner is remanded to the Prisoner Processing Section of the DCSO or the prisoner is properly secured by another member willing to accept responsibility for the prisoner, except under the provisions of established policy and procedure.

F. A member making an arrest for public intoxication should closely evaluate the need for arrest. A member who encounters someone who is intoxicated and meets the criteria for admission to an alternative facility may transport and await admission to the appropriate facility.

G. A member shall not become surety or solicit the release or discharge from custody of any arrested person, except where such release or discharge occurs in the proper performance of duty.

18.50.020 Restraints

A. The primary restraint shall be the issued or approved handcuffs. Shackles, "flex-cuffs," and/or any authorized alternative may also be suitable restraints for the arrested person.

B. For the safety and protection of all concerned a member shall use handcuffs to restrain persons arrested for any offense. A person being arrested for any violation shall be thoroughly searched and handcuffed behind their back, in accordance with training and established policy and procedure, unless there are extenuating circumstances or physical

limitations.

C. A person arrested for a non-felony offense who is emotionally unstable, unruly, violent, likely to escape, or whose intentions are unknown shall be properly restrained. The size of the arrested person, along with any known history for violence or any other safety concern, may also necessitate the use of a suitable restraint. A member shall not handcuff a prisoner to themselves, another member, or a fixed object.

D. A member may encounter a "special needs" prisoner. A prisoner who has an infectious disease or a handicap may require special precautions or a modified restraint. Prisoners with infectious diseases should be handled using universal precautions to minimize contact. Prisoners who are handicapped, bedridden (hospitalized in the security ward) or confined to a wheelchair may require special restraints or may require no restraint. Care and sound judgment should be utilized in restraining these prisoners.

E. A member may encounter a prisoner that is "oversized", "undersized", sick, or injured and modified techniques may be required to safely restrain these prisoners.

F. A member encountering a restrained prisoner who is combative (i.e., fighting, jerking away, kicking, spitting, etc.) will use only the amount of force necessary to safely continue the arrest, by further restraint or any necessary use of force consistent with established policy and procedures.

18.50.030 Transportation of Prisoners

A. A member should use a vehicle with proper screening installed and designed for prisoner transport (i.e., generally a marked or similarly equipped car) if available. A member shall not transport prisoners in the front seat of any vehicle. A member may use a vehicle without a screen, as a last resort, if a proper transport vehicle is not available. A member shall not transport more than two prisoners in an unscreened vehicle. A member transporting a prisoner in a vehicle without a screen shall restrain the prisoner to the extent necessary to provide protection for all occupants of the vehicle. Such prisoner should be transported in the rear seat on the passenger side. In such instances, a sworn member should also sit in the rear seat on the driver side to maintain prisoner control and the member's weapon shall not be accessible to the prisoner. A member shall not restrain/secure any prisoner by attaching, restraining, or securing a prisoner to any part of the vehicle or its equipment.

B. A member transporting or receiving a prisoner for transport shall search the transport vehicle prior to and after prisoner transport for any contraband (i.e., under the rear seat). Such vehicle shall also be examined to ensure that it is safe and properly equipped for the tour of

duty.

C. A member intending to transport a prisoner, or receiving a prisoner for transport, shall search (or re-search) and properly restrain (if necessary) the prisoner prior to placing the prisoner in a vehicle for transport.

D. All prisoners will be secured in the vehicle by use of a seatbelt to prevent injury to the individual. Extenuating circumstances may exist which prevent the safe application of the safety belt to the prisoner. Such specific circumstances may include, but not be limited to, combative prisoners, the possibility of officer contact with bodily fluids or infectious disease, or physical handicap or injury. The transporting officer will have to use discretion based upon the specific facts and circumstances of each prisoner.

E. A member transporting a prisoner who requires additional restraints (i.e., shackles, etc.), who is oversized/undersized, emotionally unstable, or handicapped shall transport the prisoner in a position which affords safety for the officer and protection for the prisoner. This may require using an alternate vehicle (i.e., van, unscreened car, etc.).

   EXAMPLE: An emotionally unstable prisoner may become violent with the use of some types of restraints. An oversized (height/weight) prisoner may require an alternate vehicle for transportation.

F. A member transporting juveniles or persons of the opposite sex on police related business shall, prior to leaving the scene, advise the Department of Emergency Communications (DEC) (via radio) of the mileage showing on the odometer and destination. Upon being advised of this transmission the dispatcher, in accordance with current DEC policy and procedure, will advise the member of the official time. Upon arrival at the destination, the member shall advise the DEC (via radio) of the ending mileage. The dispatcher will advise the member of the official time, in accordance with current DEC policy and procedure. Under such circumstances the most direct route of travel shall be used and no unnecessary stops will be made.

G. A member should not transport the following in the same vehicle:

   1. An adult and a juvenile,

   2. Prisoners who are combative toward each other,

   3. Private prosecutors and prisoners,

   4. Parties involved in domestic disputes, or

   5. Males and females from separate unrelated incidents.

H. Divisions with specially designed and equipped prisoner transport vehicles may develop division level standard operating procedures that may be unique to that vehicle and are not otherwise inconsistent with this policy (e.g., transporting male and females in a properly portioned transport van).

I. Prisoners Requiring Medical Attention

1. A member transporting or receiving a prisoner for transport who is sick, injured, or requesting medical attention shall cause such prisoner to be transported (by ambulance if necessary) to an appropriate facility for treatment.

2. When an employee reasonably believes that an arrestee or prisoner has secreted an item within his/her mouth or other body cavity believed to be contraband or evidence, the following shall apply:

a. Mouth

(1) An officer may reasonably order an arrestee to remove that which the arrestee has within his/her mouth.

(2) Before an officer may use physical force to search an arrestee's mouth for contraband the officer must first have (all of the following simultaneously present):

(a) a lawful arrest of the person based upon probable cause;

(b) probable cause to believe that the arrestee has secreted a "seizeable item" (*e.g.,* illegal drugs) within his/her mouth; a "clear indication" that a seizeable item will be found within the arrestee's mouth; and

(c) either a warrant authorizing an intrusion into the arrestee's mouth, or exigent circumstances, such as: imminent destruction of evidence or a medical emergency.

(3) Once all of the prerequisites listed above have been satisfied, then an officer may use objectively reasonable force to extract the contraband secreted in the arrestee's mouth in a manner consistent with departmentally approved training.

3. After such incidents, such persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility.

J. A member transporting a prisoner to any destination shall be responsible for the security of the prisoner until the prisoner is properly secured by the Prisoner Processing Section of the DCSO or another officer willing to

accept responsibility for security of the prisoner.

EXAMPLE: A patrol officer transporting an auto theft suspect to the Auto Theft Unit office for an investigator.

K. A member transporting a prisoner should use the most direct route of travel and make no unnecessary stops. A member shall stop in cases where injury to a third party may occur and the likelihood of injury to or escape by the prisoner is minimal. Training and sound judgment shall dictate the necessity for intervention. The prisoner should have no unnecessary contact with persons other than law enforcement or medical personnel.

NOTE: If the member must deviate from a direct route of travel or make a necessary stop the officer should advise the DEC of that information, giving the mileage showing on the odometer and the location of the stop or alternate route.

L. A member escorting a prisoner on foot shall be responsible for the security of the prisoner and the degree to which the prisoner is restrained. The member should direct the prisoner in the proper direction, follow him, and not allow the prisoner to walk behind him. A member crossing a street with a prisoner should physically retain control of the prisoner to prevent escape or accident as traffic crosses their path.

M. A member shall not transport any prisoner in a personally owned vehicle.

N. A member transporting a prisoner who escapes shall immediately initiate a search, notify his supervisor, document the event consistent with department report writing policy, and obtain any necessary warrants.

18.50.040 Transportation of Prisoners To & From Other Jurisdictions

A. A member shall only transport prisoners to or from other jurisdictions with authorization from the appropriate section commander.

B. A member transporting a prisoner to or from other jurisdictions shall have in his possession the proper documentation concerning the transport of the prisoner (i.e., name, facility number, commitment papers, medical records, photo, personal property, etc.). Any information relating to a possible security threat (i.e., escape, suicide, etc.) or unusual medical problems shall be included in the documentation. A member shall not transport to or from another state without a proper governor's warrant or lawfully executed waiver. The identification of any prisoner to be transported shall be verified prior to transport.

C. A member transporting prisoners to or from other jurisdictions shall use a vehicle with a screen installed to separate the driver's compartment from the prisoner compartment. This vehicle shall also be modified in the prisoner compartment to minimize the possibility of escape (i.e., removal of door handles, window cranks, etc.).

D. A member transporting a prisoner for an extended period of time shall take necessary precautions to prevent escape or injury. Public transportation (i.e., airplanes, buses, trains, etc.) may be used subject to established policy and procedure. Locations for meals and lodging should be randomly chosen. Members allowing prisoners to use semi-private facilities (i.e., restrooms, etc.) shall not lose sight of the prisoner. The amount of restraint should be dictated by training, established policy and procedure, and the provisions herein.

E. The Fugitives Section, while transporting a prisoner to or from another facility, shall follow the guidelines established by such facility (i.e., securing of firearms, prisoner search, removing restraints just prior to placing the prisoner in the cell, etc.) regarding prisoner transfer and transport. Before the prisoner exchange occurs, the transporting officer shall deliver any corresponding documents to, and obtain the signature of, the receiving officer on an MNPD Form 699, Prisoner Transportation Receipt. The officer shall forward the resulting documentation according to current mail-transfer policies. The Records Division shall maintain MNPD Form 699s in agency files according to the applicable retention schedule.

F. A member transporting a prisoner to or from other jurisdictions, who encounters a problem, shall notify the appropriate supervisor directly or via the Department of Emergency Communications.

NOTE: Refer to the Standard Operating Procedures of the Fugitive Section for further information.

G. A member transporting a prisoner who escapes, while in transit in another jurisdiction, shall immediately notify the law enforcement agency with jurisdiction for that area. The member shall secure the area, advise the agency of all available information, and request assistance apprehending the escaped prisoner. The member shall cause his immediate supervisor to be notified as soon as possible. The member shall document the event consistent with the reporting policy of the assisting agency with jurisdiction and request assistance obtaining any necessary warrants.

18.50.050 Use of Seat Belts and Other Safety Restraints

A. All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a

vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

B. Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system and/or seatbelt **shall not** be a substitute for handcuffs or other appendage restraints.

C. Children/Infants: See policy governing Police Vehicle Policy and Procedure

18.50.060 Transportation of Transgender Individuals

A. Interactions between police officers and transgender individuals present a unique set of issues. The term "transgender" is used to describe persons with transgender identities and includes a wide variety of groups that differ from traditional gender norms. Some issues encountered by police include:

1. Difficulties in determining gender for identification purposes,
2. Transportation,
3. Processing,
4. Housing, and
5. Medical treatment.

B. Although “sexual orientation” is not the same as “gender identity or expression,” many individuals incorrectly perceive transgender persons as gay men or lesbians and, as a result, treat them as such, rather than as a transgender individual.

C. Transgender is independent of sexual orientation; transgender individuals may identify as heterosexual, homosexual, bisexual, asexual, etc.

D. MNPD employees shall treat transgender persons in a manner appropriate to the individual’s gender presentation, which includes addressing them by their preferred name. Transgender individuals who identify as being male should be addressed using masculine pronouns (i.e., he, him, his), regardless of their biological or surgical status. Transgender individuals who identify as being female should be addressed using feminine pronouns (i.e., she, her, hers), regardless of their biological or surgical status.

E. Searching of Transgender Arrestees

No officer shall refuse to search a transgender detainee and transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals. When an officer has reason to believe that a detainee is a transgender individual, before searching that individual the officer shall:

1. Specifically inform the detainee that he/she will be searched;

2. Ask the detainee if he/she has any objections to being searched by a male or female officer;

3. If the detainee does object, inquire as to the nature of the objection and document on arrest report;

4. Ask an officer who is of the gender requested by the detainee to conduct the search, if practical based on the circumstances and staffing;

5. The requested preference of the detainee (male/female) and the officer who performs the search should be documented in the incident report. If it is not practical to adhere to the detainee's request the circumstances should also be documented in the report;

6. In instances where a detainee is uncooperative, or makes a claim with regard to his/her gender that is not credible, the arresting officer shall notify their immediate supervisor prior to searching the detainee;

7. The supervisor shall assess the situation and decide whether a male or female officer conducts a search of the detainee;

8. Requests to remove appearance-related items such as prosthetics, clothes of the presenting gender, wigs, and cosmetic items, shall be consistent with requirements for the removal of similar items for non-transgender individuals;

9. Whenever transferring custody of a transgender individual to any other officer or agency, the transferring employee shall inform the receiving officer/agency of the arrestee's gender identity preference.

10. Section E, 1-9 above notwithstanding, MNPD employees shall not sacrifice officer safety or the safety of any other individual with regard to the searching of ANY individual wherein there exists reasonable and articulable circumstances to believe the subject is armed or otherwise poses a threat to the officer or the general public.

F. Whenever transferring custody of a transgender individual to any other officer or agency, the transferring employee shall inform the receiving officer/agency of the arrestee's gender identity preference.

G. Employees of the MNPD shall interact with the transgender community in a manner that is professional, respectful, courteous, and considerate with respect to each individual's gender identity.

18.60 Prisoner Processing Procedures

18.60.010 Generally

A. It shall be the policy of this department to utilize the detention facilities maintained by the Davidson County Sheriff's Office and the Davidson County Juvenile Detention Center for the processing of arrested persons and juveniles taken into custody.

B. At no time will any firearm or other weapons be allowed in the secured area of the prisoner processing area. All firearms, knives, and any edged instruments shall be removed upon entering the secured area and placed in a weapons locker located at each entrance.

In accordance with established policy of the DCSO, MNPD officers may carry departmentally approved batons, ASP batons, and chemical spray into the booking facility.

TASERs® and all other electronic immobilization devices shall not be allowed in the secured prisoner processing area and must be secured in the same manner as firearms described above.

(*A violation of this provision is a category B offense*.)

C. Firearms and other weapons seized incidental to arrest will not be brought into the prisoner processing area unless the commissioner specifically requests to see them. Upon such request, officers shall ensure that the firearms are emptied, breached, and secured before being taken into the prisoner processing area.

D. Every officer assuming control of a prisoner shall ensure the prisoners are searched and secured before they are allowed to enter the prisoner processing area.

E. Officers shall complete an arrest report for every person arrested prior to entering the prisoner processing area. The report should contain all relevant information necessary to process the prisoner consistent with departmental report writing procedures including an appropriate narrative detailing the facts and probable cause for the arrest.

F. In accordance with TCA § 38-3-116, whenever a person is arrested and taken into custody, they shall be asked whether they are the parent or legal custodian of any children that will be left unattended by virtue of their arrest. Based upon the person's response, the officer shall determine, in consultation with their supervisor, whether any children will be endangered by the parent or legal custodian's absence and take appropriate steps to ensure the child's welfare. Appropriate steps could include, but are not limited to:

1. Conducting a welfare check by sending an MNPD unit, other law enforcement agency, or an agency responsible for the health and safety of children to the location of the child;

2. Assisting the parent, legal custodian, or government agency with ensuring the child is in the care/custody of a responsible adult; or

3. Initiating a criminal investigation into an unattended and endangered child.

   If a determination is made that a child is unattended and endangered, then Youth Services and Department of Children Services (DCS) personnel shall be notified. Documentation of compliance shall occur on the arrest report, in accordance with MNPD Report Writing Manual guidelines.

G. Officers shall maintain visual contact with prisoners or secure them in a holding cell until such time as custody is properly transferred.

H. At no time shall employees enter the testifying port while a case is being presented unless they are involved in the case. Employees who wish to present a different case shall wait in the prisoner processing area until the testifying port is available.

I. Should a prisoner escape, the officer shall immediately notify the Department of Emergency Communications and the appropriate supervisor. A description will be broadcast, all field units alerted, and the necessary resources shall be mobilized.

18.60.020 Prisoner Processing

A. Procedure for Serving Outstanding Warrants

   The following, in accordance with Davidson County Sheriff's Office procedures, is provided for guidance and subject to change.

   1. Give the complete and original arrest report to booking personnel to initiate the process for confirming the identity of the suspect. This process includes fingerprinting and photographing the suspect.

   2. Once the suspect's identity is confirmed, go to the Warrants Section and sign out the warrant(s) then return to booking. Make the appropriate number of copies of the original arrest report, and leave one copy with the confirmation clerk.

   3. After the suspect's identity has been confirmed, notify Warrants, and have the warrant(s) modified to reflect it has been served. The arresting officer shall provide Warrants personnel with the last four digits of the arrest number.

4. Suspect will then be taken before the commissioner. **(At this point, serving outstanding warrants and any self-initiated charges will be handled together.)**

5. A copy of the arrest report and all documents contained in the warrant's jacket will be given to the commissioner. If there are any new or officer initiated charges, the commissioner then accesses the affidavit(s) on the computer and the officer is sworn as to his/her testimony.

6. The commissioner then advises the suspect of his/her bond and return all documents to the arresting officer including the mittimus, two (2) copies of the conditions of release, warrant(s), and the signed and unsigned affidavit(s).

7. Turn suspect over to booking personnel. At this point, custody of the suspect is transferred to the Davidson County Sheriff's Office.

8. Place the original arrest report, mittimus, and one copy of the conditions of release in the appropriate window of the booking room. For new or officer-initiated charges, leave the unsigned affidavit(s).

9. Leave a copy of the arrest report, second copy of the conditions of release, and the contents of the warrant's jacket with the State Bond Office. Additionally, for self-initiated charges leave the signed copy of the affidavit(s).

10. This completes the booking process. Officers should retain a copy of the arrest report for their records.

B. Procedure for Processing Officer-Initiated Arrests

1. Complete the appropriate affidavits in the Criminal Justice Information System (CJIS) for digital access by the commissioner.

2. If there are no outstanding warrants, give the original arrest report to booking personnel to initiate the process for confirming the identity of the suspect. This process includes fingerprinting and photographing the suspect.

3. After confirmation, make the appropriate number of copies of the original arrest report; and give one copy to booking personnel.

4. The suspect will then be taken before the commissioner.

5. Give commissioner a copy of the arrest report and all other appropriate documents. The commissioner accesses the affidavit(s) on the computer and the officer is sworn as to his/her testimony.

6. The commissioner then advises the suspect of his/her bond and

return all documents to the arresting officer including the mittimus, two (2) copies of the conditions of release, warrant(s), and the signed and unsigned affidavit(s).

7. Complete the jail intake form and turn suspect over to booking personnel. At this point, the suspect is in custody of the Davidson County Sheriff's Office.

8. Place original arrest report, mittimus, and one copy of the conditions of release in the appropriate window of the booking room. Additionally, for self-initiated charges, leave the unsigned affidavit(s).

9. Leave a copy of the arrest report, second copy of the conditions of release, and the contents of the warrant's jacket with the State Bond Office. Additionally, for self-initiated charges leave the signed copy of the affidavit(s).

10. This completes the booking process. Officers should retain a copy of the arrest report for their records.

C. Refusal to Issue Warrant

If the magistrate refuses to issue a warrant or directs the officer to issue a criminal summons or misdemeanor citation, the arrest report and any other related paperwork shall be left with prisoner processing personnel. A notation shall be made on the arrest report noting the reason for the refusal. At no time will a prisoner be released on a citation until positive identification has been made through the fingerprint identification process.

If the commissioner refuses the warrant and does not allow the officer to issue a criminal summons or misdemeanor citation, a copy of the arrest report shall be sent to the Case Preparation Division. Case Preparation will review the circumstances and prepare a summary and analysis to include, but not limited to, the following:

1. Was there probable cause to support the arrest?

2. Was the probable cause poorly stated in the affidavit?

3. Was the appropriate charge(s) sought by the officer?

4. Would presentment to Grand Jury be considered? And

5. Identification of any training issues.

Case Preparation will send the summary and analysis to the Administrative Services Bureau Chief who will distribute copies as appropriate.

D. Processing Juveniles

Persons seventeen years old or younger shall be taken to the Davidson County Juvenile Detention Center. If an arrested person is initially booked as an adult but later determined to be a juvenile through a departmental record check or other means, the person shall be transported to the Juvenile Detention Center by the arresting officer. If the arresting officer is not available, notify the appropriate on-duty supervisor; and that supervisor shall make the appropriate arrangements for transport.

E. Mass Arrest

In the event of mass arrests that would exceed normal holding cell capacity (e.g., civil unrest incident, raids, stings, etc.), the Incident Commander or appropriate supervisory or command personnel will notify the supervisor in charge of the prisoner processing area.

18.60.030 Medical and Health Care Services

A. Any person taken into custody that is ill or injured shall be taken to an authorized medical facility to receive or refuse medical treatment prior to going to prisoner processing. Written documentation of the treatment received or refusal to be treated by the prisoner must be obtained from the attending physician and provided to Sheriff’s Office personnel before completing the prisoner processing procedure.

B. Unless otherwise directed by an authoritative source, prisoners sustaining a "non-life threatening" illness/injury will be taken to Metropolitan Nashville General Hospital. In the event an arrestee appears to be undergoing a life-threatening medical emergency while being transported in a police vehicle, the officer shall **immediately** transport the arrestee to the nearest medical facility or have the

Department of Emergency Communications notify the Metro Nashville Fire Department to respond to his/her location, whichever is the most appropriate.

18.60.040 Arrestees Admitted to a Hospital/Medical Facility

As stated in Article 18.60.030, A of this policy: Any person arrested who is ill or injured and in need of medical treatment shall not be "booked" or otherwise "processed" until the person has received the treatment required. Once treatment has been given, and the decision has been made by qualified medical personnel to admit the arrestee to the hospital, MNPD personnel shall adhere to the following procedures:

A. Any MNPD Officer who has a prisoner restrained at a hospital/medical facility for a long-term stay, admitted or is assigned with guarding a prisoner shall be responsible for the degree of restraint necessary for safety and security.

B. Prisoners shall not be left unattended at any time.

C. A MNPD Officer guarding a prisoner shall accompany any visitor or hospital personnel into the room or area of any prisoner for the purpose of observation. However, the Officer shall position his/herself a discrete distance to allow private conversation or proper treatment.

D. Female prisoners should be guarded by female officers if available.

E. All visitors to a hospitalized prisoner must present written authorization (MNPD Form 697, Prisoner Visitation Authorization) from the Deputy Chief of the Community Services Bureau, or his/her designee.

F. With the exception of attorneys, written authorization shall be for one (1) fifteen (15) minute visit. Any additional visitation must be approved daily.

G. Attorneys for the hospitalized prisoner shall only require one written authorization form for the duration of the prisoner’s hospital stay.

H. Any visitor shall present positive identification to the securing officer, and shall be subject to search of themselves, packages, purses, and/or other belongings for safety and contraband.

I. Any member encountering a problem with any visitation should contact his/her immediate supervisor.

J. The Deputy Chief of the Community Services Bureau shall cause to be established a schedule for components to be responsible for security of admitted prisoners, and the storage of approved MNPD Forms 697, Prisoner Visitation Authorization.

K. Once relieved, the arresting MNPD officer shall immediately go to the DCSO Booking Facility to seek appropriate criminal warrant(s) and to obtain any outstanding warrants for the arrestee

NOTE: In the event that a detective or other officer is obtaining the warrant(s), the arresting officer will immediately determine if the warrant(s) have been issued. If the warrant(s) have not been issued or declined, the arresting officer will take the appropriate action to either complete the warrant process or notify his/her immediate supervisor.

L. The precinct supervisor responsible for hospital security shall ensure the Department of Emergency Communications (DEC) is notified which personnel is assigned hospital duty and their location.

M. Should the arresting officer be assigned to a support or investigative unit, the patrol precinct wherein the arrest occurred shall assume responsibility for hospital security.

N. Arresting officers should utilize the issuance of a State Misdemeanor Citation (wherever appropriate and in accordance with current policy) in lieu of arrest anytime an arrestee charged with a misdemeanor offense is admitted.

18.60.050 Prisoner Rights

A. A prisoner's opportunity to make bail or pre-trial release shall not be impeded.

B. Prisoners will be allowed access to a telephone in the prisoner processing area of the DCSO in accordance with DCSO policy and procedures.

18.60.060 Consular Notification

Procedures for the notification of consular officials for foreign nationals that have been arrested or detained are found in the Criminal Investigations Division Standard Operating Procedures.

Officers should seek guidance from Investigative Services Bureau detectives when detaining foreign nationals.

18.60.070 Warrant Service and Booking Procedures to Use When the Automated Fingerprint Identification System (AFIS) is Not Operational

A. Generally

The purpose of this section is to inform MNPD personnel on the procedures to use when serving a warrant(s) on a defendant whose identity cannot be positively confirmed through fingerprint comparison.

The procedures will allow officers to complete the booking process in a more efficient manner when the AFIS system is down and still assure proper and reasonable alternative measures are taken to confirm the identity of those upon whom warrants are being served.

This policy has been established by an agreement between the Metro Nashville Police Department and the Davidson County Sheriff's Office.

B. Notifications

1. When it is determined that the AFIS system has become inoperable and will likely be so for more than thirty (30) minutes, the Davidson County Sheriff's Office (DCSO) personnel, in accordance with their agreement with the MNPD, will immediately notify the highest ranking personnel on duty in the Warrant Division of the Police Department that the AFIS system is down.

2. Notify/designate the Warrant Service Quality Assurance Officer (QAO). See C1 below.

3. Once the QAO has been designated, the Warrant Division personnel will then immediately notify the Information and Technology Division Help Desk to confirm that personnel of that division are aware of the AFIS problem. (Email - Metro ITS Help Desk; Phone 862-6222).

C. Designation and Duties of the Warrant Service Quality Assurance Officer (QAO)

1. To ensure the proper identification of arrestees, and to ensure the arresting officer can return to service in a timely manner, the QAO shall be designated from the following personnel:

   a. An on-duty supervisor of the Warrants Division with the rank of sergeant or above.

   b. If no appropriate Warrants Division supervisor is available, the Warrants Division personnel shall notify supervisory personnel assigned to the North Precinct that the AFIS system is inoperable, and a QAO is needed. Supervisory personnel from North Precinct shall assign a sergeant to report to the Warrants Division and assume responsibility of the Warrant Service QAO.

2. The duties of the QAO shall be to review the proof of identification and other such documentation that is being used by each officer making only a warrant arrest while the AFIS system is down. The QAO will assure that the proof and documentation being proffered by the arresting officer established probable cause to believe that the person being arrested is the same person described and named on the warrant. Such proof of identification may include any

or all of the following:

a. Personal knowledge of the defendant by a Metro Nashville Police Officer or Davidson County Sheriff's Office personnel;

b. An official mugshot;

c. Valid personal photo identification card(s) issued by a governmental agency or other authoritative source;

d. Statements of identification made by credible and reliable persons such as family members, neighbors, friends, co-workers or others who may have knowledge of the defendant's identity;

e. Physical and demographic attributes of the defendant match those listed on the warrant;

f. Other facts and circumstances that would cause a reasonable person to believe that the person being arrested is the defendant for whom the warrant was issued; or

g. Visual verification of ink rolled fingerprint from suspect by ID personnel.

3. The QAO shall also review the arrest report and or supplement reports of the arresting officer to assure that the probable cause used to establish the identity of the defendant has been properly documented.

4. If the QAO finds sufficient probable cause for the arrest has been established and the documentation of that probable cause is acceptable, the QAO shall sign his or her name, the date and time, as well as the suspect's OCA number, if available, in the narrative section of either the arrest or supplement report, as is appropriate, to signify their approval. The QAO will also be recorded on the mainframe as the person authorizing electronic warrant data to be sent to the commissioner for Bond Set.

5. If the QAO finds that there is not sufficient probable cause for the arrest and/or that probable cause has not been well documented, the QAO shall do the one or more of the following as is determined appropriate under the circumstances:

a. Instruct the arresting officer to conduct further investigation into the identity of the defendant and assist the officer in determining other avenues of investigation that might provide additional evidence as to the defendant's identification.

b. Instruct the arresting officer in how he or she may better

articulate the facts and circumstances that establish the probable cause as to the defendant's identity.

c. Make a determination that the person arrested probably is not the defendant named in the warrant and instruct the arresting officer to release the arrestee.

D. Responsibilities of the Arresting Officer

1. When an officer is arresting a person on an outstanding warrant only and is notified that the AFIS system is inoperable, he or she shall exercise due diligence in confirming the identity of the person being arrested and in determining that the arrestee is, in fact, the person named in the warrant. In making these determinations, officers should avail themselves of facts and circumstances such to those listed in C.2.a, through f., above.

2. The arresting officer shall fully document the probable cause established to confirm the arrestee's identity and to determine that he or she is the subject of the warrant on the accompanying arrest report.

3. After completing the arrest report, the arresting officer will locate the QAO so that the QAO may review the sufficiency of the probable cause to make the arrest. If the QAO approves the probable cause and its documentation, the arresting officer shall take the arrest report to the booking clerk who will put the suspects plain impressions (ink prints of the suspect's right hand four fingers) on the back of the arrest report. Once ID verifies the prints, the officer shall complete the usual customary procedures required for booking a person with an outstanding warrant, with the exception that the officer will not be required to obtain AFIS confirmation before completing his arrest affidavit.

4. When AFIS becomes operational, and the system indicates the suspect's identity given to the officer is not correct, the officer who made the arrest will return to booking to correct the information. If the arresting officer is not available, the appropriate on-duty supervisory personnel will be notified and shall make arrangements to have the information corrected.

E. Responsibilities of Information and Technology Division Personnel

1. On-call Information and Technology Division personnel notified of an AFIS problem shall, in turn, notify appropriate personnel to address the problem in accordance with the standard operating procedures of the Division.

2. Appropriate personnel will activate the appropriate system changes required to allow officers to complete the booking process without

first confirming an arrestee's identity in AFIS.

3. When the AFIS system has been restored to operation, Information and Technology Division Personnel will notify all appropriate Police Department and Sheriff's Office personnel that they may resume regular booking procedures.

F. Responsibilities of Identification Section Personnel

1. Upon receiving the copied Arrest Report with plain impressions and possible OCA number, ID personnel will compare the arrestee's prints to the given OCA.

2. ID will verify the arrest by confirming the subject to an existing OCA number, or as a new OCA number and not identified to a prior record.

3. Once the AFIS system becomes operational, ID personnel will conduct AFIS searches of all fingerprints received.

4. ID personnel will notify DCSO of any false names and/or prior records that are discovered as a result of the AFIS search.

18.60.080 Procedures When Serving Instant Arrest Only

A. Employees shall adhere to the guidelines listed below for processing arrestees at the new booking facility located within the DCSO Intake Facility.

B. The AO will be buzzed into the booking sally-port by the DCSO Master Control Officer.

NOTE: The prisoner shall be handcuffed in accordance with current MNPD policy and procedures. The AO must have the jail intake form, the arrest report and the victim notification form on all domestic violence cases completed prior to entering the DCSO sally-port. It is extremely important that all the demographic information is completed prior to the DSCO receiving the inmate.

C. The AO will give the DCSO intake officer his/her arrest report and jail intake form at the entrance door to the DCSO secured area, but will turn the arrestee over to the DCSO at the door.

NOTE: DCSO will **not** remove the handcuffs at this point. The AO's handcuffs will be returned through the workroom area window.

D. The AO will then exit the DCSO sally port area and enter into the MNPD workroom next door.

NOTE: The AO shall not surrender his/her duty weapon unless it is necessary to breach the secured area during the booking process.

E. At this point, the arrestee is now in the custody of the DCSO. The DCSO Intake officer will search the inmate and collect any **currency,** contraband and/or property.

F. The DCSO **PID Operator** will then identify the inmate using the AFIS Personal Identification (PID) system. If no PID hit is obtained, the suspect will be immediately given a Booking Identification Number (BKIN) and 10 printed for confirmation.

NOTE: If outstanding warrants are found on the suspect, the DCSO must ensure that the AO is aware of these warrants. This must be done by ensuring warrants are listed on the arrest report and the AO is verbally informed of these warrants when the arrest report is returned to the AO through the window between the officer workroom and the DCSO PID area.

G. The DCSO PID operator will place the arrest number, PID sequence number and the OCA number on the arrest report and make copies.

H. The DCSO PID Operator or DCSO Officer will return a **copy** of the arrest report through a pass through to the AO. The AO will then complete his/her affidavit on the instant arrest charges.

I. AO will then fax the Arrest Report to the Commissioner's office.

J. The inmate will receive medical screening while the AO completes his/her affidavit.

K. Upon completion of the affidavit, the AO will advise the DCSO intake or PID Operator that they are ready for the probable cause presentation.

L. The MNPD AO will enter the video area. (This area contains Vugate video, Fax/Scanner, CJIS Electronic signature PC.)

1. This is a live 3-way feed from the MNPD video room, the commissioner, and the DCSO video room for the probable cause presentation.

2. In the event of a DCSO video failure, the DCSO has accepted the responsibility for physically escorting the arrestee to the commissioner for the probable cause hearing.

3. The AO, in the event of an MNPD video failure, shall personally appear before the commissioner for the probable cause hearing.

M. AO enters MNPD Video room for Probable Cause/Bond Set hearing. The

Commissioner will electronically transfer the approved affidavit data to the CJIS PC in the MNPD Video room. AO will electronically sign the affidavits via the signature pad and advise the Commissioner when complete.

N. AO returns to duty.

NOTE: DCSO will send original arrest report to Police Records via the mail tube at the end of each shift.

O. Once the commissioner receives the electronic affidavits, he/she prints the jail committal, affidavit and the conditions of release. This will also print a copy to a designated printer in the booking room.

P. The pretrial screener on the bench will keep the copy of the arrest report, the original jail committal, and the original signed conditions of release on every arrest.

Q. The following items will be turned into the proper divisions at the end of each shift by DCSO booking room personnel:

1. The original arrest report will be sent up the mail tube to MNPD Records.

2. The original jail committal will be sent to the Releasing Unit of the DCSO to be stored for records.

R. MNPD Warrant personnel shall pick up the original affidavit, original signed copy of the conditions of release, and a copy of the arrest report and deliver to the Clerk's Office as needed.

18.60.090 Procedures When Serving Outstanding Warrant Only:

A. To confirm the arrestee's identity and to ensure warrants are served in accordance with proper procedure to eliminate service on the wrong individuals, the AO shall take the arrestee and the original arrest report to the booking facility first. Once the DCSO has confirmed the arrestee's identity, the original arrest report will be given back to the AO.

B. The AO will then go to warrants to pick-up the outstanding warrants.

C. The AO will then personally appear before the commissioner. The pretrial screener on the bench will call the DCSO Intake Officer when the commissioner is ready for the arrestee, and the arrestee will appear via the video monitor.

D. The pretrial screener on the bench will keep the copy of the arrest report and the original jail committal on every arrest.

E. Upon leaving the commissioner the AO will drop off his/her original

affidavit, original signed copy of the conditions of release, and a copy of the arrest report to the Clerk's Office.

18.60.100 Procedures When the Arrestee is Taken into Custody for a New Offense and he/she Also has an Outstanding Warrant:

A. The AO will complete his/her affidavit in the Officer Workroom as outlined above in Article I, A-J.

B. DCSO officer or PID operator will return the **original** arrest report through the pass-through window.

C. The AO shall then go to warrants to pick up the outstanding warrant(s).

D. The AO will then personally go in front of the commissioner. The pretrial screener on the bench will call the DCSO Intake Officer when the commissioner is ready for the arrestee.

E. The pretrial screener on the bench will keep the copy of the arrest report and the original jail committal on every arrest.

F. Upon leaving the commissioner the AO will drop off his/her original affidavit, original signed copy of the conditions of release, and a copy of the arrest report to the Clerk's Office.

NOTE: All green MITTIMUSES (jail committals) shall be given to the DCSO booking room personnel by the AO. A green MITTIMUS (jail committal) requires the subject to be placed directly in jail. A probable cause presentation before the commissioner is not required.

18.60.110 If the Commissioner Decides to Issue a Criminal Summons and no Other Charges or Warrants are Issued Against the Arrestee, the Following Procedures Shall be Followed:

A. After the arrestee has seen the commissioner, via video or in person, and the commissioner has decided to issue a summons, the DCSO will return physical custody of the arrestee to the AO as soon as is practical.

B. The AO must then take the arrestee to the Warrants Division of the MNPD.

C. The AO will then complete the summons and issue the arrestee a booking date. The booking date for the criminal summons will be issued utilizing the same guidelines as those for issuing booking dates on State Misdemeanor Citations.

1. The booking date for a Criminal Summons will be set **3 weeks following the date of issue** on the same day of the week except Saturday and Sunday. The arrestee must appear **between the**

hours of 10:00 am and 2:00 pm.

EXAMPLE: A summons issued on Tuesday June 5, 2007: The booking date would be Tuesday June 26, 2007, between 10:00 am and 2:00 pm.

2. **No booking dates will be scheduled on Saturday or Sunday.** The booking date for summons issued on Saturday will be set 3 weeks from the previous Friday. The booking date for summons issued on Sunday will be set 3 weeks from the following Monday.

   EXAMPLE: A summons issued on Sunday, June 3, 2007: The booking date would be Monday, June 25, 2007, between 10:00 am and 2:00 pm.

   A summons issued on Saturday, June 2, 2007: The booking date would be Friday, June 22, 2007, between 10:00 am and 2:00 pm.

   Saturdays will be treated like the immediate previous Friday and Sundays will be treated like the immediately following Monday.

   Booking dates will be assigned on all weekdays, including holidays, except for those specifically closed by the authority of the court.

3. Once the arrestee has been issued the criminal summons and given a booking date, the AO shall return to duty.

18.60.120 MNPD Officer Access to Arrestee:

In accordance with an agreement between the MNPD and the DCSO, the DCSO must make provisions for the AO to be able to converse with the arrestee or take the arrestee to Warrants for further research of possible incorrect records at any point during the booking process. (This can be accomplished through the window between the officer workroom and the intake area.)

18.60.130 Operations at MNPD Area of Booking Facility:

The MNPD operations at the police workroom and other locations under the control of the MNPD at the booking facility located at the police workroom shall be under the command of the MNPD Warrants Division.

Should employees need assistance with problems related to the booking process at the DCSO booking facility, or in the event there is a failure to one of the automated systems such as CJIS or AFIS, employees shall notify the following supervisory personnel:

A. An on-duty Warrants Division supervisor with the rank of Sergeant or

above.

B. If no appropriate Warrants Division supervisor is available, MNPD Warrants Division personnel shall notify supervisory personnel assigned to the North Precinct that supervisory assistance is needed. Supervisory personnel from North Precinct shall assign a sergeant to report to the Warrants Division to assist in resolving the problem.

18.60.140 Issuing Citations/Submissions to the Grand Jury

A. No provision of this policy shall preclude an arresting officer from issuing a State Misdemeanor Citation, where appropriate, and in accordance with current policy for the issuance of misdemeanor citations in lieu of physical arrest.

B. The officer shall conduct an analysis of the facts, circumstances, and applicable law to determine if a custodial arrest should be made or if the arrested person should be issued a citation and released.

C. Officers are encouraged to issue citations whenever possible and in accordance with established policy.

D. In those circumstances wherein charges would normally be sought against the subject by presenting the case to the Grand Jury, in lieu of immediate arrest, the arresting officer shall notify his/her immediate supervisor.

E. If there is any question as to the decision of continued custody versus the issuance of a State Misdemeanor Citation or presentment to the Grand Jury, the arresting officer should seek guidance from an appropriate on-duty supervisor.

18.70 Driving Under the Influence Arrest

18.70.010 General Provisions

Drivers under the influence of alcohol and/or drugs represent a serious threat to the life and safety of persons using the streets and highways of Nashville and Davidson County. It is the responsibility of each member of the MNPD to actively and aggressively seek out and arrest D.U.I. offenders. The detection and arrest of impaired drivers differ significantly from other traffic law violators. As a result, the following guidelines and procedures shall be adhered to:

A. Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend persons demonstrating signs of impairment. After conducting an initial field sobriety test at the scene of the traffic contact, if there is probable cause to believe the driver is under the influence, officers shall affect a physical arrest of the suspect prior to a breath and/or blood test being administered.

B. Breath alcohol and blood tests will be offered in accordance with state law and department policy and procedures. Officers should be reminded that they may request either a breath or blood test, or both. An example of when two tests would be appropriate is as follows: if the driver's breath alcohol test is below .08%, and observations of the driver's actions leads the officer to believe that drugs or a combination of drugs and alcohol is present, then a blood test shall be requested.

C. Officers are reminded that breath and blood tests are supplemental tools only. All elements of the arrest should be completed, so that even without a breath or blood test, the officer will be able to make their case in court. A refusal to submit to a breath and/or blood test shall constitute an additional charge of violation of the implied consent law.

D. Officers should be aware that officers assigned to the Aggressive and Impaired Driving Unit have portable breath testing units and are equipped with video and audio recording cameras.

18.70.020 Procedure

A. Detection

Detection is the first step in any D.U.I. enforcement action. An officer's observations in this stage are crucial in establishing probable cause upon which the arrest can be made. This probable cause involves three (3) separate and distinct phases in which all sworn personnel shall receive training. The three phases are:

1. Vehicle in Motion

    a. Observing the vehicle in motion begins when the officer first notices the vehicle, driver, or both. Attention may be drawn to the vehicle/driver because of a moving violation, an equipment violation, involvement in a traffic accident, unusual driving actions such as driving across a lane or moving at a significantly slower than normal speed, observing drinking or drugs in the vehicle, etc.

    b. If this initial observation discloses vehicle maneuvers or human behavior that may be associated with the use of alcohol or drugs, an officer may develop a reasonable suspicion of D.U.I.

    c. Clues reinforcing the suspicion of D.U.I. may be found in the stopping sequence. The suspect driver's response to emergency equipment may exhibit additional evidence of D.U.I. These clues may include: an attempt to flee, slow or no response, sudden stop, or striking the curb or another object.

2. Personal Contact

    a. Upon observing a person suspected of operating or being in physical control of a motor vehicle while impaired, the officer shall begin recording facts to be presented as evidence in court. The arresting officer shall clearly note the suspect's actions and general demeanor that indicate impairment and be prepared to present these observations as evidence.

    b. The stop should be made as soon as possible and in a safe location.

    c. Notify the Department of Emergency Communications of the location of the stop and any other pertinent information.

    d. Approach the suspect vehicle with caution.

    e. Exercise due care and caution during the traffic stop and be alert for unusual or inappropriate reactions of the driver or passengers.

    f. Regardless of the evidence established during the vehicle in motion phase, the officer's initial face-to-face contact with the

driver usually provides the first indication the driver may be impaired.

g. Obtain the driver license and any other necessary documents from the driver.

h. Note all observations leading to the suspicion that the driver may be impaired.

i. Interview any passengers to determine if they are impaired.

j. After careful observation, the officer must decide whether to request the driver to exit the vehicle for further observations and roadside field sobriety tests.

k. If reasonable suspicion exists, ask the driver to exit the vehicle and move to a safe location away from the flow of traffic to conduct field sobriety test evaluations. The site selected for test evaluation should be as level and free from loose material and/or debris as possible. It is reasonable to transport the driver to another location close by that is more suitable for the tests. Follow current MNPD policies prior to conducting the transport.

3. Pre-Arrest Screening

a. Psychophysical tests are methods of assessing a suspect's mental and physical impairment. These tests focus precisely on the abilities needed for safe driving, e.g., balance, coordination, information processing, judgment, and decision making, etc.

b. Officers shall use the approved National Highway Transportation Safety Administration (NHTSA) Standardized Field Sobriety Tests. These tests are the:

(1) Horizontal Gaze Nystagmus;

(2) Walk and Turn; and

(3) One Leg Stand.

These tests should be performed as set forth by the National Highway Transportation Safety Administration.

NOTE: Only the National Highway Transportation Safety Administration approved horizontal gaze nystagmus, walk and turn, and the one-leg stand tests should be used as field sobriety tests. Even if qualified as an expert, officers should never rely solely upon the

horizontal gaze nystagmus as the basis for an arrest in the event the horizontal gaze nystagmus is successfully challenged.

Additionally, officers having received MNPD approved training and maintaining certification in the Drug Evaluation Classification Program, as established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration may use tests and evaluations consistent with that training.

c. Officers shall record all observations and performance of the field sobriety tests on MNPD Form 132, D.U.I. Testing Report.

d. If the officer is satisfied from the totality of the circumstances and determines they have probable cause the driver is impaired by alcohol and/or drugs, the suspect shall be placed under arrest, handcuffed, searched, and placed in a safe location, e.g., the back seat of the patrol car.

e. The Tennessee Blood and/or Breath Consent Advisement (state form SF-0388) shall be read to the suspect. If the driver will be questioned further, the Miranda warning should be read.

f. Officers will use their judgment in determining the source of a suspect's impairment prior to determining if a breath or blood test is to be given. This will be prior to the administration of either a breath alcohol or blood test. Should there be clear indications, such as a strong odor of alcohol, that a driver's impairment is due to alcohol, then a breath test is appropriate. If indications are that alcohol is not involved, or a combination of drugs and alcohol are suspected, then a blood test may be more prudent. If a suspect gives a breath test and registers under the state's legal limit and the results are not consistent with the level of impairment, then the officer shall request the driver to submit to a blood test. The suspect's failure to consent to either one or both tests will result in an Implied Consent Law Violation.

g. Do not advise the person that if they test lower than the legal limit, they will be given a traffic citation and released. **No driver suspected of being impaired shall at any time be allowed to operate any vehicle.**

h. Arresting officers shall follow existing departmental policy and procedures regarding the towing or the safe parking and securing of the arrested person's vehicle.

B. Breath Alcohol Test Request

1. Breath alcohol tests can be administered by:

   a. Certified Aggressive and Impaired Driving Unit officers; or

   b. Any officer certified to administer a breath alcohol test.

   Certified personnel are those persons certified by the Tennessee Bureau of Investigation (T.B.I) to administer breath alcohol tests.

2. If the suspect is willing to submit to a breath test and is not being charged with another offense that requires booking, the officer may notify the dispatcher to send a mobile breath testing unit to the arrest location.

C. Juvenile Breath and/or Blood Testing

Generally, when a juvenile is suspected of driving under the influence the same procedures apply as with an adult DUI arrest. The following guidelines will apply when requesting a breath alcohol and/or blood tests:

1. Officers will use their judgment in determining the source of a juvenile suspect's impairment prior to determining if a breath or blood test is to be given. Should there be clear indications, such as a strong odor of alcohol, that a driver's impairment is due to alcohol, then a breath test is appropriate. If indications are that alcohol is not involved, or a combination of drugs and alcohol is suspected, then a blood test may be more prudent. If a juvenile suspect gives a breath test and registers under the state's legal limit and the results are not consistent with the level of impairment, then the officer may request the driver to submit to a blood test. The suspect's failure to consent to either one or both tests will result in an Implied Consent Law Violation.

2. If it is determined a blood test is needed, officers shall follow the procedures outlined in the section on blood tests.

3. If it is determined a breath test is needed, notify the dispatcher to advise the Aggressive and Impaired Driving Unit that a breath alcohol test needs to be administered to a juvenile suspect. If available, a mobile breath test unit shall respond to the arrest scene.

4. If a mobile breath test unit is not available, the juvenile will be taken to the prisoner processing area for a breath alcohol test to be administered. The following procedures will apply:

a. When in the prisoner processing area the arresting officer will remain with the juvenile at all times;

b. Contacts with adult prisoners must be avoided. No adult prisoners will be allowed in the breath testing room when the room is occupied by a juvenile;

c. All breath testing procedures applicable to adult suspects will apply to juvenile suspects;

d. The arresting officer will not detain the juvenile longer than necessary in the prisoner processing area; and

e. If charges are to be placed, the juvenile will be transported to the Juvenile Detention Center.

D. Aggressive and Impaired Driving Unit Officer's Responsibilities

1. Upon notification by the dispatcher of a request by an officer for a mobile breath test, a trained officer of the Aggressive and Impaired Driving Unit will proceed to the dispatched location.

2. Upon arrival, the Aggressive and Impaired Driving Unit officer will note the time for the required twenty-minute observation period.

   NOTE: The field sobriety tests may be performed a second time for video recording or at booking due to inclement weather. The suspect may refuse to perform any of the tests a second time and is not required to comply with the request.

3. The Aggressive and Impaired Driving Unit officer will witness the Tennessee Blood and/or Breath Consent Advisement being read to the suspect by the arresting officer. Both officers will sign MNPD Form 132, D.U.I. Testing Report. If the suspect states they do not understand the advisory, the arresting officer and the Aggressive and Impaired Driving Unit officer will do their utmost to ensure complete understanding.

4. If the suspect refuses the breath test after the Tennessee Blood and/or Breath Consent Advisement is read, the Aggressive and Impaired Driving Unit officer will printout a refusal receipt and witness a refusal for the arresting officer.

5. If the suspect agrees to submit to the breath test, the required twenty-minute observation period must be met. The required twenty-minute observation period must be continuously monitored and uninterrupted until the suspect takes the breath test. Other officers at the scene must refrain from interrupting the observing

officer's attention from the suspect. Testing officers shall not complete paperwork, answer the telephone, or work on the laptop computer, etc., during the observation period. Where feasible officers shall not use the mobile or portable radio during the observation period unless an emergency occurs. The Aggressive and Impaired Driving Unit officer will complete the breath alcohol testing portion of the D.U.I. report. The arresting officer must complete the remaining portions of the D.U.I. Testing Report, MNPD Form 132.

6. Operation of the Breath Test Machine

   a. When the display indicates that a test is ready to administer, the Aggressive and Impaired Driving Unit officer will press the "Enter" button to start the test and follow the instructions.

   b. When the instrument displays "Please Blow," the Aggressive and Impaired Driving Unit officer will attach a clean, sterile, mouthpiece to the breath tube, and then instruct the suspect on the proper way to give a breath sample. The Aggressive and Impaired Driving Unit officer will then hand the breath tube to the suspect and instruct him/her to blow into the mouthpiece.

   c. If "Mouth Alcohol" displays, the machine will automatically abort the current test. A blood test may be administered, or an additional observation period will be performed, and another breath test will be administered. **A new mouthpiece will be placed on the breath tube prior to another attempt and the suspect will be instructed to blow again**.

   d. "Insufficient Sample" will be displayed if the suspect fails to provide an adequate breath sample. If "Insufficient Sample" displays, the machine will automatically abort the current test and an additional breath test will be administered. (Another observation period is not needed). **A new mouthpiece will be placed on the breath tube prior to an additional attempt and the suspect will be instructed to blow again**. **This will be done until a sufficient sample is obtained or the suspect has attempted three (3) times. After three (3) attempts the instrument will abort the test and an additional observation period will be required. It is acceptable at this time to consider this a refusal on the part of the suspect.**

   e. Testing will continue until such time that a "Completed Test" is acknowledged or the suspect refuses to blow sufficiently to complete the test.

   Testing shall only be done by officers certified to administer a breath alcohol test. Certified personnel are those persons certified by the

Tennessee Bureau of Investigation (T.B.I) to administer breath alcohol tests.

7. When the test is completed, three receipts will be produced. Attach one copy to the D.U.I. Testing Report. The second copy is given to the arresting officer to attach to the D.U.I. affidavit. The third copy may be given to the suspect.

8. If the suspect is not charged with an offense related to the test, the Aggressive and Impaired Driving Unit officer will retain the completed D.U.I. Testing Report, MNPD Form 132, and forward it to their supervisor for approval and processed in accordance with established mail procedures. A MNPD Form 132 shall be completed with every successful or "Insufficient Sample" breath test.

   NOTE: In the event that certified personnel are not available to perform a breath test, a blood test will be requested from the suspect. All blood tests, regardless if the officer or the suspect requests the blood test, shall be obtained at General Hospital. If the suspect is involved in a crash and transported to a different hospital, then the blood test may be requested at that hospital.

E. Repairs to Equipment

All repairs, testing, supplies, and maintenance logs to the intoxilyzers will be maintained by the Tennessee Bureau of Investigation (T.B.I.).

F. Training

The Metro Nashville Police Department shall ensure that all sworn personnel are trained to administer the National Highway Transportation Safety Administration Standardized Field Sobriety Tests. The Training Division shall be responsible for follow-up or refresher training when appropriate.

G. Blood Tests

1. Metro Nashville Police Department Requested

   a. If the suspect has an injury which prevents the taking of a breath test, the officer shall request that a blood sample be obtained.

   b. If the officer suspects drug usage, he/she will request a blood test.

c. Any blood sample collected as evidence will be processed using current department guidelines on property and evidence.

2. Suspect Requested

   a. If the D.U.I. suspect requests a blood test, they must first submit to an officer request for either a breath and/or blood test.

   b. If they submit to the breath and/or blood test, the suspect will be transported to a hospital, within Davidson County, of their choosing for the blood test.

   c. The blood test will be conducted and analyzed at the D.U.I. suspect's expense.

H. Special Provisions Where Injuries are Present

1. All other provisions of this directive notwithstanding, once probable cause has been established that a driver of a motor vehicle involved in a crash, which resulted in the injury or death of another, has committed a violation of TCA 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA 39 13-106 (Vehicular Assault), TCA 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA 39-13-218 (Aggravated vehicular homicide), the officer **shall** cause the driver to be subjected to a blood test.

2. Pursuant to TCA 55-10-406 (Implied Consent Law), the blood test shall be performed regardless of whether the driver does or does not consent to such test.

3. A driver must still be informed of the implied consent warning. If they refuse, the officer shall seek a search warrant for a breath and/or blood test, and the driver shall be charged with the additional violation of the Implied Consent Law.

4. For the purpose of mandatory testing, there is no probable cause requirement to show the impaired driver caused the crash.

5. This applies to D.U.I. cases in which another person (passenger, other car driver etc.) is injured. Passengers must be interviewed to determine possible injuries. **This provision <u>does not</u> apply if the only injured person is the D.U.I. offender**.

6. Provisions in number 5 above notwithstanding, MNPD officers shall request a test for blood alcohol and/or drug levels in all cases of a motor vehicle crash resulting in any injury where the officer has probable cause to believe the driver is under the influence of alcohol or intoxicants.

I. Prior D.U.I. Related Convictions

When probable cause has been established that a driver has committed a violation of TCA § 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-106 (Vehicular Assault), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), AND the driver has been previously convicted of TCA § 55-10- 401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-106 (Vehicular Assault), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), or equivalent offense committed in another state or territory, the officer shall cause the driver to be subjected to a breath and/or blood test.

1. Pursuant to TCA § 55-10-406 (Implied Consent Law), such test shall be performed regardless of whether the driver does or does not consent to such test.

2. A driver must still be informed of the implied consent warning. If they refuse, the officer shall seek a search warrant for a breath and/or blood test, and the driver shall be charged with the additional violation of the Implied Consent Law.

J. Passenger Under 18 in the Vehicle

When probable cause has been established that a driver has committed a violation of TCA § 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-106 (Vehicular Assault), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), AND a passenger in the motor vehicle is a child under the age of eighteen (18), the officer shall cause the driver to submit to a breath and/or blood test.

1. Pursuant to TCA § 55-10-406, such test shall be performed regardless of whether the driver does or does not consent to such test.

2. A driver must still be informed of the implied consent warning. If he/she refuses, the test must still be conducted and the driver shall be charged with the additional violation of the Implied Consent Law.

K. Refusal to Submit to Drawing of Blood

1. If the subject physically resists the drawing of the blood sample, the officer shall immediately notify their supervisor.

2. The supervisor must respond to the scene and take appropriate measures to ensure compliance with all applicable laws and departmental policies. The supervisor shall confer with medical staff and the officer to decide the most appropriate course of action to reasonably obtain a blood sample.

3. If at any time it becomes obvious that the subject's resistance could result in injury to themself, the officer(s), and/or the medical staff, then the attempt to obtain the blood sample shall cease immediately.

4. The officer shall document in their official report all events including names and roles of all individuals present. Such documentation may be necessary to subpoena required witness to court to supply testimony regarding the suspect's behavior and/or level of intoxication.

L. Release of Information on D.U.I. Testing Reports

The Records Division stores original D.U.I. Testing Reports, MNPD Form 132. Any provisions of the Open Records Act notwithstanding, these reports as well as arrest reports and associated chemical test result sheets are limited in their general distribution and inspection to sworn members of the Metropolitan Nashville Police Department and authorized members of the Office of the District Attorney.

M. Drug Recognition Expert (DRE)

1. DRE Policy

It shall be the policy of the department to utilize Drug Recognition Experts (DREs) to evaluate Driving Under the Influence (DUI) suspects suspected of drug impairment. The evaluation process will help determine the probable category of drug or drugs a DUI suspect is impaired by. The evaluation will assist members to successfully prosecute DUI cases involving drug impairment. All DRE training and certification shall be administered as set forth in the Traffic Division Standard Operating Procedure.

2. DRE Procedures

a. A DRE can be requested to evaluate a suspect that is under arrest for DUI, Vehicular Assault, Aggravated Vehicular Assault, Vehicular Homicide or Aggravated Vehicular Homicide if the arresting officer has reason to believe the impairment is drug induced.

b. If an officer finds probable cause to make a DUI arrest and the suspect provides a breath sample below the statutory limit, the officer should evaluate if drugs may be contributing to the

impairment and may call a DRE for further assistance.

c. A DRE should not be utilized if the suspects' breath sample is over the statutory limit, transported to a hospital for medical treatment and unable to complete field sobriety tasks or the DRE battery, and/or is combative.

d. A supervisor may notify or request a DRE for any other purpose or investigation they deem necessary to establish the probability of whether drug influence is present.

e. When a DRE responds to assist in an investigation, the arresting officer or an officer assisting in the arrest will remain with DRE during the evaluation process and is ultimately responsible for the suspect until the booking process is complete.

f. When the drug evaluation is complete, the DRE will notify the arresting officer of the opinion they formed and forward to the arresting officer a copy of the Drug Influence Evaluation Report and any other applicable reports.

g. Every drug evaluation shall be documented on a Drug Influence Evaluation Report regardless of whether the DRE determines the subject is under the influence of a drug or not. The arresting officer, or any other officer that performed Field Sobriety Tests on the arrested subject, shall also complete form 132, DUI Testing Report, to record their observations.

h. DREs shall maintain a record or rolling log of all evaluations conducted. The rolling log shall be compiled in a manner that lists evaluations chronological order.

i. Only DRE trained and certified officers shall complete the Drug Influence Evaluation Reports. Once the Drug Influence Evaluation Reports are completed, they should be processed through the Records Division through established procedure.

18.80 Conducting Field Interviews

18.80.010 Generally

It is the policy of the Metropolitan Police Department that all personnel shall adhere to the provisions herein with respect to conducting field interviews, gathering intelligence information and submitting MNPD Form 114, Field Interview Report.

The Metropolitan Police Department considers the field interview an invaluable law enforcement tool. The process of field interviewing and submitting MNPD Form 114, Field Interview Report provides services to the community both as a crime deterrent and an intelligence source for the department.

However, the field interview process is not to be used as a means of intimidation, harassment, or for statistical purposes.

When making contact with any individual(s) for the purpose of conducting a field interview, officers should be aware of any type of issue that may interfere with the subject's ability for communication/comprehension.

Issues interfering with communication/understanding may include hearing impairment, but also cognitive deficits (e.g. dementia), or other apparent behavioral/mental impairment.

18.80.020 Circumstances of Interview

A. The field interview is the stopping and questioning of a person by a law enforcement officer because the officer:

1. Has reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime;

2. Believes the subject may be a hazard; or

3. Believes the interview may have a preventive effect.

B. Officers conducting stops based on reasonable suspicion, traffic stops, making arrests, answering suspicious subject or suspicious vehicle calls, or having any other encounter should complete the Field Interview Report.

C. BOLOS and Stops Based on Information Broadcast Over Radio/MDC

1. In the event that an officer uses a Be On The Look Out (BOLO) or All Points Bulletin (APB) as a justification for stopping and/or arresting a suspect, the initiating officer must include the information contained in the BOLO/Department of Emergency Communications (DEC)

communication in their notes or report.

2. The Officer should clearly state the connection between the information broadcast and the subject/vehicle to be stopped that gave rise to the officer's decision to intervene. This information should be noted in the officer's comments section of the MNPD Form 252, Vehicle Stops Data Form, and/or the narrative of any associated report.

D. Stops Based on Reasonable Suspicion

1. Officers may submit the Field Interview Report on persons encountered during stops based on reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime.

2. In order to justify a stop based on reasonable suspicion, an officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion. These facts should be listed in the narrative portion of the Field Interview Report.

3. Even where a stop based on reasonable suspicion does not result in further police action, the identity of the individual, and the circumstances which brought the individual to the attention of the officer, is likely to be useful in the intelligence gathering process.

E. Traffic Stops

If, as a result of the traffic stop, information comes to light which may be useful in the intelligence gathering process, officers are encouraged to submit the Field Interview Report, even if the traffic stop does not result in the issuance of a citation.

F. Making Arrests

A Field Interview Report should be completed when the arrested person is a potential suspect in other crimes. The officer should document data such as scars, marks, tattoos, deformities, detailed vehicle information, associates, and any other useful information.

G. Suspicious Subject and Suspicious Vehicle Calls

Officers responding to such calls may fill out the Field Interview Report. The report may be completed during a stop based on reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime.

H. Other Encounters

There is no constitutional violation in approaching any individual on the street, or other public place, and asking that person questions. However, unless there is reasonable suspicion to stop the individual or probable cause for an arrest, the individual is not obligated to answer the questions - or to even listen to the questions. The individual may decline the request and/or walk away. The individual may not be detained, even momentarily, without reasonable objective grounds for doing so.

18.80.030 Responsibilities of Personnel Conducting Field Interviews

A. Check out with the DEC at the interview location.

B. Conduct the interview, and when feasible, explain to the subject why he/she has been stopped.

C. Obtain warrant and record check, and if not, document reason(s) in the narrative.

D. Fill out the Field Interview Report, with explicit narrative explaining the circumstances.

18.80.040 Content of MNPD Form 114, Field Interview Report

A. Incomplete Reports

Often the subject of a Field Interview Report cannot or will not furnish satisfactory information to complete the report in its entirety. However, even a partial description of the individual and/or of the circumstances bringing the individual to the attention of the officer may provide valuable intelligence information. Therefore, officers are encouraged to submit pertinent information, via the Field Interview Report, even if the report cannot be completed in its entirety. **The reason the report is incomplete should be stated in the narrative.**

B. Officers submitting the Field Interview Reports are not limited to the criteria set out on the report itself. Officers are encouraged to submit any pertinent information, via the Field Interview Report, which may be useful in the intelligence gathering process.

18.80.050 Control Provisions – Field Interview Report

A. Structure of Report

The Field Interview Report will be of a format which provides pertinent information as required by the Crime Analysis Section and may be modified as necessary.

B. Availability of Report

Blank Field Interview Reports will be stored by the Inventory Management Section for distribution to the various elements via current requisition procedures.

18.80.060 Processing the Field Interview Report

A. Supervisors shall review and sign the original MNPD Form 114, Field Interview Report.

B. The report shall be processed via “mail” transfer procedures.

D. Copies may be made for retention by personnel and/or element completing report.

E. Should the member submitting the report desire that a copy be forwarded to a specific element or member, it should be noted on the Field Interview Report.

18.90 Interpreter Services – Cell Phone Translators & Language Line

18.90.010 Generally

Considering the availability of interpreter services available to the MNPD, it is preferred that officers utilize neutral, professionally competent interpreters for non-native English speakers whenever practical.

When such resources are unavailable or circumstances don't permit, personnel may seek out others at the scene, such as a neighbor, a friend, or the victim's children as the first avenue of interpretation for **routine calls for service or when an exigency exists**.

If there is no one at the scene to assist in translating, the Metropolitan Nashville Police Department (MNPD) currently provides two (2) options for police personnel to utilize when communication is necessary with non-English speaking persons:

A. Utilization of on-duty bilingual personnel; and

B. The Language Line.

18.90.020 Personnel Requiring a Translation

A. On-Duty Bilingual Personnel

Departmental personnel needing a translation will attempt to identify the language that is being spoken. Once the language is determined, officers shall utilize bilingual, on-duty personnel to interpret if available. Provided, the on-duty personnel are available to assist within a reasonable response time; based upon the facts and circumstances of the situation. If on-duty personnel can assist, they shall contact their supervisor for permission to respond to the requesting officer's location to provide the needed services.

B. Language Line

1. When translation services are needed under emergency conditions, personnel may utilize the Language Line Service, which is an independently maintained interpreter service. Due to the fees charged for use of this service, personnel must adhere to the following criteria before utilizing this service:

    a. No on-duty bilingual personnel that can speak the required language are available.

    b. Personnel shall obtain prior approval by their immediate supervisor.

c. Personnel shall use the Language Line service only during an emergency incident or urgent situation, and not for protracted interviews or interrogations.

2. The following are generally allowable uses of the Language Line:

   a. Obtaining information from victims of crimes,

   b. Descriptions of missing persons,

   c. Brief interviews of witnesses, etc.

3. The following are generally **prohibited** uses of the Language Line:

   a. Detailed interviews of witness,

   b. Interrogations of suspects, and

   c. Working non-serious traffic accidents, etc.

4. Language Line Procedures:

   a. Personnel shall contact their immediate supervisor for approval and to acquire the Language Line account number necessary to make the call to the Language Line Service.

   b. When calling the Language Line, the following information must be provided to obtain service:

      (1) The language to be translated.

      (2) Client identification number. The employee's supervisor can provide his number after the supervisor approves use of the service. Employees shall ensure the security of this number to prevent unauthorized use.

      (3) The organization name, which is listed as the Metropolitan Police Department of Nashville.

      (4) The personal code, which is the requesting employee's employee number.

See Addendum I for information about current vendors and access numbers for Language Line use

ADDENDUM I

Language Line Vendors a Basic Guide:

Language Line Services

A reminder to follow the guidelines listed in **18.90 Interpreter Services – Cell Phone Translators & Language Line**

Language Line Services

- Dial 1-800-523-1786 and be prepared to provide:
    - What language you need, and
    - Where you are calling from: Client ID# 681341 or Metro Nashville Police Dept

18.100 Effective Communications with Individuals with Disabilities

18.100.010 Generally

A. The Metropolitan Government and the United States Department of Justice have entered into an agreement to achieve compliance with Title II of the Americans with Disabilities Act of 1990. As part of the agreement, the Metropolitan Government will issue specific communication policies for effective communication. These policies have been agreed to by the Justice Department and the Metropolitan Government and are binding for the entire Metropolitan Government.

B. It is the policy of Metropolitan Government of Nashville and Davidson County to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The Metropolitan Government will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity conducted by the Metropolitan Government. In determining what type of auxiliary aid or service is necessary, the government will give primary consideration to the requests of the individual with disabilities.

C. “Auxiliary aids and services” includes:

1. Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and

2. Qualified readers, taped texts, audio recordings, Brailed materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

D. Notification

1. A list of available contact persons can be found at 18.100.050. If you do not know which department is sponsoring or responsible for providing the program or service that requires the provision of auxiliary aids or services to ensure effective communication, contact the Metropolitan Government ADA Coordinator.

2. Requests for auxiliary aids or services should be made by the public in advance of the meeting, hearing or other program, service, or activity provided by the Government. For public meetings and hearings, the ADA contact person should be notified at least one week in advance. For on-going services and programs, the ADA contact person should be notified at least 48 hours in advance. For emergencies or urgent requests, the responsible ADA contact person or the Metropolitan Government ADA Coordinator should be notified immediately. The best effort to fulfill the request will be made.

Example 1:

The Precinct Community Coordinator is asked to come to the Women's Auxiliary Group to speak on safety issues concerning parking lot safety. The officer responding to the request for the aforementioned program will make contact with the Women's Auxiliary Group and ask if they have anyone in their audience that would require an "auxiliary aid or service" as it is defined under this policy. Should the group request an "auxiliary aid or service", the officer should notify the department ADA contact person at least one week in advance. Furthermore, the Auxiliary Women's Group will be required to publish in their program notification that the Police Department will accommodate any members with communication disabilities. This notification is required by Title II of the Americans with Disabilities Act of 1990 and will include the notification timeline and procedure as described in the order.

Example 2:

West precinct officers attend the monthly neighborhood watch meeting of the West End Neighborhood Alliance. One of the members of the Alliance suffers from a hearing disability. The officers know that this disability exists, and that the member is likely to be present at each meeting. The officers should notify the ADA departmental contact person at least 48 hours in advance. Once again, the Neighborhood Alliance must publish in its newsletter or invitation to its members that the Police Department will accommodate any members with communication disabilities.

Example 3:

East Precinct is going to host an open house around the time of National Night Out Against Crime. In order to comply with Title II of the Americans with Disabilities Act of 1990, the invitations to the public must state that the Department will furnish the appropriate

auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of the open house. The invitation must also state that such requests for auxiliary aids by members of the public should be made at least one week in advance to the host of the event, (e.g. Precinct Commander). The host of the event will then immediately notify the department ADA contact person, who will be responsible for notifying the requesting individual with a disability of the proposed auxiliary aid or service.

NOTE: For all activities, meetings, hearings, programs or services provided by a member of this department an ADA notification must be made. Regardless of whether the department sponsors the event or simply participates as a guest, the public must be made aware in advance that requests for auxiliary aids or services may be made and received to ensure effective communication.

E. Government Response

1. When an auxiliary aid or service is required to ensure effective communication, the government will provide an opportunity for an individual with disabilities to request the auxiliary aid or service of their choice. Primary consideration shall be given to the preference expressed by the individual. "Primary consideration" means that the government will honor the choice, unless it can show that another equally effective means of communication is available, or that the requested source would result in a fundamental alteration in the service, program, or a financial burden. The ADA contact person will consult with the individual with the disability to identify the nature of the aid or service and determine the most effective way to accommodate the request. The ADA contact person may ask the requesting individual clarifying questions to obtain a particular auxiliary aid or service.

2. Within 48 hours after the request, the ADA contact person will, in writing, notify the requesting individual with a disability of the proposed auxiliary aid or service to be provided. A copy of the proposal will be sent to the Metropolitan Government ADA Coordinator.

F. Grievance Procedures

If the requesting individual with a disability is dissatisfied with the ADA contact person's proposed auxiliary aid or service, the individual is encouraged to file a grievance with the Metropolitan Government ADA

Coordinator. The coordinator will promptly contact the individual in person or by telephone and attempt to resolve the grievance within one week.

18.100.020 Guidelines for Training on Effective Communication in Police Situations Involving Individuals with Hearing Impairments

A. Successful police contact with citizens is characterized by effective communication between the parties whether it is a suspect, victim, or complainant with whom the officer is talking. As such, police officers encountering an individual with hearing impairment should use appropriate auxiliary aids and services whenever necessary to ensure effective communication with the individual.

B. Auxiliary aids and services include qualified interpreters, written materials, note pads, and other effective methods of making aurally delivered materials available to individuals with hearing impairments.

C. When an auxiliary aid or service is required to ensure effective communication, the Metropolitan Government Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the Metropolitan Government Police Department must honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens.

D. Police contact with citizens occurs most frequently during routine traffic stops. In situations involving drivers who are deaf and use sign language for communication, the officer should use appropriate sign language to initiate the exchange with the driver and should explain in writing the necessity for a stop and citation if the driver is to be charged with a traffic violation. The officer may not ask a family member or friend of the driver to interpret.

Example: An officer sees a vehicle run a stop sign. The officer pulls the vehicle over and when approaching the vehicle realizes that the driver is attempting to communicate with the officer by way of sign language. If the officer has received training in sign language, he/she will communicate to the driver that he/she will communicate by written means. If the officer has not been trained in sign language, he/she will use pen and paper to communicate with the driver. The officer will not ask a family member or friend of the driver to interpret.

1. If the officer is successful in communicating with the driver by way of note pad, he/she may issue the citation and release the driver.

2. If the officer is unsuccessful in communicating with the driver by way of sign language or writing and the driver can be cited and released without being questioned, then the driver does not need to be provided with an interpreter.

3. If the officer is unsuccessful in communicating with the driver by way of sign language or writing and the driver does not understand the nature of the non-criminal (example Metro Citation) infraction, then the officer should contact his/her immediate supervisor. The supervisor should use discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

4. However, if the officer approaches the vehicle and sees, for example, a felony amount of crack cocaine on the back seat and arrests the driver based upon probable cause, the officer does not need to provide a qualified interpreter if he does not need to interview the driver prior to, or subsequent to, the arrest.

5. If however, under the felony cocaine example, the officer is unable to relate the nature of the criminal charge to arrestee by sign language, note pad or other means, the arrestee should be transported to booking and held until the arresting officer can convey the information to the arrestee through a qualified interpreter.

These guidelines address only those situations where a police officer, after consulting with the individual with a hearing impairment, determines that the services of a qualified interpreter are necessary to ensure effective communication.

NOTE: When an officer learns that an auxiliary aid or service is necessary to ensure effective communication with an individual with a hearing impairment, the department will allow the individual to request the auxiliary aid or service of their choice and must give foremost consideration to the individuals choice. This means that the department will honor the individual’s choice unless: it would cause an undue financial and administrative burden on the department; it would significantly change the nature of the service, program or activity or another equally effective means of communication is available.

E. Arrest Upon Probable Cause Without An Interview

1. In circumstances where an individual without a hearing impairment would have been arrested on probable cause without an interview, then a suspect with a hearing impairment in the same situation usually does not need to be provided with a qualified interpreter.

2. However, a qualified interpreter may be required if an officer is unable to convey to the arrestee the nature of the criminal charges by communicating on a note pad or by using another means of communication. The arrestee should be transported to a holding cell where either the arresting officer or the transporting officer can convey the information through the interpreter when he or she arrives.

F. Interrogating an Arrestee With a Hearing Impairment

If an officer cannot effectively inform the arrestee of the Miranda warnings without the use of an interpreter, then the officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the arrestee prior to any interrogation. The interrogation will not proceed until the services of an interpreter are secured.

G. Issuance of Appearance Ticket

In circumstances in which an individual without a hearing impairment would be issued an appearance ticket without being questioned by the investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. If an officer has stopped a suspect for committing a non-criminal infraction and if the officer is unable to convey to the violator the nature of the non-criminal infraction by communicating on a note pad or by using another means of communication, then the officer should notify his/her immediate supervisor and they should use discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

H. Interviewing a Victim or Critical Witness with a Hearing Impairment

If an officer is able to communicate effectively by writing questions on a note pad and having the victim or witness with a hearing impairment write his or her responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is

unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter.

I. Obtaining Qualified Interpreters

Officers will contact their immediate supervisor who will arrange for a qualified interpreter from the approved contractor list, and request that a qualified interpreter be provided. If the person requests an interpreter other than from the contractor, the request should be honored if the interpreter is available and qualified.

J. Reports/Evidence

All identifying information on the interpreter must be included on an offense or supplemental report, including the interpreter's name, the time the interpreter was called, and his/her time of arrival and departure. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly.

18.100.030 Policy on Access to the Department of Emergency Communications Services

A. Dialing 911 is the most familiar and effective way Americans have of finding help in an emergency. The Americans with Disabilities Act (ADA) requires all Public Safety Answering Points (public safety answering points) to provide direct, equal access to their services for people with disabilities who use teletypewriters (Teletypewriters), which are also known as 'telecommunications devices for the deaf (TDDs)."

B. Direct Equal Teletypewriter Access

1. General Requirements for Telephone Emergency Service Providers:

a. The ADA regulation requires 9-1 -1 or other telephone emergency service providers to provide teletypewriter users with: direct access; and an opportunity to benefit from the emergency services that is equal to the opportunity afforded others.
b. Direct access means that public safety answering points can directly receive teletypewriter calls without relying on an outside relay service or third-party services.

c. Equal access means that the telephone emergency services provided for teletypewriter users are as effective as those provided for persons who make voice calls, in terms of:

(1) Response time;
(2) Response quality;
(3) Hours of operation; and
(4) All other features offered (e.g., automatic number identification, automatic location identification, automatic call distribution).

d. Direct equal access requires public safety answering points to have the appropriate equipment to communicate with people who use teletypewriters. It also requires them to use the proper procedures and practices when teletypewriter calls are received.

2. Equipment

In order to afford equal access to teletypewriter users, every call-taking position within a public safety answering point must have its own teletypewriter or teletypewriter-compatible equipment. Public safety answering points must have systems that enable call takers to handle teletypewriter calls as properly, promptly, and reliably as voice calls.

3. Other Requirements for Teletypewriter Equipment – Maintenance and Back up

The ADA regulation contains a specific provision requiring that covered entities maintain their accessibility features and equipment in operable working condition. In addition to this specific maintenance requirement, the ADA's equal access requirement obligates public safety answering points to implement equally effective procedures for maintenance and back-up capability for teletypewriter equipment as they provide for voice telephone equipment.

4. Switching Between Voice and Teletypewriter Modes

All call takers must have the capability to switch back and forth easily from teletypewriter mode to voice mode during the same call. This capability is necessary especially for silent calls, since call takers are required to first query the line by voice and then quickly switch to query the line by teletypewriter. This capability is also

necessary for voice carryover and hearing carryover, which are described below. Voice carryover and hearing carryover shorten the lengths of calls that would otherwise be conducted exclusively by typing. Call takers who use stand-alone Teletypewriters can switch from teletypewriter mode back to voice mode simply by removing the telephone handset from the teletypewriter couplers. Teletypewriter-compatible consoles for call takers should have built-in switching capability.

5. Voice Carryover

It is a communication hybrid of teletypewriter and voice. Voice carryover allows a person with hearing loss to speak directly to the call taker and read the response that is typed back. Many persons who became deaf or hard of hearing later in life prefer to speak instead of type. They use what is called voice carryover. With voice carryover, the caller speaks directly into the phone, and the call taker types back via teletypewriter to the caller. Voice carryover can be accomplished with standard stand-alone teletypewriter equipment simply by having the call taker alternate between listening on the handset when the caller is speaking and placing the handset in the teletypewriter couplers to type a response.

6. Hearing Carryover

People with speech impairments who are not deaf or hard of hearing often prefer hearing carryover. Hearing carryover allows them to type their words on a teletypewriter to call takers and hear call takers' spoken responses through their handset. Hearing carryover can be accomplished by a call taker using standard stand-alone teletypewriter equipment by alternating speaking into the handset and placing the handset in the teletypewriter when the caller types a response.

7. Procedures for Handling Teletypewriter Calls

   a. In addition to proper equipment, direct, equal access for teletypewriter calls requires that public safety answering points use effective procedures for recognizing and responding to teletypewriter calls. Recognizing teletypewriter calls/treating silent, open lines as potential teletypewriter calls
   b. All call takers must be able to recognize and handle teletypewriter calls properly. There are three types of teletypewriter calls a call taker may receive. Some Teletypewriters emit a recorded spoken announcement to the

call taker that a teletypewriter call is being placed, such as "hearing impaired caller use teletypewriter." Other times, teletypewriter callers may press teletypewriter keys to emit audible tones and more quickly notify the call taker that a teletypewriter call is being placed. Most often, however, a person using a teletypewriter will make a call that is perceived by the call taker as a silent, open line call. This is because the caller's equipment does not recognize that the call has been answered until the call taker sends a teletypewriter response.

c. The only way for public safety answering points to properly identify all teletypewriter calls is for call takers to recognize teletypewriter tones and to query every silent, open line call with a teletypewriter to determine if it is a teletypewriter call after it has been queried by voice.

8. Conducting Teletypewriter Calls

After teletypewriter calls are recognized, call takers must effectively communicate with callers during the calls. Effective communication by teletypewriter will require call takers to be familiar with the use of teletypewriter equipment and teletypewriter protocols.

9. Training

a. Public safety answering points must train their call takers to effectively recognize and process teletypewriter calls. Call takers must be trained in the use of teletypewriter equipment and supplied with information about communication protocol with individuals who are deaf or hard of hearing, or who have speech impairments. For instance, callers who use American Sign Language use a syntax that is different from spoken English. In addition, in teletypewriter communication, certain accepted abbreviations are frequently used.

b. The ADA does not specify how call takers must be trained, but the department believes that the following are essential to proper training:

(1) Training should be mandatory for all personnel who may have contact with individuals from the public who are deaf, hard of hearing, or who have speech impairments.

(2) Public safety answering points should require or offer refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

10. Comprehensive Training Should Include:

    a. Information about the requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;
    b. Information about communication issues regarding individuals who are deaf or hard of hearing, or who have speech impairments, including information about American Sign Language;
    c. Practical instruction on identifying and processing teletypewriter calls, including the importance of recognizing silent teletypewriter calls, using proper syntax, abbreviations, and protocol when responding to teletypewriter calls and relayed calls; and
    d. Hands-on experience in teletypewriter communications, especially for new call takers, as part of their initial training orientation.
    e. To ensure the effectiveness of training, public safety answering points may want to consult the Emergency Access Self-Evaluation program, published as a manual by Telecommunications for the Deaf, Inc., under a Department of Justice grant. The EASE manual, which was reviewed by the Department, can be obtained for a fee by calling TDI at (301) 589-3786 (voice), (301) 589-3006 (teletypewriter), or (301) 589-3797 (FAX).

11. Testing

    a. 911 experiences have shown that frequent testing is essential to ensure direct, equal access. Testing call takers and their equipment is also the one of the most effective ways to ensure compliance with the ADA's requirement that accessibility features are maintained in operable working condition. The tests should be designed to ascertain whether teletypewriter equipment functions properly and whether personnel have been adequately trained to recognize teletypewriter calls quickly, to operate teletypewriter equipment, and to conduct teletypewriter conversations.
    b. To test whether call takers have been trained adequately to recognize teletypewriter calls, a public safety answering point should conduct two types of test calls--silent, open line calls in

which no tones are emitted and calls in which the caller introduces the call by transmitting teletypewriter tones. Tests should be unannounced.

18.100.040 Legal Assistance and Support

Assistance and advice regarding compliance with the Americans with Disabilities Act may be obtained from the department ADA coordinator or the Metropolitan Department of Law.

18.100.050 Contact Persons

A. Metropolitan Government Americans with Disabilities Coordinator:
ADA Coordinator
222 3rd Avenue North
Nashville, TN 37201
Phone: (615) 862-6640
FAX: (615) 862-6654

B. Metropolitan Police Department Americans with Disabilities Contact Person

Human Resource Manager
Phone: 615-862-7351
FAX: 615-880-2997

C. Contract Vendors Who Provide Interpreter Services

Bridges
Monday – Friday 0800-1700 615-248-8828
All other hours of service: 615-244-0979

18.110 Interviewing and Transporting Mentally Ill Persons

18.110.010 Generally

Police officers frequently come into contact with persons displaying disruptive or abnormal behavior. If that person has committed a significant violation of the law, it is the duty of the officer to arrest the individual and process him/her in accordance with standard Metropolitan Police Department procedures. It is the function of the courts, in such cases, to determine if treatment at a mental health facility is necessary. In cases where there is no violation of the law, or only minor violations of the law, and the individual demonstrates behavior of such a nature so as to indicate that he/she is a "mentally ill individual" who poses a "substantial likelihood of serious harm" to himself/herself or others, it shall be the duty of the investigating officer(s) to take action in accordance with the procedures listed in this policy.

18.110.020 Definitions

For the purposes of this policy the following definitions apply:

A. **Mentally ill individual:** an individual who suffers from a psychiatric disorder; excluding an individual whose only mental disability is mental retardation.

B. **Consumer:** an individual who has voluntarily or involuntarily entered the medical system for treatment of a mental health: related illness.

C. **Substantial likelihood of serious harm:** Where any one or more of the criteria listed in Article VI of this order exists and there is a substantial likelihood that such harm will occur unless the individual is taken into custody.

D. **Mental Health Cooperative:** Mobile Crisis Response Team (MCRT)—A group of mental health professionals (available 24 hours a day, 365 days per year) accessible by the MNPD, who are trained to assess the mental status of individuals. Mobile Crisis Response Team professionals assess individuals afflicted with psychiatric disorders and not individuals who suffer <u>solely</u> from alcoholism or drug dependence.

E. **Mental Health Cooperative (MHC):** The facility used by the Mental Health Cooperative**:** Mobile Crisis Response Team for assessments.

F. **Youth Villages Crisis Team:** A group of mental health professionals (available 24 hours a day, 365 days a year) accessible by the MNPD, who are trained to assess the mental status of juveniles (17 and

under). Youth Villages Crisis Response professionals assess juveniles with psychiatric disorders or serious emotional disturbances.

G. **33-6-404 paper:** A “certificate of need” authorizing the admission and detainment of a mentally ill individual by a hospital or treatment resource for emergency diagnosis, evaluation, and treatment under TCA 33-6-404. 33-6-404 papers are issued by a licensed physician or a licensed clinical psychologist; or any of the following professionals who have been designated as a Mandatory Pre-Screening Agent by the Tennessee Department of Mental Health and Developmental Disabilities TCA 33-6-427: licensed psychological examiner, licensed professional counselor, nurse practitioner, licensed clinical social worker, or licensed master social worker.

18.110.030 Evaluation Considerations

A. Information Gathering

To determine the mental status of an individual, officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying background information (hearsay). As a practical matter, this type of investigation may be compared to the gathering of probable cause during the investigation of a criminal matter. In this situation, however, the officer is weighing all the information gathered in an attempt to determine if the person is a "mentally ill individual" and poses a "substantial likelihood of serious harm" to himself/herself or others.

B. Hearsay

In evaluating hearsay information, the officer should make every effort to determine that the person supplying the information is credible and that there is a reasonable basis for believing the content of the information. An officer should also look to the motivation for supplying such information. For example, is the person a disinterested witness with no basis for supplying misinformation, a family member showing concern, a family member with some underlying motive for wanting the person in question removed or a professional person with some on-site information or information gathered during a previous encounter with the individual in question. Further, an officer should evaluate the basis of the information supplied. For instance, a physician who has previously treated the consumer would have specific information related to the individual’s past behavior. Any information based on hearsay and not observed by the officer shall be documented in an MNPD Form 100, Incident Report. The officer shall include the name,

address, phone number, and relationship to the consumer of the person providing the hearsay information.

18.110.040 Criteria

A. Officers receiving a call for assistance on, or in any way becoming aware of, a situation involving a "mentally ill individual" will make such investigation as necessary to determine if that person poses a “substantial likelihood of serious harm” to himself/herself or others. Officers are not required to make a mental or medical diagnosis of the individual. Officers are merely required to make a practical common-sense decision, whether, given all the facts and/or circumstances reasonably available to the officer, there is a reasonable basis for believing that the individual in question is a "mentally ill individual" and meets the criteria listed below.

   Consistent with TCA 33-6-401 and 33-6-404, a mentally ill person must exhibit an immediate substantial likelihood that serious harm will occur unless the person is placed under involuntary treatment **AND** one or more of the following:

   1. Threatened or attempted suicide or to inflict serious bodily harm on such person;

   2. Is unable to avoid severe impairment or injury from specific risks;

   3. Threatened or attempted homicide or other violent behavior; or

   4. Placed others in reasonable fear of violent behavior and serious physical harm.

B. After an investigation by the officer following the guidelines and using the resources listed below, the officer and his/her supervisor (if necessary) shall determine if the situation necessitates custodial or non-custodial action.

   1. Non-custodial Action

      If, after careful evaluation of the situation, with assistance from supervisory personnel and mental health professionals, the officer(s) determines that the individual in question is not a "mentally ill individual" or that the individual does not pose a "substantial likelihood of serious harm" to himself/herself or others, and where no criminal offenses have occurred, the officer(s) will take no action, other than the offering of community resource information. The officer(s) shall advise any inquiring persons that

the individual in question does not fit the criteria for emergency involuntary treatment and cannot be taken into custody without prior judicial authorization. Calls requiring an officer to take this action regarding a mentally ill individual shall be reviewed by the officer's supervisor (in-person, or via telephone) before the officer checks back into service.

2. Custodial Action

If a determination is made that the individual in question is a "mentally ill individual" and that the individual poses an immediate "substantial likelihood of serious harm," the officer(s) is authorized by TCA S 33-6-402, to take that person into custody. The officer would then abide by the procedures listed in this policy**:** contacting the MCRT, completing MNPD Form 100, and transporting him/her to the Mental Health Cooperative for further examination by a mental health professional (for the address and phone number of the Mental Health Cooperative see Attachment #2). No civil order or warrant is necessary. The officer(s) should be prepared to relate the facts and circumstances known to them to the examining medical professional in order to assist him/her in making an evaluation. The Incident Report narrative shall describe the underlying reasons for taking the individual into custody (for policy on providing assistance to a physician with a consumer see page seven, Article VIII, Section E).

NOTE: The Mental Health Cooperative is the only caregiver authorized by the MNPD for mental health assessments unless otherwise directed by the MCRT.

C. Transportation of Mentally Ill Person

1. If an individual meets the criteria for transport due to mental illness and is in need of services, MNPD personnel shall transport the person to Mental Health Cooperative;

2. Ambulance services should only be summoned for transport of a mentally ill person if the person is intoxicated or in need of medical attention **outside** of the presented mental illness.

3. At no time shall an officer admonish a person seeking, or in need of, mental health services or evaluation for the inappropriate use of MNPD resources or time.

18.110.050 General Guidelines

A. Officers shall do the following when determining if an individual is mentally ill and requires custodial assistance:

1. Interview the individual and make observations regarding mental status;

2. If the individual is in obvious need of medical attention (other than from the mental illness) and an ambulance has not been dispatched, the officer shall notify an ambulance according to current departmental policy;

3. Contact the Mobile Crisis Response Team by telephone, provide the MCRT with any other necessary information, and abide by the Mobile Crisis Response Team's request to transport the individual to a hospital, take him/her to the Mental Health Cooperative, or take other actions as directed by the MCRT. If a phone is not available, information regarding the individual (excluding information that would violate federal or state laws regarding patient confidentiality) should be relayed to the Mobile Crisis Response Team through Department of Emergency Communications personnel; and

4. Complete an MNPD Form 100, Incident Report, consistent with the MNPD Report Writing Manual.

B. If the individual is transported to the Mental Health Cooperative by MNPD, the officer **shall remain with the individual and provide security** until released by the Mobile Crisis Response Team. Individuals transported during the mental health evaluation process shall be restrained as per current departmental policy.

C. If 33-6-404 papers are issued and the individual does not need medical clearance or time to recover from the effects of an intoxicant, the officer shall transport the individual and the 33-6-404 paperwork to the designated facility.

D. Requests from a treatment facility to provide transportation to another treatment facility shall be directed to the Warrants Division unless specified otherwise by an agreement between the assistant chiefs of the Uniform Services and the Investigative Services Bureaus or the Chief of Police.

E. TCA 33-6-404 states that the examining physician "...shall complete a certificate of need... showing the factual foundation for the conclusions..." that the individual is mentally ill and poses an immediate

substantial likelihood of serious harm to himself/herself or others. The transporting officer(s) has a right and duty to inspect these documents to ensure that they are signed by a licensed physician or a licensed clinical psychologist: or any of the following professionals who are part of the county mobile crisis response team: licensed psychological examiner, licensed professional counselor, nurse practitioner, or licensed/certified social worker. The documents must also show the factual foundation for detaining the individual for evaluation and are otherwise properly completed. In no event will an individual be transported, on an involuntary basis, from one treatment facility to another on a mere "referral" or oral request.

F. Sworn personnel from the patrol precinct where the call originated are responsible for transporting the consumer (to the Mental Health Cooperative for example) during the mental health evaluation and diagnosis process.

G. If the individual has outstanding criminal warrants and requires a mental health evaluation, the officer shall, if possible, refrain from serving the warrants and notify his/her supervisor. The warrants should be served after the individual has been released by mental health professionals. Notification of the warrants shall be attached to the individual's documentation that goes to the treatment facility. The notification sheet should instruct employees at the treatment facility to contact the MNPD Warrants Section before releasing the individual.

H. If ambulance personnel transport an individual who has attempted suicide to a hospital, the officer shall investigate the incident and complete an Incident Report. Unless directed by an MNPD supervisor, the officer is not required to remain at the hospital once the investigation and report are complete.

I. If, due to exigent circumstances, the individual cannot be transported to the Mental Health Cooperative, the Mobile Crisis Response Team may respond to a specific location. An MNPD supervisor shall cooperate with the Mobile Crisis Response Team when determining if any special response is required.

18.110.060 Specific Guidelines

After complying with the provisions listed above in Article 18.110.040, officers shall adhere to the following:

A. Adult Provisions

If the individual requires medical clearance due to intoxication:

1. As directed by the Mobile Crisis Response Team, the officer shall transport the individual and related paperwork to Metro General Hospital (Metro General Hospital is the only authorized facility for this procedure unless otherwise directed by the MCRT). The consumer will be held for a period of time necessary for the individual to recover from the effects of the intoxicant (approximately four to six hours). The officer shall remain with the consumer during this time. The MCRT will be contacted by General Hospital personnel when the consumer is medically cleared. The MCRT will then respond to Metro General Hospital for a follow-up assessment, and a disposition will be determined at that time.

2. If 33-6-404 papers are signed after the follow-up evaluation, MNPD personnel will transport the individual and accompanying documents to the designated facility.

3. If 33-6-404 papers are not signed, an officer shall, within reason, transport the individual away from the location. If the individual has outstanding criminal warrants, the warrants shall be served after the Mobile Crisis Response Team has completed the individual's evaluation.

B. Juvenile Provisions

1. Crisis services for individuals 17 and under are provided by the Youth Villages Crisis Team. For individuals 17 and under, officers shall contact the Youth Villages Crisis Team and follow the steps as outlined under the adult provisions.

2. If the Youth Villages Crisis Team issues 33-6-404 papers, the officer shall transport the juvenile and 33-6-404 papers to the facility designated by the MCRT.

3. If the juvenile requires time to recover from the effects of an intoxicant, the officer shall remain at the hospital until released by the Youth Villages Crisis Team.

C. Individuals Afflicted Solely with Drug Dependence or Alcoholism

Under TCA Title 33, persons solely afflicted with drug dependence and/or alcoholism are considered mentally ill individuals. Any person detained for a mental health evaluation that suffers solely from drug dependence and/or alcoholism shall be transported to an appropriate medical facility as directed by the Mobile Crisis Response Team.

D. Non-committal Situations

If the assessing mental health professional determines that an emergency admission is not required, and where no criminal offense has been committed, the officer(s) shall release the individual. The officer shall offer to transport him/her back to the site where the individual was taken into custody; or, if directed by the MCRT, the officer shall transport the individual to an alternate site within reason (e.g. homeless shelter, consenting relative's house, etc.). Where appropriate, the officer(s) shall make an effort to notify any concerned friends or family member of the release.

E. Assisting Physicians

Officers may assist a physician with certified 33-6-404 papers by taking into custody and transporting an individual to a medical facility. Before taking this action, the officer shall gain supervisory approval. Further, personnel may ask the Mobile Crisis Response Team to place a "courtesy call" to verify availability for the consumer at the requested mental health facility.

18.110.070 Assistance to Mental Health Facility Personnel

On occasion the transporting officer(s) may be requested by mental health facility security personnel to assist in escorting the individual to a secure or "lock-up" area. Where necessary, the officers(s) will provide such assistance but will not take control of the situation unless it is apparent that security personnel are unable to retain control. In no event will a Metropolitan Police Officer be required to disarm himself/herself and check his or her weapon.

18.110.080 Local Accommodations Not Available

A. In accordance with policies and procedures set forth by the Mobile Crisis Response Team (MCRT), the MCRT shall determine if an individual meets the criteria for an emergency committal and then shall determine the location of the nearest facility with accommodations to receive the individual.

B. If accommodations are not available within Davidson County, the MCRT shall determine if there are accommodations available in the surrounding counties or within a reasonable distance.

1. If accommodations are found within the surrounding counties, the transporting officer shall contact immediate supervisory personnel for approval to transport.

2. If accommodations are found, but outside the surrounding counties, the transporting officer shall contact appropriate supervisory personnel for guidance and to determine the most expeditious means of transportation.

3. The supervisor should take into account such things as distance to the alternate facility, time left during the shift and availability of Warrant Division personnel when determining the most expeditious means of transportation to facilities outside those counties which surround Davidson County.

C. Where feasible, Warrant Division personnel should be utilized to transport the individual to the appropriate facility for admission if located outside of the surrounding counties.

D. If Warrant Division personnel are not available, the transporting officer's immediate supervisor shall consult with the detail lieutenant to determine the most appropriate and expeditious method of transport.

E. TCA 33-6-406(b) provides for the procedures regarding transportation to a "hospital or treatment resource" as a result of completion of the 33-6-404 papers. In particular, it provides notice requirements to the facility before transportation begins and requirements of the transportation agent to remain at the facility up to one (1) hour and forty-five (45) minutes while the person is further evaluated. TCA 33-6-406(b)(4) further provides that these provisions are not applicable to counties having a population of six hundred thousand (600,000) or more. The official census of 2010 places Nashville in excess of six hundred thousand (600,000) and therefore, once the person is safely delivered and received, the transporting officers are "relieved of further transportation duties after the person has been delivered to the hospital or treatment resource".

18.110.090 Conflicts or Unusual Situations

Should any situation arise that is not specifically covered by this order or should any conflict in procedures arise, either at the requesting medical facility or at a mental health facility, the transporting officer(s) will contact appropriate supervisory personnel immediately.

18.110.0100 Individuals Afflicted with Alzheimer's Disease

Department of Emergency Communications personnel can access information from the CAD system pertaining to some Alzheimer's patients. Patients who are enrolled in this MNPD program wear a bracelet with an engraved identification code. Department of Emergency Communications personnel can use the identification code to obtain the

patient's name, address, caretaker, etc. Patients can be registered into the program by contacting the Department of Emergency Communications.

18.120 Criminal Gangs

18.120.010 Purpose

The purpose of this directive is to establish procedures for identification, confirmation, and tracking of individuals determined to be members of a criminal gang.

18.120.020 Policy

It is the policy of the Metropolitan Nashville Police Department that all personnel adhere to the provisions herein regarding reporting, identification, confirmation, and tracking of criminal gangs.

18.120.030 Definitions

A. **Gang/Criminal Gang:** Three or more individuals who associate periodically as an ongoing **criminal** group or organization, whether loosely or tightly structured. A criminal street gang will include most, or all, of the following elements:

1. The group or organization may have identifiable leaders, although the leader for one type of criminal activity may be different than the leader for another type of criminal activity;

2. The group has a name or identifying symbol;

3. The organization's members, individually or collectively, currently engage in or have engaged in violent or other criminal activity that may include homicide, assault with a deadly weapon, aggravated assault, arson, intimidation of witnesses and/or other persons, robbery, forcible rape, kidnapping, vandalism (graffiti), burglary, larceny, and drug trafficking. In most instances, gang crime involves violence, drugs, weapons, or a combination thereof; and/or

4. The group frequently identifies with or claims control over specific territory (turf) in the community, wears distinctive dress and/or colors, and communicates through graffiti and/or hand signals, among other means.

B. **Gang Motivated:** Any crime where both the suspect and victim are members, or the crime is related to inter-gang encounters. Gang-motivated crimes may involve inter-gang violence for retaliation or specific territory (turf) protection, intimidation, robbery, recruitment, or other criminal activity that affects the gang's reputation or interests as a whole. In classifying the incident, focus is placed on the nature of the specific situation in which the illegal act occurs, such as a drive-by shooting or the use of a gang slogan in the course of the crime. If a

gang member commits a crime that, in itself, does not make it a "gang motivated" crime.

C. **Gang Related:** Any crime in which a gang member is the suspect, offender, or victim, when a gang motive is determined.

D. **Confirmed Gang Member:** An individual will be considered a confirmed gang member when he/she achieves ten (10) or more points from the listed criteria:

1 point -wearing of gang colors, clothing, and/or paraphernalia in such a way that indicates gang affiliation

1 point -possession of commercial gang related publications

1 point -known contact with confirmed gang members

2 points -consistent observed contact with confirmed gang members

2 points -participating in photo with confirmed gang member

3 points -use of hand signs, possession/use of symbols, logos, graffiti that clearly indicate gang affiliation

3 points -possession of gang documents - roster, procedures, by-laws, etc.

3 points -sending/receiving correspondence to/from confirmed gang members

5 points -outside jurisdiction information/documents

5 points -the subject's victims or targets of crime are members of a rival gang

8 points -gang tattoos/brands

8 points -participation in gang publications-submitting articles, illustrations, etc.

8 points -named a gang member in correspondence

8 points -subject identified as a gang member by another gang member

8 points -subject involved in criminal gang incidents

8 points -subject's name appears on a gang roster, hit list, or gang related graffiti

9 points -self admission

9 points -subject identified as a gang member by a reliable informant

10 points -confirmation through outside agency gang unit

E. **Hard-Core Gang Member:** Are the most dangerous and violence prone. These are the gang leaders and enforcers. Completely committed to gang life, hard-core members tend to be in their late teens and older and have had numerous contacts with the criminal justice system.

F. **Associate Gang Members:** Are criminally active and claim allegiance to the gang but usually participate in fewer gang activities than do hard-core members. Generally, in their teens, associates tend to exhibit violent or aggressive behavior and often commit crimes to elevate their status within the gang. Associates' commitment to gang life may not be as strong as that of the hard-core members.

G. **At Risk (Wannabes):** Have not yet joined a gang but express gang values and may assume the outward signs of gang involvement (for example, clothing and hand signs). Often on the fringes of criminal activity, at risk persons sometimes act as runners or weapons holders, and some can be dangerous in their attempts to impress gang members.

18.120.040 Tracking

A. MNPD Form 114, Field Interview Report, will be used to document gang involvement, association, and gang activity. The field interview process is to be used only when there is an investigative need and shall not to be used as a means of intimidation or harassment.

B. Employees will follow all current departmental policy for the process of field interviewing suspicious persons and/or criminal suspects, and the completion of the Field Interview Report. As with other department reports, the Field Interview Report will be reviewed by the field supervisor and approved before being processed via current report " transfer procedures.

C. All original Field Interview Reports shall be sent to the Special Investigations Division, via current mail procedures. In addition, any original supporting documentation or pictures should be attached to this report before being forwarded.

D. Upon receiving Field Interview Reports, the Special Investigations Division will enter all information into a database, file originals, analyze all reports for applicability to various types of crimes and/or locations, and forward copies to the appropriate investigate elements or personnel.

E. Attached pictures, publications, correspondence or literature documenting gang involvement will be forwarded, along with a copy of the Field Interview Report to Specialized Investigations Division.

F. The Specialized Investigations Division shall have the responsibility of maintaining a copy of the Field Interview Report and supporting documentation in an appropriate filing system that will include gang name, updated membership roster, criminal basis of the gang, geographical gang area and other related information.

G. After a thorough analysis of criminal gang intelligence, the information and materials with investigative potential will be forwarded to the appropriate personnel. Gang related information recorded during field interviews will be distributed only to law enforcement personnel or criminal justice agencies on a need-to-know basis.

18.120.050 Enforcement

The Specialized Investigations Division shall be the central repository of gang intelligence and is responsible for the distribution of analyzed data on a timely basis to investigative and enforcement elements to focus on the criminal violations committed by criminal gangs. The Specialized Investigations Division will assist any requesting component with additional expertise in the area of gang activity.

18.130 Reporting Auto Theft Offenses

18.130.010 Determination If Criminal Offense Occurred

A. Upon responding to a complaint of an auto theft offense, personnel shall interview the complainant to determine if a criminal offense has in fact occurred. This interview process should include questions concerning possible non-criminal explanations for the absence of the vehicle, such as: repossession; misplacement of vehicle due to intoxication or disorientation in parking area; vehicle being taken by an authorized family member, friend, or co-worker; parking violation enforcement, etc. Responding personnel should also check with DEC to make sure that the vehicle in question hasn't been towed or repossessed.

B. After completing this interview, personnel shall determine whether the vehicle is missing due to a criminal offense.

   1. If the absence of the vehicle is attributable to a non-criminal reason, terminate involvement in the matter.

   2. If the absence of the vehicle is attributable to a criminal offense, proceed to 18.130.020.

18.130.020 Reporting Criteria Based on Registered Owner

A. State law and departmental policy require a different set of reporting criteria, depending upon who or what is the registered owner of the stolen vehicle.

   1. If the registered owner is an automobile rental or lease agency, and the missing vehicle is "overdue" when it should have been returned pursuant to a written agreement, **the vehicle must be at least 72 hours overdue before a crime has been committed** and a report of the crime made.

   2. If the registered owner is an automobile rental or lease agency the Auto Theft Unit shall be contacted prior to reporting the vehicle stolen. Due to the civil nature of the theft, the Auto Theft Unit will determine if the preponderance of evidence indicates that a crime has been committed, then the report shall be made. ("Preponderance of evidence" may be evinced by use of a worthless or stolen check or credit card, discovery of the vehicle as "missing" without being leased or rented, the vehicle being discovered abandoned, or the vehicle or its license plate being used in another crime.)

3. If the complainant is the renter/lessee only, has a written agreement (contract) with a rental company or lease agency, and can provide proof, a report of the crime shall be made. The rental/lease agency will be the victim of the crime and the reporting party listed as the complainant.

4. If the registered owner is a private person, business, or government entity the law requires the responsible law enforcement agency to immediately report the crime if all departmental reporting requirements are met.

B. If the reporting criteria listed above are not met, explain to the complainant why the incident cannot be processed at present and return to service.

C. If any of the reporting criteria listed above are met, proceed to 18.130.030.

18.130.030 Proof of Ownership and Identification Required

A. Credible proof of ownership is required before a report will be made. This requirement ensures the accuracy of data recorded on the report and entered into departmental computer systems. "Credible proof of ownership" may be evinced by:

1. Registration or title documents, or

2. Insurance documents, or

3. Purchase or lease documents, or

4. Payment or lien holder documents, or

5. Memory of tag number, or

6. Tag listed in traffic citations, or

7. Use of MNPD computer system (if registered in Davidson County), or

8. Any other source which the complainant may have if the responding personnel can articulate and document his/her use of and reliance on such information.

B. Valid identification is required of the complainant before a report is made. This requirement further ensures the accuracy of data recorded on the report and entered into departmental computer systems. Personnel shall use investigative skills and may employ sound discretion when the identification requirement cannot be met by a

complainant due to the theft of his/her wallet, purse, etc.

C. If the proof of ownership and identification requirements listed above are not met, explain to the complainant why the incident cannot be processed at present and return to service.

D. If the proof of ownership and identification requirements listed above are met, proceed to 18.130.040.

18.130.040 Report Required

A. Responding personnel shall complete and MNPD Form 100, "Incident Report," if all of the criteria in this order are met.

B. Such report shall be completed in accordance with current report-writing policy.

C. Such report's narrative shall include the items of identification used to confirm ownership.

18.130.050 Notification to Complainant

Upon completing the report, personnel shall advise the complainant of the following:

A. The complaint number (via MNPD Form 146, "Citizen's Information Notice"), and

B. To obtain an arrest warrant if the suspect(s) is/are known, and

C. To call back if the vehicle is seen or located or other additional information is discovered, and

1. Advise the complainant the vehicle is being entered as stolen in NCIC;

2. Failure to notify police if the vehicle is recovered could result in a felony traffic stop being conducted based upon a reasonable belief the driver is in possession of a stolen vehicle, and

D. That an Auto Theft Unit investigator will contact him/her if there is information to report or a question.

18.130.060 Reporting Recovered Stolen Vehicles

For report writing and documentation purposes, recovered vehicles will fall into one of two categories: they were stolen from within MNPD jurisdiction, or they were stolen from outside MNPD jurisdiction.

A. Stolen from Within MNPD Jurisdiction

Vehicles stolen within MNPD jurisdiction will be recovered in accordance with current report-writing policy. Unusual factors to consider include:

1. Whether the vehicle was recovered prior to being reported as stolen, and

2. Whether the vehicle was taken in some type of civil or domestic dispute which would not result in a “stolen” report.

B. Stolen from Outside MNPD Jurisdiction

Vehicles stolen outside MNPD jurisdiction will be recovered in accordance with current report-writing policy. However, the recovering officer shall also:

1. Send a notifying teletype to the originating agency (ORI) if the recovery is pursuant to an NCIC “hit”, or

2. Send a notifying teletype to the jurisdictional law enforcement agency for the registered owner's address if the recovery is not pursuant to an NCIC "hit," but the vehicle is apparently stolen.

IMPORTANT: The teletypes will be sent by the NCIC Teletype Unit at the Records Division when requested in person or by radio. The Teletype requirement applies to all stolen vehicles from outside MNPD jurisdiction (i.e., all other counties and states where the vehicle was reported by another agency ORI.)

18.130.070 Processing Reports

The MNPD Form 100, "Incident Report," will be sent through the normal "mail" transfer process and approved, sorted, reviewed, and duplicated as required by current practice or policy.

18.130.080 Responsibilities of Data Entry Section

The Records Division Data Entry Section will be responsible for assuring that the report is entered into both the MNPD computer system and the NCIC system. Such entries shall be checked for accuracy and adherence to established rules and regulations governing the use of such computer systems and networks.

18.130.090 Responsibilities of Auto Theft Unit

A. The primary responsibility of the Auto Theft Unit is to investigate the theft of motor vehicles containing a Vehicle Identification Number (VIN), and their primary purpose is transporting people. Such vehicles include, but are not limited to: Automobiles, Trucks, Motorcycles, and Motorized Watercraft. This is not to include landscaping equipment or construction equipment

B. The Auto Theft Unit will also investigate theft of Vehicle Parts and Accessories that are physically attached to a vehicle, such as: motor vehicle batteries, engines, transmissions, heaters, hubcaps, tires, manufacturers' emblems, license plates, side mirrors, radio, antennas, etc. This is not to include temporary attachments, such as trailers, campers, and/or personal electronics.

C. Auto Theft Unit Supervisors shall review each incident meeting the Auto Theft criteria. Cases will be assigned an investigator for follow-up based on the likelihood of solvability and/or the facilitation of recovered property. The Auto Theft Unit supervisor shall transfer any incident to the appropriate investigative unit for follow-up if determined to be outside the responsibilities of the Auto Theft Unit.

D. Investigators shall work each case in the appropriate manner based on its solvability.

E. All desired changes to any computer records generated by the Data Entry Section shall be documented on MNPD Form 104, "Supplement Report."

18.140 Natural Death Incidents and Death/Serious Injury Notification Procedures

18.140.010 Generally

A. The purpose of this order is to communicate procedures for responding to death and serious injury incidents and procedures for the notification of next of kin.

B. It is the policy of the department that all notifications of next of kin of deceased, seriously injured, or seriously ill persons are carried out promptly and in a considerate manner.

18.140.020 Natural Death Incidents

A. Determination of the nature of death

The responding officer shall ascertain from medical authorities that the death occurred due to natural causes. Such medical authorities include Nashville Fire Department paramedics, Medical Examiner's Officer, or the attending nurse and/or doctor.

B. Natural deaths under the care of a hospice program

The jurisdiction of the Medical Examiner’s Office, as defined by state law, does not include cases of persons who die under the care of a physician licensed to practice in Tennessee. The law does not require that hospice deaths be reported to the Medical Examiner’s Office for evaluation unless the circumstances are suspicious, unusual, unnatural, or if a cremation is to be performed.

T.C.A. Section 68-3-511 has specific procedures regulating hospice cases.

A registered nurse may make the actual determination and pronouncement of death under the following circumstances:

1. The deceased was suffering from a terminal illness;

2. Death was anticipated, and the attending physician or hospice medical director must be present and with the deceased at the place of death;

3. Prior to death, the deceased had been receiving the services of a Medicare-certified hospice program licensed by the State of Tennessee (certification may be verified through the Tennessee

Department of Health, Health Care Facilities Certification Section).

4. The nurse is licensed by the State of Tennessee; and

5. The nurse is employed by the attending hospice program.

NOTE: The Metropolitan Medical Examiner's Office has instituted a revised policy regarding hospice deaths within Davidson County. Certified hospice programs will no longer be required to notify the Medical Examiner's Office, or the police department of natural deaths meeting the above criteria.

The attending registered hospice nurse will be required to notify the Medical Examiner's Office and/or the Metropolitan Police Department if the circumstances of death are suspicious, unusual, or unnatural, or if a cremation is to be performed.

C. Department personnel will not respond to and/or complete an incident report for deaths stated in Article III., Section B., unless circumstances of the death are reported as suspicious, unusual, unnatural.

When the department has been notified of a hospice death all information pertaining to the death will be forwarded to the Medical Examiner's Office by Department of Emergency Communications DEC personnel.

If a reported hospice death is suspicious, unusual, or unnatural, a sworn employee will respond to the death scene and follow established investigative and reporting procedures. An officer will be dispatched to
a hospice death scene when a cremation is reported to be performed only when that death is reported as suspicious, unusual, or unnatural.

18.140.030 Unidentified Decedent

A. The responding officer shall perform all appropriate duties at the scene, including completion of MNPD Form 100, Offense Report. If the officer has been unsuccessful in identifying the deceased, upon conclusion of their duties, the Community Crimes Unit will be notified. The completed offense report shall then be processed through normal department mail transfer practices. The Community Crimes Investigator shall ensure the Cold Case/Homicide Unit has been notified.

B. After notice of an unidentified decedent, the Community Crimes Investigator will then assume responsibility for the identification of the deceased. Once the deceased has been identified, the Community

Crimes Investigator will be responsible for notifying the Chaplain's Section of the identity of the deceased.

C. When the identity of the deceased has been confirmed and no next of kin notification has been made, the Chaplain's Section will then assume responsibility for the notification of the next of kin.

18.140.040 Procedures for Next of Kin Notifications

A. **At no time will a member of this department make a death notification by telephone or transmit over the radio the name of a deceased person until the next of kin have been notified. (Exception - A member of the Chaplain Unit may conduct a death notification via telephone if there are exigent circumstances present.)**

B. Death notification when the next of kin is not present at the scene:

The Chaplain Unit will be notified immediately. The employee in charge of the scene will have DEC personnel notify the on-call chaplain. It will be the responsibility of the employee in charge of the scene to determine if the next of kin are present at the scene.

C. Death notifications when the next of kin **are present** at the scene:

It is **not necessary** to notify the Chaplain Unit if the next of kin are on the scene and a death notification is not required. If Chaplain assistance is needed to provide support for the family or personnel have DEC personnel notify the on-call chaplain to respond to the scene. The officer in charge of the scene will attempt to locate the family's minister, priest, rabbi, or other support persons, if needed.

D. Next of kin notification when a critically injured or deceased person has been transported to a hospital:

When a person has been transported to a hospital and dies, the hospital chaplain or social worker should make the next of kin notification(s); the department chaplain does not need to be contacted. The investigating officer shall contact or have DEC personnel contact the hospital and verify if the hospital is making the notification. If the hospital chaplain or social worker is not, or cannot, make the notification, the investigating officer will document this and then be responsible for having DEC notify the on-call chaplain to make the death notification.

E. Notification during mass casualties, natural disasters, etc.:

The department personnel in charge of the scene will be responsible for having DEC personnel notify the on-call chaplain immediately.

F. Reporting the notification:

The following information will be recorded by the Chaplain making notification on a Chaplain worksheet, or by personnel making notification, on a MNPD Form 104, Supplement Report:

1. Name of the person or next of kin notified of the death;

2. Address and telephone number of the person notified;

3. The notified person's relationship to the deceased;

4. How the next of kin was notified;

5. Where the body has been transported;

6. If the next of kin were advised of the procedures to take/obtain the body; and/or

7. If the next of kin were advised if an autopsy would be performed by the Medical Examiner's Office personnel.

G. Death notifications when a department chaplain is not available: Whenever possible, two employees shall make the initial contact with an adult family member or next of kin of seriously injured or deceased persons. This contact should be made in person.

Assistance can be requested from the Behavioral Health Services Division if the department chaplain is not available.

H. Request to assist other agencies of a death notification:

When the department receives requests to assist other agencies with next of kin notifications, it should be determined that the requesting agency and the request is valid prior to any notification, so as not to place undue stress and hardship on the person(s) contacted. The request to assist another agency with a next of kin notification should be in the form of a written request (teletype, facsimile, etc.). The Chaplain's Section shall be notified of such request. The Chaplain will determine if the chaplain needs to make the notification or if other personnel can make the notification.

I. Requesting assistance from outside agencies in making a death notification:

Notification to the law enforcement agency having jurisdiction over the residence of next of kin shall be made to that agency by telephone or teletype. For security reasons when the teletype is used for this purpose, the agency shall be requested to telephone this department for general information or questions concerning the notification. Details of the death shall not be provided by teletype. The agency shall be asked to contact the next of kin in person. The name of our contact person, the investigator or shift supervisor, and their department telephone number will be provided to the next of kin for any additional information. No specific details concerning the death are to be given over the telephone unless authorized by the investigative supervisor to include what specific information can be released to the family member.

J. Releases to the news media:

Tennessee state law mandates that law enforcement officers and employees of law enforcement agencies shall make a reasonable effort to promptly notify the next of kin of any person who has been killed or seriously injured in an accidental manner before any statement, written or spoken, is delivered or transmitted to the press by any law enforcement official, employee or agency, disclosing the decedent or seriously injured person's name.

K. Medical Examiner’s Office protocol:

During any death investigation with the Medical Examiner’s Office shall be informed of:

1. The next of kin notification information; and

2. How the identification of the deceased was made.

The Medical Examiner’s Office is not responsible for making death notifications for the police department.

18.140.050 Injury of Department Employees

A. If an employee of the department sustains a serious on-duty injury, the Chief of Police and the employee’s bureau commander shall be notified of the incident immediately.

B. If an employee is seriously injured while on duty and it becomes the responsibility of the department to notify the employee’s next of kin,

personnel from the Chaplain Unit and PWS should be contacted by the ranking on-scene field supervisor. The Chaplain Unit and PWS will then make, or assist with, the family notification.

C. If an employee is seriously injured and receiving treatment at a local hospital, the employee's shift commander or the ranking shift commander on duty shall make arrangements for the employee's spouse or next of kin to be brought to the hospital.

18.140.060 In-Line-of-Duty Death of Department Employees

A. The department will provide liaison assistance to the immediate survivors of a deceased employee who dies in the line of duty. The chief of police may institute certain parts of this order for cases of a deceased employee's natural death. Funeral arrangements of the deceased employee are to be decided by the family, with their wishes taking precedence over the department's.

B. Coordination of events following the line-of-duty death of an employee is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the employee's survivors and to the law enforcement community. In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected employees of the department.

C. Their titles are:

1. Benefits Coordinator

2. Chaplain

3. Family Liaison Coordinator

4. Professional Wellness Section Counselor

5. Division/precinct Commander

D. Procedures & Responsibilities

1. Notification

a. It is the responsibility of the Chaplain Unit personnel to properly notify the next of kin of an employee who has suffered severe injuries or died. Other personnel may personally make the notification but will also notify the Chaplain Unit and the Professional Wellness Section.

b. The name of the deceased employee will not be released by department personnel before the immediate family is notified.

c. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the time of notification.

d. Notification will be made in person and never alone. The Chief of Police or his/her designee, close friend, or another employee could appropriately accompany the Chaplain. However, if the aforementioned persons are not readily accessible, notification should not be delayed.

e. If specifics of the incident are known, the Chaplain, or employee making the notification, should relay as much information as possible to the family. If the employee has died, relay that information.

f. If the family requests to visit a hospital where the injured employee is being treated, they should be transported by police vehicle. It is highly recommended that the family does not drive themselves to the hospital.

g. The deceased or severely injured employee's parents should also be afforded the courtesy of a personal notification whenever possible.

h. If immediate survivors live beyond Nashville/Davidson County, the Chaplain will ensure that the Records Division sends a teletype message to the appropriate jurisdiction, requesting a personal notification. The Chaplain may choose to call the other jurisdiction by telephone in addition to the teletype message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the department.

i. The Chief of Police, or his/her designee, should respond to the residence or the hospital to meet with the family as quickly as possible.

j. Whenever possible, communications regarding notifications should be restricted to the telephone.

2. Assistance for Affected Employees

Departmental employees who witness and other employees who may have been emotionally affected by the serious injury or

death of another employee will attend a critical incident stress debriefing held by the Professional Wellness Section.

3. Assisting the Family at the Hospital

   a. The Chaplain Unit or PWS is responsible for:

      (1) Arranging with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the Chaplain, and others requested by the immediate survivors;

      (2) Arranging a separate area for fellow police officers to assemble;

      (3) Ensuring that medical personnel relay pertinent information regarding an employee's condition to the family on a timely basis and before such information is released to others;

      (4) Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased employee are directed to the benefit coordinator. This may require the benefit coordinator to re-contact the hospital during normal business hours to ensure that proper billing takes place;

      (5) Ensuring that the family is updated regarding the incident and the employee's condition upon their arrival at the hospital; and

      (6) Arranging transportation for the family back to their residence.

   b. If it is possible for the family to visit the injured employee, they should be afforded that opportunity.

   c. The Chaplain, or designee, should remain at the hospital while the family is present or until the family no longer requests Chaplain support.

4. Support of the Family During the Funeral or Services

   a. The Chief of Police, or his/her designee, will meet with the employee's family to determine their wishes regarding departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.

b. With the approval of the family, the Chief will assign a Professional Wellness Section staff person as a family liaison coordinator. The Chief will also designate a benefits coordinator.

5. Family Liaison Coordinator

   a. This is not a decision-making position, but a "facilitator" between the family and the department.

   b. Responsibilities of the family liaison coordinator include:

      (1) Ensuring that the needs of the family come before the wishes of the department.

      (2) Assisting the family with funeral arrangements and making them aware of what the department can offer if they decide to have a police funeral. If they choose the latter, briefing the family on funeral procedures (i.e., presenting the flag, playing of taps, firing party).

      (3) Determining if the family desires a burial in uniform and selecting an employee to obtain a Class A uniform (except weapons) and deliver them to the funeral home.

      (4) Arranging for the delivery of the employee's personal belongings to the family.

      (5) Apprising the family of information concerning the death and the continuing investigation.

      (6) Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting childcare and transportation needs, etc.

      (7) Being constantly available to the family.

      (8) Determining what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.

6. Deceased Employee's Precinct/Division Commander

   a. Responsibilities of the deceased employee's precinct/division commander include:

(1) Meeting with the following persons to coordinate funeral activities and establish an itinerary:

(a) Chief of Police and bureau commanders,

(b) Funeral director,

(c) Family priest or minister,

(d) Cemetery director, and

(e) Honor guard.

(2) Directing the funeral activities of the department and visiting police departments according to the wishes of the family.

(3) Issuing a teletype message to include the following:

(a) Name of deceased;

(b) Date and time of death;

(c) Circumstances surrounding the death;

(d) Funeral arrangements (state if service will be private or a police funeral);

(e) Uniform to be worn;

(f) Expressions of sympathy in lieu of flowers; and

(g) Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information.

(4) Establishing a command center, if necessary, to coordinate information and response to the tragedy.

(5) Developing a policy for the wearing of badge memorial ribbons and use of patrol vehicle memorial sashes.

(6) Obtaining an American or Metropolitan Government flag. If the family wishes a flag presentation by the Chief of Police, notify the chief of police's office.

(7) Assigning employees for usher duty at the church.

(8) Briefing the chief of police and staff concerning all funeral arrangements.

(9) Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

(10) Arranging for a stand-by doctor for the family, if necessary.

(11) Coordinating traffic management with other departments/jurisdictions during the viewing, funeral and procession.

(12) Assigning an employee to remain at the family home during the viewing and funeral.

(13) Maintaining a roster of all departments sending personnel to the funeral, including:

(a) Name and address of responding agencies;

(b) Name of the Chief of Police;

(c) Number of officers attending;

(d) Number of officers attending the reception after the funeral; and

(e) Number of vehicles.

(14) Assisting in making the necessary accommodations for food, lodging, etc.

(15) Acknowledging visiting and assisting departments.

(16) Arranging for routine residence checks of the survivor's home

7. Benefits Coordinator

a. The benefits coordinator will gather information on benefits/funeral payments available to the family. The benefits coordinator is responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received.

b. The benefits coordinator is responsible for:

(1) Contacting the appropriate offices without delay to ensure that the beneficiary receives: death and retirement benefits, the deceased employee's remaining paychecks, and payment for remaining annual and compensatory time.

(2) Gathering information on all benefit/funeral payments, to include the Public Safety Officers' Benefits Act, that are available to the family.

(3) Preparing a register of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices, and when they can expect to receive payment.

(4) Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.

(a) If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.

(b) Attention should be given to the revocation of health care benefits and meeting again with the family in about six months to ensure they are receiving benefits.

8. Continued Support for the Family

a. Employees of the department must remain sensitive to the needs of the survivors after the deceased employee's death.

b. Survivors should continue to feel a part of the "police family." They should be invited to department activities to ensure continued contact.

c. The Professional Wellness Section acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the department and the survivors and that their needs are met for as long as they feel the need for support.

d. If no court proceedings surround the circumstances of the deceased employee's death, the family liaison coordinator

will relay all details of the incident to the family at the earliest opportunity.

e. If criminal violations surround the death, the family liaison coordinator will:

(1) Keep the family apprised of legal proceedings;

(2) Introduce the family to the victims' assistance specialists of the court;

(3) Encourage the family to attend the trial, and accompany them whenever possible; and

(4) Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

18.150 Safety Hazard Notification Report

18.150.010 Generally

A. This policy addresses procedures for reporting **NON-EMERGENCY** hazardous conditions. This process does not include procedures for dealing with roadway hazards of an emergency nature. When conditions affect the immediate health and safety of the community, the officer shall notify the Department of Emergency Communications dispatcher and stand by until the condition is determined to be safe.

B. Roadway and other safety hazards are contributing factors in many accidents. In order to mitigate these factors, sworn personnel shall complete a non-emergency services request on “hubNashville” or complete a Safety Hazard Notification Report, MNPD Form 271 whenever they identify, or are made aware of a safety hazard condition as noted below in article C and D. This form was designed for notifying the appropriate agency to make the necessary safety corrections to the roadways, and other potentially hazardous conditions of a non-emergency nature.

C. The non-emergency services request on “hubNashville” or Safety Hazard Notification Report, MNPD Form 271 should be utilized to report the following:

1. Street lights that are out;

2. Recommendations for needed signs, traffic lights, or lane markers;

3. A portable sign that is limiting the view of a turn lane; vegetation that is overgrown and obstructing the view of a turn lane;

4. An area that needs repaving; handicapped areas that need a sign;

5. Fire lanes that need to be repainted/posted, and

6. Other similar issues.

D. The report may also be used to notify agencies regarding other types of safety hazards such as:

1. Recreational equipment that is damaged;

2. Sidewalks that need repair;

3. Obstructions in and around the waterways;

4. Additional railway signs needed; and

5. Other similar issues.

IMPORTANT: This report is to be completed only when immediate corrective action is <u>not</u> required by the responsible agency.

E. When **emergency** conditions threaten the **immediate** health and safety of the community, the officer shall notify the Department of Emergency Communications dispatcher, and stand by until the condition is corrected or determined to be safe.

18.150.020 Specific Provisions for "hubNashville"

A. The non-emergency services request on "hubNashville" can be accessed through the "hubNashville" application on the officer's department issued cell phone or by using the link below:

https://hub.nashville.gov/s/request-type/a0ut0000000IlCHAA0/streets-roads-sidewalks?language=en_US

B. To complete the non-emergency services request, sworn personnel shall select the proper NDOT asset with damage needing to be reported and click on that item.

C. Select "Start New Request" and follow the directions for providing the necessary information for the location of the damaged asset, and provide any known information being requested.

D. Next, provide your MNPD contact information utilizing your duty station's address.

E. Submit request.

18.150.030 Specific Provisions for MNPD Form 271

A. To complete the Safety Hazard Notification Report, sworn personnel shall fill in the necessary information, i.e. a complaint number, location of the hazard, the type of hazard and brief description of it including any corrective action the member took at the scene. On the back of all copies, the member shall check the box for the mailing address of the agency having jurisdiction of the hazard.

NOTE: There are ten (10) different types of safety hazards listed on the front of this form. If an officer wishes to report an

incident type other than the ones on the form, check box 11 "other". In the text portion following this box, describe the hazard and the jurisdictional agency to be notified.

B. There are three copies of this form: the white (original) copy goes to the correcting agency; the manila (hard) copy stays on file in the Records Division; and the pink copy belongs to the reporting officer.

C. Once the form has been completed, the reporting officer shall turn in both the white and manila copies to his/her supervisor during the tour of duty. These two copies shall be approved by the supervisor and sent to the Records Division.

D. Records Division personnel shall file the manila (hard) copy in a file system separate from the central files, so that the final disposition of the hazard may be updated or monitored by authorized Records personnel. The white (original) copy shall be forwarded to the agency that the reporting officer has indicated.

NOTE: Agencies outside the Metropolitan Government mail system shall have their notice form placed in an envelope and addressed appropriately by authorized Records Division personnel.

E. Agencies responding to the Safety Hazard Notice may do so by either mail or telephone, whereby the Records Division personnel shall indicate the final disposition on their file copy. If a written report of the corrective action is returned, it shall be attached to the file copy.

F. This report shall be retained for a period of three (3) years, from the final disposition date, or from the date the report is deemed inactive.

18.160 Assistance to Highway Users

18.160.010 Scope

The following areas are addressed by this order:

A. General assistance by rendering aid or assistance to any motorist or pedestrian who are found to be stranded or lost on a roadway;

B. Mechanical assistance and towing services to disabled vehicles; and

C. Emergency assistance to anyone in need of medical or fire suppression services.

18.160.020 General Assistance

A. In order to promote safety, protect human life, and preserve the streets and highways, officers should, by means of a thorough knowledge of their assigned area, employ patrolling practices to be in areas of need.

B. Officers will offer aid and assistance to any motorist or pedestrian who is found to be stranded, ill, lost or otherwise disabled on the roadway.

C. Because of the overall danger to the stranded motorist, and also to other motorists on the highway who may be affected by the stranded motorist, the department will offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, but particularly during the nighttime hours or inclement weather conditions when the hazards are greatly increased.

D. Whenever possible, consistent with the necessity to effect apprehensions of actual or suspected violators, to answer previous calls for service, or fulfill assignments, officers **shall** stop and offer their services to highway users who appear to be in need of assistance.

E. Officers who assist stranded motorists shall remain alert to the following possibilities:

1. The vehicle in the possession of the motorists has not been authorized for their use;

2. The vehicle is in unsafe operating condition;

3. The motorist is unlicensed to drive;

4. The motorist is incapable of safely operating the vehicle; and

5. The vehicle's occupants have engaged in criminal activity.

F. Officers shall provide information and directions to citizens upon request. They should become familiar with the various services, facilities and tourist attractions available not only within their jurisdiction, but also of places within a reasonable distance that persons can be expected to travel.

G. An officer encountering a stranded or disabled motorist on the highway shall establish a protected area for the vehicle and its occupants by tactically placing their vehicle with the emergency lights and flashers in full operation. The officer may employ the use of cones and other devices as needed.

H. After establishing a safe area for the vehicle and its occupants, the officer will determine what course of action is to be taken to correct the problem.

I. After making the determination, the officer will request whatever service required to safely remove any vehicle or person from the roadway to a safe place. No vehicle will be left on a controlled access highway.

J. Under most circumstances, personal requests for a specific service company will be honored. However, in hazardous locations, rush hour traffic, inclement weather or other adverse conditions, the closest available service will be called.

K. After receiving permission from a supervisor, any pedestrian found in a hazardous location will be offered transportation to the nearest place of safety by the officer. If the person is found to be ill or injured, medical assistance will be called to the scene. When a pedestrian is offered transportation by the officer and is a member of the opposite sex, the officer shall notify the dispatcher of the destination, obtain a time check, and give beginning mileage. Upon arriving at the destination, the officer shall again obtain a time check and give ending mileage.

18.160.030 Mechanical Assistance and Towing Service

In the event an officer is dispatched to or encounters a stranded motorist that requires an emergency maintenance vehicle or a tow truck, the following procedures will be followed:

A. If the disabled vehicle's operator has a personal preference for an emergency road service company, it will be called unless:

1. The service company cannot respond in a reasonable time, which shall be defined as thirty minutes;

2. The service company does not have the proper equipment to assist the stranded motorist; or

3. The service company requested is found not to be licensed by the Metropolitan Davidson County Taxicab and Wrecker Board.

B. In the event that the motorist requests an auto club to be notified, the location of the incident and the owners membership number are the only information to be provided to the dispatcher.

C. In the event the motorist has no preference to a particular emergency road service company, the officer will request the zone wrecker company.

D. The officer will advise the dispatcher of any special equipment needed to aid the stranded motorist and ask the dispatcher for the approximate response time of the service company.

E. If the zone wrecker company is not available, the next closest service will be called.

F. Officers will not show any favoritism among wrecker companies. If asked for recommendations by motorists, the officer may suggest the zone wrecker. The officer should explain to the motorist that the city is divided into zones and they have to use the company assigned to the particular area. Motorists may also be informed that prices are set by the Metro Wrecker Board, not the wrecker company.

G. The officer will not leave the motorist or service vehicle if they are in danger of being struck by another vehicle while they attempt to move the disabled vehicle from the roadway.

H. Officers may assist the stranded motorists with unlocking, starting, or mobilizing a vehicle. The officer shall complete MNPD Form 143, Citizen Assistance Liability Release Report, before providing the service.

If the motorist refuses to sign MNPD Form 143, the officer will provide assistance by:

1. Requesting assistance from a designated service station or garage; or

2. Transporting the citizen to the nearest telephone at a location which provides security, particularly during nighttime hours, after receiving supervisory permission. When a motorist is offered transportation by the officer and is a member of the opposite sex, the officer shall notify the dispatcher of the destination, obtain a time check, and give beginning mileage. Upon arriving at the destination, the officer shall again obtain a time check and give ending mileage.

18.160.040 Emergency Assistance

If an officer encounters anyone in need of medical assistance or fire suppression services, the officer shall provide assistance by:

A. Rendering first aid, if needed;

B. Utilizing issued fire suppression equipment, if needed; and

C. Requesting medical and fire department personnel as needed.

18.170 Bicycle Patrol

18.170.010 Policy

The Metropolitan Police Department may implement and staff a bicycle patrol within any of the patrol precincts. This is a special method of patrol, and, except for traffic accident investigation, members will provide first-line police services in the areas to which they are assigned. These areas include residential neighborhoods, public housing, business districts, commercial districts, parks, recreational areas, and others as may be appropriate. The bicycle patrol is to serve as an effective proactive force in crime prevention, crime detection and enforcement. For command-and-control purposes, bicycle patrol units will be assigned to the patrol precinct in which they are utilized.

18.170.020 Eligibility for Assignment to Bicycle Patrol

The eligibility criteria for assignment include:

A. Must have completed 12 months service as a Police Officer II;

B. Must have been evaluated at least standard on most recent employee evaluation;

C. Must be in good physical condition with no history of excessive use of sick leave.

   Applicants for bicycle patrol who have used over five (5) sick days during the 12 months preceding date of application must include a detailed explanation as to why sick days were necessary. Each applicant must have a physical examination and be medically cleared by the examining physician prior to entering training;

D. Must not be medically exempt from physical agility test and passed at least Level III during most recent in-service training;

E. Must have successfully completed most recent in-service training session with composite score of not less than 75% in academic, physical agility and firearms qualification courses;

F. Must not have received more than a cumulative total of five (5) days suspension in the previous 12 months or any one (1) suspension for 15 days or more within the previous 24 months; and

G. Must be willing to attend and successfully complete an approved basic police bicycle course. Such course will be at departmental expense.

18.170.030 Equipment

A. An approved mountain bicycle with reflective decal stating "METRO POLICE" affixed to both sides of the frame tube, and ancillary equipment to include:

   1. Rear bicycle cargo rack;

   2. Cargo bag, upright type for mounting on rear rack with white lettering stating "POLICE";

   3. Head lamp with rechargeable battery;

   4. Rear lamp with red lens which can be seen at 2,000 feet;

   5. Speedometer/odometer combination;

   6. Cable lock;

   7. Tool kit; and

   8. Water bottle with rack.

B. No accessories other than those listed above will be installed, nor modifications made to any bicycle without following the provisions of Police Vehicle Policy and Procedures, 13.30.060(C).

18.170.040 Uniforms

Uniform provisions shall be maintained in the Community Services SOP.

18.170.050 Maintenance

A. Each member assigned a police mountain bicycle shall be responsible for its maintenance and care; and shall perform or cause to be performed routine and preventative maintenance as necessary and required by department policy and manufacturer's warranty and recommendations.

B. A daily safety check for safe operation and use shall be completed by each member prior to beginning his/her tour of duty. Such check shall include:

   1. Brakes (cable adjustment and wear and brake pad wear);

   2. Tires (inflation and tire wear);

   3. Wheels and spokes;

4. Gears/sprockets (to include chain tension);

5. Auxiliary equipment;

6. Lights;

7. Speedometer/odometer;

8. Cargo rack and bag;

9. Seat;

10. Handlebar; and

11. General cleanliness and appearance

C. Supervisors shall inspect subordinates as required by Chapter 10.20, "Inspectional Process: Line and Staff Inspections and 'Inspection Report' Completion;" or its replacement, if any.

D. Personnel assigned patrol on bicycles are responsible for the care and cleanliness of the assigned bicycle. Each member shall also make minor repairs and adjustments. Such repairs/adjustments shall include changing flat tires, adjusting brake and gear cables, basic chain repair, derailleur adjustment, maintaining proper tire inflation, tightening of nuts and bolts, seat adjustments, truing tire rims, and other minor repairs and adjustments as required and approved by the immediate supervisor.

E. All major repairs and periodic scheduled maintenance will be performed by certified bicycle mechanics authorized by the department.

18.170.060 Use of Police Bicycles

A. Bicycle personnel will perform patrol duties year-round except when street conditions are made hazardous due to ice, sleet, or snow; or a supervisor in the chain of command determines that conditions are unsafe/hazardous for riding. When street conditions are deemed hazardous, officers will stop riding immediately and request transportation to an appropriate location.

B. Bicycle personnel will not expose the bicycle to unreasonable hazards or abuse, except in situations that pose a threat to the personal safety of any person.

C. Bicycles will not be left unattended except after being secured with a departmental approved locking device.

D. No one other than the assigned certified member is permitted to ride a departmental owned bicycle except in situations requiring road testing by a department authorized mechanic.

18.190 Metro Alarm Ordinance

18.190.010 Introduction

The purpose of this order is to set out procedures for the Metropolitan Nashville Police Department Alarm Unit and sworn personnel to use in response to and enforcement of the Metropolitan ordinance governing burglary and robbery/panic alarm systems.

18.190.020 Definitions

A. **Alarm system:** Any mechanical or electrical/electronic or radio-controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms, sprinkler-activated alarms and monitored alarms. Excluded from the definition of alarm systems are:

1. Devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle;

2. Self-contained smoke detectors; or

3. Auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

4. Medical alert alarms.

B. **False alarm:** The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or attempted forced entry or robbery or attempted robbery.

Exceptions:

1. Acts of nature such as severe weather conditions;

2. Telephone, mechanical, electrical, or other system trouble or failure not under the control of the alarm user;

3. Activations caused by utility company personnel; or

4. Any other condition that is clearly beyond the control of the alarm user.

C. **Person:** Any natural person, firm, partnership, association, corporation, company or organization of any kind and is to include a government or governmental subdivision or agency thereof, exclusive of the federal government.

D. **Residential premises:** Any structure or combination of structures which serve as a dwelling unit including single-family as well as multifamily units.

E. **Commercial premises:** Any structure or area which is not defined herein as residential premises.

F. **Activate:** "set off" an alarm system indicating in any manner an incident of burglary or robbery, fire, etc.

G. **Automatic dialing device:** An alarm system which automatically sends over regular telephone lines by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation. It shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the Department of Emergency Communications.

H. **Alarm response:** Results when a police officer is dispatched to or otherwise learns of the activation of an alarm system.

I. **Alarm permit fiscal year** is from April 1st to March 31st of the following year.

18.190.030 Policy

A. The Metropolitan Police Department is responsible for enforcing Metropolitan ordinances regulating the use of burglary, robbery, and panic alarms.

B. The Metropolitan Fire Department is responsible for enforcing the ordinances relative to fire alarms.

C. Number of allowable false alarms per permit fiscal year: three (3) burglary, two (2) robbery, and two (2) panic alarms.

D. Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

E. Metropolitan Police Officers will enforce the Alarm Ordinance through the issuance of false alarm notices (MNPD Form 070) and Metropolitan citations.

NOTE: The provisions of this ordinance will not be applicable to residential premises within the city of Goodlettsville.

18.190.040 Automatic Dialing Devices

A. It shall be a violation of the Metropolitan Code for any automatic dialing device to call on the 911 emergency line. Such devices shall be restricted to dialing the non-emergency phone number for requesting police service.

B. Any automatic dialing device shall:

1. Have a clearly understandable recording;
2. Be capable of repeating itself a minimum of two times; and
3. Be capable of automatically resetting itself so as not to continuously call the Department of Emergency Communications phone number.

C. Programmed messages on an automatic dialing device must include and are restricted to the following:

1. The owner's/resident's name, and the exact street number and name;
2. A statement that it is a burglar or robbery/panic "alarm only." It shall not say burglary or robbery "in progress";
3. A statement of hours the business is open, if the device is used for both burglary and robbery/panic alarms; and
4. A statement that a third party has been notified and the identity of that third party if a third party is notified by the device.

18.190.050 Duties of Permit Holders

A. Permit holders shall be responsible for training employees, servants, or other agents in the proper operation of the alarm system.

B. Permit holders shall ensure that the correct street address identification is visible from the street or roadway on which the premises are located.

C. Permit holders shall ensure that the current alarm registration sticker is

displayed where it is easily visible from the outside front of the building.

D. Permit holders shall ensure that any audible alarm will be equipped with an automatic shutoff to function within twenty (20) minutes of alarm sounding. [Fire alarms excluded.]

18.190.060 General Procedures

A. Officers responding to a burglary or robbery/panic alarm call that subsequently proves to be a chargeable false alarm shall complete MNPD Form 070, "Notice of False Alarm".

B. The alarm user will receive a copy of the False Alarm Report. If unavailable, the copy will be left on the scene at the best affordable place and mention of that place stated in the report.

C. Upon completion of the false alarm call, the responding officer will use disposition Code 12 or 13. [Disposition Code 12 or 13 will add a false alarm call to the previous alarm totals in the dispatch computer.]

D. The remaining copies of the report will be checked for accuracy by the officer's supervisor and processed according to established policy and procedure.

18.190.070 Citing of Alarm Code Violations

A. The responding officer will issue a Metro citation for the alarm code violation to the responsible user, if present. If the responsible user is not on the scene, the officer shall complete a Metro citation and forward it to the False Alarm Unit. The False Alarm Unit will then mail the citation to the responsible party via certified mail.

EXCEPTIONS: Officers shall not write Metro citations for excessive false alarms, and No Permit/Expired Permit. The Alarm Unit will issue the citations and prosecute for these violations.

B. An Arrest Report will not be filled out.

18.190.080 False Alarm Unit Responsibilities

A. Review and maintain all false alarm notices.

B. Issue Metropolitan citations for excessive false alarms and alarm permit required violations.

C. Send officer issued Metro citations to responsible parties via certified mail when the party was not available to accept the citation at the time of the violation.

D. Instruct police personnel in the proper procedures relating to the Alarm Ordinance.

F. Evaluate the effectiveness of the False Alarm Program.

G. Perform other duties and responsibilities as may be assigned to the unit.

18.190.090 Violations of Metropolitan Alarm Ordinance

A. Alarms activated without a permit.

B. Exceeding the allowable number of false alarms.

C. Knowingly and purposefully failing to respond to the location of the alarm within one (1) hour after notification by police, whether false or not.

D. Failure to train employees, servants, and/or agents in the proper use of the alarm system.

E. Failure to display the correct street address on the premise or not readable from the street.

F. Failure to equip audible alarms with an automatic shut-off that functions within twenty (20) minutes of the alarm sounding.

G. Automatic dialing devices calling on the 911 emergency line.

H. Improperly programmed message on an automatic dialing device.

I. Each incident of non-compliance shall constitute a separate violation.

18.190.100 Non-Chargeable Alarm Calls

A. Acts of nature such as severe weather conditions.

B. Telephone line trouble or other like system failure that is outside the control of the alarm user.

C. Activations caused by utility company personnel.

D. Any other condition that is clearly beyond the control of the alarm user.

E. If the user calls the dispatcher back within five (5) minutes of original notification unless the officer has arrived on the scene.

F. If the police have not arrived on the scene within thirty (30) minutes of the original alarm notification.

G. The officer will use disposition Code 4 on non-chargeable calls. [Disposition Code 4 will not affect the previous false alarm call totals in the dispatch computer.]

18.190.110 Appeals Procedure and Rights to a Hearing

Police personnel should advise all persons with questions or concerns about appeal procedures and rights under the provisions of the Metropolitan Alarm Ordinance to contact the Office of the Metropolitan Clerk.

18.200 Radio Communications

18.200.010 Policy

It is the policy of the Metropolitan Police Department that all personnel adhere to the procedures and requirements of the Federal Communications Commission and the provisions herein with the respect to the operation of the department's radio communications system.

18.200.020 Definitions

The following words or terms are identified or defined as indicated:

A. **Administrative Communiqué:** Directional or informational transmission.

B. **Call for Service:** A dispatched or self-initiated incident requiring police activity.

C. **Command Talk-Group:** Any talk-group designated for use during joint operations with the Nashville Fire Department or police-only operations.

D. **Dispatch Talk-Group:** A talk-group staffed by a dispatcher.

E. **Emergency Radio Identifier:** A computerized system that identifies a radio by decoding an electronic message transmitted by the radio.

F. **Mobile Radio:** A vehicle-mounted radio.

G. **Portable Radio:** A hand-held radio.

H. **Radio Communications System:** A system including the radios, dispatch consoles, satellite receivers, and other associated hardware used by departmental personnel to conduct official business by radio.

I. **Tactical Talk-Group:** A talk-group used for specific elements of the department.

J. **Talk-Group:** A configured channel on the radio system with a defined use.

18.200.030 Authorization

The Chief of Police hereby directs department personnel to work cooperatively with the Department of Emergency Communications

personnel and use the radio communications system to provide improved police services to the public and to enhance the safety of law enforcement personnel.

18.200.040 Equipment Specifications

A. Specifications for radio communications equipment shall be maintained in the files of the entity(ies) having procurement, maintenance, issuance, or usage responsibility for such equipment. Such entities include, but are not limited to:

1. Fiscal Affairs Division, or

2. Fleet Management Section, or

3. Specialized Investigations Division, or

4. Metropolitan Department of General Services Radio Shop, or

5. Department of Finance

B. Such equipment shall be procured, maintained, issued, and used in accordance with established Metropolitan Government and/or departmental provisions concerning same.

18.200.050 Operational Policy

The Metropolitan Nashville Police Department shall work cooperatively with the Department of Emergency Communications (DEC) to develop operational policies for various calls-for-service dispatch protocols, notification procedures, and other circumstances that require internal written guidance. Such policies shall be implemented via the Standard Operating Procedures (S.O.P.'s) of the appropriate divisions of both MNPD and DEC.

18.200.060 Signals, Codes, and Terms/Phrases

The following standardized signals, codes, and terms/phrases shall be transmitted as indicated and in their entirety; (i.e., "signal eight," "ten four," "code one thousand.")

A. Signals

Signals shall be classified as administrative communiqué. They shall not be considered as calls for service.

Signal	**Meaning**
1	Implement Contingency Plan
2	Invisible Deployment Requested
3	Confidential Radio Transmissions (Police personnel only)
4	Report to Station/Office
5	Advise if Personnel is All Right/O.K.
6	Call by Telephone (specify location/person)
7	All Units Stay Clear of Area/Location
8	Meet
9	Disregard
10	Rush/Quick Action Requested
11	Switch to Secondary Channel (specify channel)
12	Switch to County Wide Channel
13	Switch to Assigned Channel
14	Switch to Records Channel
15	Switch to C.B. Transceiver (specify channel)
16	Stop all Radio Transmissions

B. Ten-Codes

Ten-Codes are generally regarded as calls for service. For statistical purposes, the following codes preceded by an asterisk (*), are to be hereafter classified as Administrative Communiqué.

Code	**Meaning**
*10-1	Receiving Poorly
*10-2	Receiving Well

Code	**Meaning**
*10-3	Administrative/Special Assignment C- Court G- Garage H- Hospital O- Other
*10-4	Acknowledgment /O.K.
*10-7	Out of Service
*10-8	In Service
*10-9	Repeat Transmission
*10-13	Consider Suspect(s) Very Dangerous
10-14	Escort/Convoy (specify if emergency)
10-15	Community Policing Activity
10-16	Transport Prisoner/Suspect
*10-20	Your Location

*10-28	Check Full Registration/Stolen Only
*10-30	Check for Warrants/Record Information
10-32	D.U.I. Test Requested
10-35	Mentally Ill Person
10-37	Send Back-up (specify if emergency)
10-40	Suspicious Person
10-41	Domestic Disturbance
10-42	Intoxicated Person
10-43	Want Officer for Investigation/Assistance
10-44	Disorderly Person
10-45	Vehicle Accident-Property Damage RP-private property accident RD-delayed accident
10-46	**Vehicle Accident-with Injury (state if hit and run)**
10-47	**Ambulance Requested (state if emergency)**
*10-48	Wrecker Requested (specify type)
10-49	Vehicle Blocking Right of Way
10-50	Theft (specify type) RG- gas drive-off
10-51	**Cutting/Stabbing**
10-52	**Shooting**
10-53	**Holdup/Robbery**
10-54	**Person with Weapon (specify type)**
10-57	**Fight/Assault**
10-58	Prowler
10-59	Person Indecently Exposed
10-60	Blood Run (specify if emergency)
10-61	**Fire**
10-62	Person Screaming

Code	**Meaning**
10-63	**Suicidal Person**
10-64	**Corpse/D.O.A.**
10-65	Dangerous/Injured Animal
10-66	**Bomb Threat**
10-67	**Rape**
10-68	**Kidnapping**
10-70	**Burglary-Residence**
10-71	**Burglary-Non-Residence**
*10-72	Item/Vehicle is Stolen
10-73	Hazardous Liquid/Gas Leak
10-75	Missing Person (specify if juvenile)
10-77	Gang Activity
10-78	Criminal Vice Activity (specify type) D- drug related

G- gambling
S- prostitution/solicitation

10-79 Occult Activity
10-80 Child Abuse
10-83 Shots Fired
10-85 Prisoner Escape
10-87 Safety Hazard (specify type)
B- both wires & trees down
F- flood
H- safety hazard
L- signal light
P- progress
R- report
S- salt truck needed
T- tree down
W- wires down
10-88 Investigate 911 Hang-Up Call
PW- wireless
10-89 Drowning
10-90 Threat of Mass Violence
10-92 Fixed Post
*10-93 Traffic Violation
*10-94 Personal Relief
*10-95 Meal Break (specify location)
*10-96 Business Check (specify location)
*10-97 On the Scene
*10-98 Assignment Complete, Give Complaint Number
*10-99 Give Complaint Number and Leave Out on Call

NOTE: Codes that are in **BOLD** type are urgent in nature and require the responding officer(s) to proceed directly to the scene. If applicable, responding officers are authorized to use emergency equipment and response, unless otherwise specified by an authoritative source.

C. Thousand Codes

Thousand-codes shall be classified as calls for service. They shall always receive first priority over other signals or ten-codes, unless otherwise specified by an authoritative source.

Code	**Meaning**
1000	Bank Robbery
2000	Aircraft Crash
3000	Barricaded Suspect (specify, if with hostage)
4000	Sniper

5000	Personnel in Serious Danger
6000	Riot/Disorderly Crowd
7000	Train Derailment
8000	Explosion
9000	Confirmed Active Deadly Aggression/Mass Violence

Important: Upon verification of reported circumstances, applicable contingency plans **shall** be implemented (Signal 1).

D. Phonetic Alphabet

A - Adam	G - George	M - Mary	S - Sam	Y - Young
B - Boy	H - Henry	N - Nora	T - Tom	Z - Zebra
C - Charles	I - Ida	O - Ocean	U - Union	
D - David	J - John	P - Paul	V - Victor	
E - Edward	K-King	Q - Queen	W - William	
F - Frank	L-Lincoln	R - Robert	X – X-Ray	

E. Terms/Phrases

Terms/Phrases expedite the proper interpretation of a communiqué and assist in conserving radio air time.

1. AFFIRMATIVE: Yes or Positive Acknowledgment

2. A.P.B.: All Points Bulletin

3. A.S.A.P.: As Soon As Possible

4. AUDIBLE ALARM: Capable of being heard

5. CODE 60 (A or B) – Medical Precautions Required: To identify calls wherein the scene may be infected by a contagious disease.

   A – denotes possibility of an air borne disease.

   B – denotes blood borne.

6. COPY: Acknowledgment of receiving transmission/information

7. DIRECT: Acknowledgment of a transmission or directive

8. D.O.A.: Dead on Arrival

9. E.T.A.: Estimated time of arrival

10. HIT: An indication by a computer or records that a person is wanted or property is stolen

11. LATE MODEL: A recent or present model

12. MAIL: Departmental reports, forms, activities or other communiqué

13. MOTION DETECTOR: An alarm that is activated by movement

14. N.S.R.: No stolen reported

15. NEGATIVE: No or none

16. NICK: N.C.I.C. (National Crime Information Center)

17. O.K.: Yes or acknowledgment

18. POSITIVE I.D.: Confirm or recognized identity

19. PUBLIC SERVICE/P.S.: Telephone

20. RELAY: To pass or send along transmission

21. SILENT ALARM: Making no sound or noise

22. STATION "R": Residence/Home

23. TOTALED: Completely destroyed or damaged

24. TRACK: The scent or path of a person

25. ZONE: A predetermined geographical boundary

F. Response Priority

The purpose of setting response priorities for service calls is to provide the community with quality service and to prevent unnecessary danger to the responding officer(s) and civilians. It shall be responsibility of Strategic Development Division personnel, in cooperation with the appropriate personnel of the Department of Emergency Communications, to prioritize the response for selected calls for service.

1. Action Codes

    a. Priority identifier: (in descending order of priority)

(1) A - Alarm: To identify calls that involves either theft, holdup/robbery, fire, or burglar alarm.

(2) P - In Progress: To identify calls in progress or that have just occurred. (No alarm is involved).

(3) R - Report: To identify calls not in progress and the urgency/emergency of the incident has diminished. Only a delayed report or investigation is acceptable.

NOTE: The P or R action code shall be issued to any applicable 10-Code. Only one applicable code letter shall be attached to the end of the 10-code; (i.e., 10-50P/10-50R).

b. Classification Identifier

(1) J – Juvenile: To identify calls involving the welfare or involvement of a juvenile.

(2) D – Domestic Violence

(3) E – Emergency: To identify calls that require either an emergency escort, convoy, or blood run.

(4) T – Teleserve: The call meets the criteria for Teleserve.

(5) V – Vehicle: To identify calls involving either vehicle theft or vehicular assault.

(6) C – Cancellation: To identify calls involving the cancellation of a report.

NOTE: The letter **J and/or D** shall be issued to any applicable 10-code. Only one classification identifier shall be added after a priority identifier or 10-code; (i.e., 10-57PJ, 10-75J or 10-43D).

2. Call Response Codes

The urgency to the response shall be prioritized by Department of Emergency Communications personnel based on the total information of the circumstances of the call, or as modified by the field supervisor.

There shall be three Call Response Codes as follows:

CODE 1 Calls that are of a more routine nature and can reasonably be expected to present no danger to life or property. Officers shall proceed to the scene obeying all traffic/other regulations. (Assume the call is CODE 1 unless otherwise stated. If no code is given, the call is CODE 1).

CODE 2 Calls that are urgent in nature and require the officer(s) responding to proceed directly to the scene; officers obey all traffic/other regulations.

NOTE: The use of emergency equipment is not authorized in Code 2 calls, unless assigned by communications or authorized by the responding officer's supervisor.

CODE 3 Calls that require driving an emergency vehicle in emergency operation.

NOTE: Code 3 may be utilized when assigned by Department of Emergency Communications personnel, authorized by the responding officer's supervisor, or by the responding officer when:

a. The responding officer is in actual "hot pursuit" (primary and secondary units only);

b. There is imminent danger to life, and the immediate presence or escort of a police officer might save lives;

c. When a situation exists that requires immediate action to control or assist with a volatile situation;

d. In a felony situation where there is a possibility of apprehending the suspect(s);

e. In situations where there has been an accident and there are unknown or serious injuries.

NOTE: It is of utmost importance that every individual involved in the communication process exercise great care to obtain as much information as possible from the reporting source, so that these decisions can be made.

In situations where "Invisible Deployment" is implemented, the responding vehicles shall not use blue lights, siren, other devices, or actions that may be observed by and alarm the suspect(s). The responding vehicles shall obey all traffic regulations except one: Parking regulations - so long as it does not endanger life. Use emergency flashers or rear-only blue lights if available and appropriate.

G. Disposition Codes

The purpose of Disposition Codes is so responding officers can communicate the actions taken in response to a given call in order that the information may be entered in the computer database. The following codes shall be indicated upon the completion of all calls for service or other applicable administrative activities.

1. Disposition Codes

a. General Disposition codes describe the specific type of action taken in response to a call for service and they shall precede any other identifying codes; (i.e., Incident Identifier Code letters).

Code	**Meaning**
1	MNPD Report Completed
2	Arrest - Custodial or Citation
3	Citation- Traffic
4	Assisted Citizen
5	Gone on Arrival
6	Assisted Other Unit
7	Advisory/Notice Form Given
8	Advised in Civil Case
9	Subject Warned
10	No Response
11	Disregard/Signal 9
12	Location/Building Secure
13	False Call
14	Assistance Refused
15	Community Policing

b. Special Use Disposition Codes: Disposition codes utilized during special circumstances/incidents wherein tracking of MNPD man-hours may be necessary for federal or other type reporting/tracking.

Special Use Disposition Codes are only used once authorized by appropriate Community Services Bureau personnel.

Code	**Meaning**
CU	Civil Unrest
HD	Hazardous Device
SW	Severe Weather 1
SZ	Severe Weather 2
MS	Mass Shooting
FL	Flood
ND	Natural Disaster
MD	Man-Made Disaster
PH	Public Health Crisis

2. Incident Identifier Codes

Incident identifier codes shall be indicated after all incidents.

Code	**Meaning**
A	Alarm
B	Bank/Security Escort
C	Complainant/Victim
*D	Domestic Disturbance
E	Emergency Escort
F	Felony
**J	Juvenile
M	Misdemeanor
P	Psychological Evaluation
R	Traffic Radar Used
S	Suspect/Subject
T	Traffic/Directed Traffic
V	Vehicle Assistance
W	Warrant Assistance Escort

NOTE: * The Incident I.D. Code Letter "D" (Domestic Disturbance) shall **supersede** all other Incident Identifier Code Letters whenever an incident involves a domestic situation that involved the Disposition Codes 1 - "MNPD Report Completed," 2 - "Arrest," and 6 - "Assisted Other Unit" only. For example, if there were an arrest made during a domestic violence situation, the applicable Disposition Code Number and Incident I.D. Code Letter would be "Code "2-D" not "2-M" or "2-F" as for arrests made that did not involve a domestic situation.

** The Incident I.D. Code Letter "J" (Juvenile Involved) shall be entered in situations involving a juvenile. For example, the responding officer arrests a juvenile for either a misdemeanor or felony offense. A juvenile shall receive the Code Number and Letter of 2-J, and so on. The **Juvenile Warning Citation, the same as the State and Metro Misdemeanor Citation, is classified as an arrest of the suspect for Incident I.D. Code purposes.**

The Incident I.D. Code assists in identifying the specifics of the Disposition Codes. But, not all Disposition Codes can receive an Incident I.D. Code, due to the fact that they are not applicable. In this event, no response is required in reference to the Incident I.D. code.

18.200.070 Communications Procedures

All personnel in the field shall adhere to the following procedures:

A. The radio shall be tuned to the proper talk-group.

B. The talk-group shall be monitored for radio traffic.

C. The transmitter shall not be engaged until previous radio traffic has subsided, except under emergency conditions.

D. Upon activating the transmitter, wait for the clear to transmit tones (three quick beeps) before speaking for technical reasons.

E. Under normal conditions, state the radio call sign of the transmitting element and then the call sign of the receiving element, i.e.: "Nine thirty one to nine twenty."

F. Under normal conditions, wait for a reply before transmitting the message. In the example above, 931 would wait for 920 to answer: "Nine twenty." This provision applies when calling Communications, as well.

G. Under normal conditions, the message would then be transmitted. In the example above, 931 would then call 920: "Sergeant, I need you to signal eight with me in Night Court."

H. For very brief messages, a reply is not needed. This is especially true if units have been conversing or are dispatched on the same incident, i.e.: "Seven-twelve to seven-twelve-one, signal eight."

I. Transmit using a normal tone and volume of voice. Yelling into the microphone makes the transmission more difficult to understand for both the dispatcher and other field units.

J. When transmitting in a vehicle with the siren activated, it is helpful to press the microphone snugly against the cheek or jaw when speaking, and to close all windows.

K. When transmitting a location **from or in reference to a moving vehicle**, give the information to the dispatcher or other unit in the following order:

First: The direction of travel;
Second: The roadway being used; and
Third: The last roadway passed.

EXAMPLES: "North-bound I-65 from Dickerson Pike" "Out-Bound Harding Road from White Bridge Road"

This provision applies when reporting locations during pursuits, responding to inquiries about location from other units, reporting motor vehicle accidents or stranded motorists, etc.

L. When requesting resources, simply state the radio call sign and the code for the resource. This is the most efficient way to request resources, since the location and nature of the call are recorded in CAD.

EXAMPLE: CORRECT WAY TO REQUEST WRECKER

Car 411: "Four eleven"
Dispatcher: "Four eleven"
Car 411: "Zone ten forty-eight"
Dispatcher: "Ten four, four eleven"

INCORRECT WAY TO CONDUCT SAME TRANSMISSION

Car 411: "Four Eleven"
Dispatcher: "Four Eleven"
Car 411: "Send me a zone forty-eight out here to Eighth and Jefferson on this forty-six."

The example above applies to wreckers, Fire Department resources, investigative and support resource requests, etc.

M. When checking 10-8 or 10-98, do not give an explanation or narrative.

If facts need to be recorded they should be included in the narrative of MNPD Form 100, "Incident Report". Airtime is at a premium and it is unnecessary and unsafe to give long explanations on the air.

Officers and supervisors will be held accountable for the abuse, or pattern of abuse, of airtime by themselves or their subordinates. A number of informational and criminal databases used by officers to perform driver's license checks, warrant checks and the like are referenced below.

Note: Officers equipped with a Mobile Data Computer (MDC) shall use their MDC for such checks, when taking the time and attention to do so does not put the officer at risk.

N. When requesting driver license checks, always use the number if available. If the number is not available, then use the name and date-of- birth.

O. When asking for computer inquiries (D.L. status, VIN, etc.) make sure that the receiving element is ready to copy. Do not begin transmitting the data without confirmation from the receiver.

P. Sworn personnel shall not ask a dispatcher for supervisory guidance. Supervisory guidance shall be sought from the appropriate sworn supervisor.

18.200.080 Emergency Radio Identifier

A. The responsibility for assuring the accuracy of the identifier associated with mobile and portable radios rests with the individuals to whom the radios are assigned.

B. The computerized records concerning the emergency radio identifier is maintained by the Metro ITS Radio Shop.

C. Portable radios are assigned to each individual officer and should not change hands.

18.200.090 Talk-Group Usage

A. Radios will be programmed according to a master menu maintained by the entity of the Metropolitan Government authorized to do so.

B. Any alteration to the programming must be requested of the Chief of Police, or his/her designee. The request shall be in memorandum form, and supporting/authorizing documentation may be required.

C. All personnel are encouraged to use tactical talk-groups and command talk-groups when possible. This will allow the dispatch frequencies to be available for other traffic. Examples of incidents during which tactical talk-groups should be used include contingency plan activations, crime scene activities, speed-measuring traffic enforcement locations, accident scene activities, special events, building/foot searches, etc.

D. Department of Emergency Communications personnel have the authority to direct field supervisors or incident commanders to transfer their operations to tactical talk-groups or command talk-groups.

E. All police personnel should familiarize themselves with the talk-groups available to them.

18.200.100 Policy Regarding Responses to Cellular E-9-1-1 Hang-up Calls

The following procedures will be used in responding to E-9-1-1 cellular hang-up calls. (10-88PW)

A. Dispatched personnel shall go to the general location identified by DEC as the source of the call, and make a reasonable effort to find the person(s) initiating the call or the circumstances surrounding the call. A reasonable effort may include, but not be limited to:

1. Driving and/or walking around the general area looking and listening for any indicators of a person(s), or incident(s) that would require an emergency service provider. The general area shall be roughly equivalent to an area the size of a football stadium.

2. Seeking out person(s) in the area and asking them if they have observed, or are aware of, any person(s), or incident(s) in the area that might require the assistance of an emergency service provider.

3. Contacting the person(s) at a security desk, information booth, or other similar location at an event or facility for the purpose of asking if they have knowledge of any person(s) or incident(s) that might require the assistance of an emergency service provider.

B. When an officer does locate the person(s), or incident(s), giving rise to the E-9-1-1 call, he/she shall provide the appropriate response

measures to be initiated in accordance to the policies and procedures of the Metropolitan Nashville Police Department.

C. When an officer has made a reasonable attempt to locate the person(s) that made the E-9-1-1 call and has been unable to do so, he/she will advise his/her immediate supervisor of the efforts he/she made to locate the source of the E-9-1-1 call and request permission to check off the call and back into service. The officer shall obtain a complaint number and document the call on the MDC/CAD and may use the notes field to include any necessary or relevant information.

D. The supervisor shall determine if the efforts made by the officer to locate the E-9-1-1 caller, given all the circumstances – time of day, number of persons present, type of location, what the complaint clerk heard during the conversation (scream, need help, etc.) were reasonable. If the supervisor agrees that the efforts were reasonable, he/she shall grant the officer's request. If the supervisor finds the efforts were not reasonable, he/she shall assist the officer in initiating additional steps to locate the caller.

E. When DEC dispatches a police unit to respond to a cellular E-9-1-1 that appears to be coming from a moving vehicle or other mobile conveyance, the dispatched unit shall determine if there is a reasonable expectation of locating the caller. He/she shall make that determination based on relevant factors that may include, but not be limited to: the nature of any emergency, if known; the volume of traffic, whether or not a description of the vehicle or other conveyance is known, the types and conditions of the area roadways, visibility, weather and other relevant conditions. If there is a reasonable expectation that the caller can be located, the unit will proceed and attempt to do so. If the dispatched unit determines that there is no reasonable expectation of locating the caller, he/she will advise his/her immediate supervisor of this determination, the reasons for it and request permission to check off the call and back into service. The officer shall obtain a complaint number and document the call on the MDC/CAD and may use the notes field to include any necessary or relevant information.

18.200.110 Policy Regarding Caller Confidentiality

A. Officer Notification of request for confidentiality:

When a caller/complainant has called the Department of Emergency Communications to report criminal activity, or similar incident, and has requested not to be contacted by the police, or in some other manner identified as the complainant, the responding officer will be notified by

radio/voice communications and in the text of the call dispatched by mobile data computer, that the call is "**Code NC"**.

For instance: **"Car 313, 10-78 activity at 525 Nashville St., Code NC."**

B. Police responsibility on a **Code NC** call:

When **Code NC** is added to a dispatched call for service, a member of the Metropolitan Nashville Police Department shall **not** call or contact the complainant in any manner except as provide in C. or D., below.

C. Emergency Exception to the no call/no contact rule:

1. When an officer responds to a **Code NC** call and finds a serious crime involving danger to life and/or property has been committed, or is about to be committed; and,

2. The officer, through his/her initial investigation, determines that the caller/complainant is the only person that may be in possession of vital information needed to prevent or prosecute the crime; and,

3. The officer has discussed the matter with his/her supervisor and the supervisor has granted permission to do so.

4. The officer may request the complainant's phone number from the dispatcher via telephone and call him/her. Such requests shall be made by telephone only. The responding officer shall not request or broadcast any complainant information over the radio when communicating about a **Code NC** call; nor shall any other MNPD employee. Using the telephone, instead of the radio, will help prevent radio conversations from being monitored or otherwise overheard by persons who may retaliate against and pose a danger to the complainant. Further, when an officer or supervisor has determined that additional information is required from a complainant, the officer or supervisor shall make the contact with the caller. MNPD personnel shall not request the dispatcher to contact the complainant and relay the information. By officers or supervisors making such calls caller confidentiality will be better maintained and the direct contact should assure that MNPD personnel get the best and most reliable information.

D. Follow-up Responses:

Detectives, or others, involved in the follow-up investigation of a crime, may contact the caller/complainant if required to do so to properly

investigate an offense. However, personnel involved in such follow-up investigations shall take all reasonable precautions to protect the caller/complainants identity. Such steps may include:

1. The detective might only contact the complainant by telephone.

2. The detective may telephone the caller/complainant and arrange to meet him/her at a location where caller/complainant feels safe.

The follow-up investigator might go to several different doors asking questions of several persons in the complainant's neighborhood, not just the complainant. Officers should be careful to ask relatively the same questions of each person and to spend relatively the same amount of time with the known caller/complainant as with other persons questioned. When using such a strategy, officers should not start at the complainant's door. Also, officers should not ask any party, witness or complainant if they were the person who called the police.

18.200.120 Reporting Missing Persons, Stolen Vehicles and other "Be on the Lookout" (BOLO) information

Officers will relay information concerning Missing Persons, Persons of Interest, and Vehicles of Interest, to the NCIC Teletype Unit Staff located at Central Records Division. The telephone number used by officers for reporting this information is **615-862-6898 option1**. However, officers equipped with mobile data computers (MDC) shall transmit such information via the MDC to NCIC Teletype Unit according to the following procedures:

A. After an officer has gathered all information from his/her victim at the scene of a crime, he/she will continue to provide the information to the dispatcher for rapid BOLO notification to other field units by voice radio, or to the NCIC Teletype Unit through the MDC.

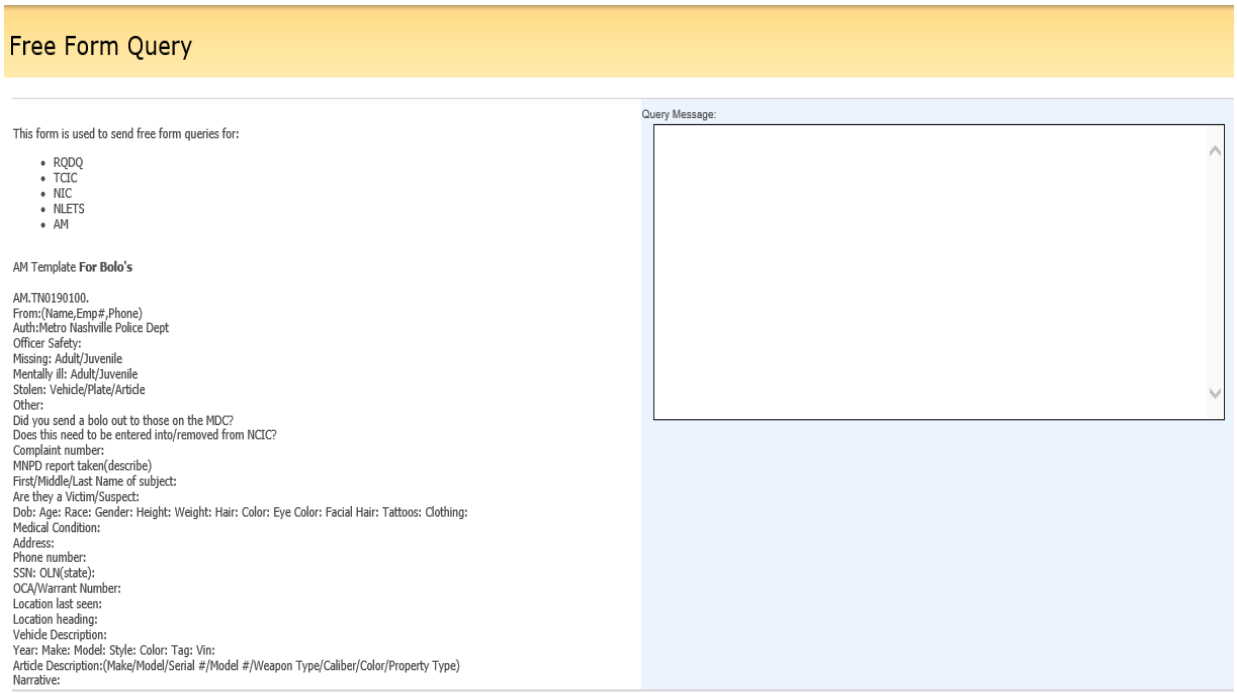
B. DEC dispatching personnel will relay the information in accordance with their policy.

C. As soon as practical, the primary officer assigned to the call, shall relay BOLO information via the MDC using the ARMS Free Form Query. The following method shall be used to create and forward these messages to the NCIC Teletype Unit.

1. Copy the template on the left side of the Free Form Query page and paste it into the "Query Message" Box beginning with AM.TN190100.

2. Fill in the fields on the template with pertinent information needed for the BOLO. Any fields that are not needed or not applicable may be deleted.

3. Once all necessary information is entered into the fields, hit “Send” to transmit this information directly to the NCIC Teletype Unit staff.



18.200.130 Radio Call Numbering System

A. Issuing or Revising Call Signs

1. The Chief of Police, or his/her designee, has sole authority to issue new or revised radio call signs. Such changes shall be communicated to the Director of the Department of Emergency Communications such that personnel have reasonable time to document and program the changes and train on the changes.

2. The Chief of Police, or his/her designee, shall assign numbers as he/she deems appropriate. However, if a person leaves a position and is replaced by someone of the same rank the call sign will automatically be assigned to the second person.

3. Strategic Development Division, working in concert with the Department of Emergency Communications or other relevant entities shall consult on such assignments or revisions, as necessary.

B. Requesting Call Signs

All persons requesting new or revised call signs shall do so in writing, with appropriate justification included, by addressing such correspondence to the Commander of the Strategic Development Division.

C. Maintenance of List of Call Signs

1. The Strategic Development Division shall maintain a master list of each and every call sign on MNPD talk-groups.

2. Revised lists shall then be distributed to the Strategic Development Division, the Chief of Police, Department of Emergency Communications, and Bureau Commanders.

D. Call Sign Designations

1. Position Identification

The radio call numbering system is designed in such a way that every user will be immediately identifiable by rank, assignment, or outside agency affiliation.

2. Structured Numbering System

The radio call signs will be assigned as follows, with the single-digit numbers providing "base numbers" or "building blocks" for the organizational elements and personnel within the bureau.

a. The Chief of Police

(1) Chief of Police and all bureau commanders will have one-digit numbers.

(2) Field Supervisors will be designated 1700, 1800, and 1900.

(3) Field supervisors will drop the first number (1) and utilize only the last 3-digit qualifiers (700, 800, and 900)

b. Generally, each bureau will have numbers assigned in blocks of 1000, with the same first digit as the number of the bureau commander (i.e., Car 2-2000 series, Car 3-3000 series, etc.)

c. Every division or independent section will be assigned at least one block of 100 numbers in the same series as the rest of the bureau (i.e., 3000 series - 3100's, 3200's, 3300's, etc.)

d. Additionally, other blocks may be assigned to bureaus that run out of numbers in their series of 1000 numbers. Such blocks will be **5000, 6000, and 7000.**

e. The digit(s) at the end of the call sign shall readily identify the unit by rank:

Single Digits	Chief/Assistant Chiefs/Deputy Chiefs/Bureau Commanders
Multiples of 1000	Commanders
Multiples of 100	Captains
Last two digits of call sign:	
01-09	Lieutenants
10-80, Multiples of 10	Sergeants
11-19, 21-29, …81-89	Officers/Investigators
90-99	Professional Support Staff Managers/Employees

f. Alpha characters at the end of a call sign will only be used to designate shift or detail.

g. The alpha character X will never be used.

3. Community Services Bureau Call Signs

a. Community Services Bureau Units

(1) Community Services Bureau Unit identifiers will be designated by the number before the zone/division identifier. Sector identifiers are:

1 - West Precinct
2 - East Precinct
3 - South Precinct
4 - Central Precinct
5 - Hermitage Precinct
6 - North Precinct
7 – Madison Precinct
8 – Midtown Hills

Example: Car 311C would be in the South Precinct's zone 11 on the C-Detail.

(2) Patrol zones will continue to be designated by the sector identifier for an indefinite period. Extra cars in the zone will be designated by the zone number, shift, and a number.

Example: There will be an extra car in zone 311 on the C-Detail. The zone car should be 311 C and the extra car would be 311C-1.

Example: There will be an extra sergeant in district 120 on the A detail. The district sergeant would be 120A and the extra sergeant would be 120A-1.

(3) The shift letter (A, B, C, D, or E) is always necessary for extra cars for the entire shift. The car numbers in the examples would be spoken as "311C," "311C-1," "120A," and "120A-1."

b. All other patrol units of a specialized nature will use a call-sign consisting of 1 digit "sector identifier", 1 character "capability / responsibility identifier", and then a two digit "unique unit identifier" as follows:

Capability identifier:

B - Bicycle Patrol Unit
H - Mounted Patrol Unit
M - Motorcycle Unit
S- School Services Unit
T- Traffic Unit
W - Walking Unit
Z - Enterprise Zone & MDHA Task Force Units
(Others to be added as needed)

In this manner, a Flex Unit would be 1F10. While on their home talk-group (West Precinct in this case) the unit would simply be F10.

c. The members of the Community Services Bureau **only** will be allowed to omit the first, or "bureau," digit from their call signs. This will give Community Services Bureau personnel three-digit numbers instead of four (i.e., "Car 621" is allowed instead of "Car 2621"). Four digit call signs remain intact for all elements of the department except Community Services.

d. Aviation Section personnel will use their assigned radio call signs when on the ground. When airborne, they shall use "Air 1," "Air 2," etc.

e. Emergency Contingency Section personnel will use "Marine 1," "Marine 2," etc., when on the water.

4. Outside Agencies

Outside agency personnel will not be assigned an MNPD radio call sign. Rather, such personnel will use their own agency car number with an identifier attached. Examples include:

"ME-1"
"601-J"
"Beer Board 100"
"District 6"
Medical Examiner's Office
U.S. Justice Department
Beer Board Enforcement Officer
Fire Department

5. Extra Car Designations

For purposes of this order, "Extra Car" is defined as "an additional unit of equal responsibility in a geographic area." This definition will cover both zone cars and district sergeants.

6. Off-Duty Call-Numbers

Any unit communicating over the radio while in an off-duty status will use their complete individual call number assigned by the department including shift designation plus the off duty identifier “9”.

Example: The officer assigned to zone 423A will identify himself/herself as “423A9” whenever communicating on the radio and not on-duty.

Personnel such as detectives, administrative personnel or personnel not assigned a zone/district, will add the shift designation and the off-duty designator “9” to their individual call number even though that number is unique to the specific personnel.

Example: A detective utilizing call sign 3144A will identify himself/herself as "3144A-9" whenever communicating on the radio and not on-duty.

18.200.140 Procedures for Obtaining Complaint Numbers – Off-Duty Employment

A. Radio Communications:

When engaged in off-duty employment, personnel shall use the appropriate call sign to contact the Department of Emergency Communications. Upon being answered, the off-duty personnel will request a complaint number be issued to their employee number. The location, nature, and other information shall be furnished.

When engaged in off-duty employment, personnel shall use the appropriate call sign to contact the Department of Emergency Communications. Upon being answered, the off-duty personnel will request a complaint number be issued to their employee number. The location, nature, and other information shall be furnished.

B. Telephone Communications:

Similar to Section A above, a telephone request to the Department of Emergency Communications shall be handled in the same manner.

C. Whether communicating by radio or telephone, requesting employees will advise Department of Emergency Communications personnel to either leave them out on the situation pending further communication or that the assignment is complete upon receiving the complaint number.

D. When possible and if circumstances permit, off duty personnel should communicate by telephone instead of radio in order to keep radio communication channels as free as possible. The officer telephone number to contact the Department of Emergency Communications is 401- 6310. This number is for officer use only, not to be given out to the public.

E. Sworn employees who engage in employment with another Metro Government agency, department or entity are exempted from the aforementioned provisions and are to be considered as on duty during the hours they are employed by such agency, department or entity. This would apply to any employment whereby the employee is compensated by a Metropolitan Government draft (check). Any sworn officer who is working in such a capacity and needs a complaint

number shall acquire the number through radio communications or via telephone using the appropriate call sign.

18.200.150 Radio Network Access for Non-Department Users

A. Any use of the Metropolitan Police Department radio communications network by non-department personnel shall be approved in writing by the Chief of Police, or his/her designee. Outside users must demonstrate a clear, law enforcement related purpose for requesting access to the police department's communications network. The chief of police or his/her designee may appoint the radio system administrator to examine any compatibility issues related to the network's use. The radio system administrator would then provide a recommendation regarding the request and notify the affected bureau commander(s).

B. Upon approval by the Chief of Police or his/her designee, he/she shall notify the appropriate personnel of Metro General Services and the Department of Emergency Communications informing them of the approval so that they can inform the requesting agency of the radio equipment and programming procedures to be used. The radio system administrator shall coordinate any necessary arrangements with the Metro Government radio service.

C. The MNPD reserves the right to designate the exact type, quantity, and model of radio that can be used on the department's radio communications network.

D. The personnel of the Office of the Chief of Police shall maintain records of new user agreements, call signs issued, and lists of outside users.

E. All agreements and procedures related to radio communications networks shall conform to the rules and regulations of the Federal Communications Commission.

18.200.160 Automatic Resource Locators (ARL)

The MNPD has authorized DEC to dispatch the closest unit available, as determined by the ARL/Computer Aided Dispatch system, to calls for service with an assigned response of Code 3. The MNPD unit will be dispatched, without regard to its zone, sector or precinct assignment.

A. Responsibilities of MNPD Units During Initial Response

MNPD units responding to a call will:

1. Respond directly to the call, after notifying his/her supervisor.

2. Switch to an alternate radio talk group <u>if the call is outside your assigned Precinct</u>. The alternate talk group will generally be the talk group for the Precinct in which the call is located.

3. Upon arrival, perform the duties required as determined by the nature and status of the call and in accordance with applicable MNPD policy and procedures.

NOTE: If it is determined that a response of Code 3 is not needed, the officer or supervisor downgrading the call must ensure that all units responding are advised, over the air, of the downgrade. When a call is dispatched to multiple precincts, dispatch shall be notified to inform all precincts involved.

B. Responsibilities of MNPD Units After Initial Response

1. MNPD units responding to calls within their assigned Precinct shall take all appropriate action, or cause such action to be taken to appropriately respond to the call in accordance with MNPD policy and procedures.

2. MNPD units responding to calls outside their assigned Precinct shall perform all the same duties that would have been required to appropriately respond to the call if the call had originated within their assigned precinct, except under the following circumstances:

   a. If only an incident report, or similar immediate duty requiring only a moderate investment of time, the initial responding unit will complete the call unless they are relieved by a Precinct unit wherein the call originated.

   b. If the incident is of such a nature that a prolonged investigation will be required and the unit making the initial response is not required to remain at the scene of the incident, the initial responding unit will notify the district supervisor, complete a supplement report and turn the scene over to a Precinct unit wherein the call originated.

   c. If the incident is of such a nature that an arrest of a suspect is required and the initial responding officer is not required to be a prosecuting witness, the initial responding unit may turn over the arrestee to Precinct units to transport the arrested person and assist victims, witnesses and private prosecutors, as required.

The initial responding officer shall also complete a supplement report detailing their involvement.

d. Since all conceivable circumstances of any given call cannot be predicted, there may from time to time be questions regarding when it is appropriate for an initial responding officer to release a scene or transfer duties to a Precinct unit. When such questions arise, the supervisory chain of command for the Precinct in which the call originated shall be responsible for making a final determination as to which unit shall complete the required duties.

e. When an initial responding unit(s) has completed his or her duties, the unit(s) shall notify the district supervisor wherein the call originated, return to their assigned radio talk group and check back into service.

18.210 Use of MNPD Form EV1000, "Evacuation Notice"

18.210.010 Purpose

A. The purpose of this order is to communicate procedures for the use of MNPD Form EV1000, "Evacuation Notice."

B. This form will document evacuation activities during civil disturbances, hazardous materials incidents, and other incidents which require evacuations of large numbers of citizens.

18.210.020 Policy

It is the policy of the Metropolitan Police Department that all personnel adhere to the provisions herein with respect to the use of MNPD Form EV1000.

18.210.030 General Provisions

A. The MNPD will be participating in evacuations during certain incidents. The most efficient way to conduct evacuation activities is by properly completing an MNPD Form EV1000 for each occupancy evacuated.

B. MNPD Form EV1000 is a "blaze" or "fluorescent" orange notice which comes in two segments. The upper segment is an "EVACUATED" sign, and the lower segment consists of two identical tags onto which information is written. The segments have perforations so that they may be separated as described below.

18.210.040 Control Provisions

A. Supervisors conducting evacuations will ensure that personnel under their command have an adequate supply of MNPD Form EV1000.

B. Personnel evacuating an address shall complete one MNPD Form EV1000 for each occupancy (i.e., apartments A and B, etc.).

C. Upon completing the form, the upper section will be removed from the lower sections. This upper section will then be affixed to the occupancy by removing the paper backing and attaching the "EVACUATED" sign to Side 1 (numerical side of structure) of each occupancy so evacuated.

D. Officers will then forward the lower section (with tags 1 and 2 **still attached** together) to the supervisor.

E. Supervisors will retain all lower sections, in numerical order for each street, at the incident command post or the perimeter check-point.

F. When individuals inquire about the occupants of a particular address, the supervisor will note that person's name in the location provided on tags 1 and 2. This person shall then be given tag 2.

G. The supervisor shall retain tag 1 until he/she receives instructions from an authoritative source.

18.210.050 Availability

MNPD Form EV1000 will be available immediately in the Supply Section.

18.210.060 Example of MNPD Form EV1000

