POLICY DEVELOPMENT

Chief Mike Mastin
Bemidji Police Department
DRAFTING POLICY CAN:

- Be Fun!
- Be Educational
- Encourage team building
- Develop understanding between patrol and administration.
- Be an enormous undertaking
WHAT IS A POLICY?

- A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future conditions.

- A high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.

- Merriam Webster

Strategy, Principle, Rule.
WHY DO WE NEED TO ESTABLISH POLICY?

• To provide guidance and uniformity to employees based on the philosophy of the agency.
• Achieve consistency and fairness.
• To establish a level of risk management to protect the employee, public and agency.
• To increase transparency of law enforcement among elected officials and the public we serve.
• Because some are mandated by the Minnesota Board of Peace Officer Standards and Training.
MINNESOTA BOARD OF PEACE OFFICER
STANDARDS AND TRAINING REQUIRED POLICIES

- **Use of force** - MN STAT § 626.8452, subd. 1
- **Vehicle pursuit and emergency vehicle operations** - MN STAT § 626.8458, subd. 2
- **Allegations of misconduct** - MN RULES 6700.2200
- **Professional conduct of officers** - MN STAT § 626.8457
- **Domestic abuse** - MN STAT § 629.342
- **Predatory offender registration and community notification** - Minnesota Session Laws 1996, Chapter 408, Art. 5, Sec. 7
- **Criminal conduct on school buses** - MN STAT § 169.4581
- **Supervision of part-time licensed peace officers (only if utilized)** - MN RULES 6700.1110
- **Lighting exemption of law enforcement vehicles** - MN STAT § 169.541
- **Avoiding Racial Profiling** - MN STAT § 626.8471, subd. 4
- **Possession of property seized for administrative forfeiture** - MN STAT § 609.531
WHEN IS A POLICY NEEDED?

- When dealing with issues and activities that are critical to health and safety, legal liabilities and regulatory requirements that have serious consequences.

High Risk & High Occurrence
High Risk & Low Occurrence
Low Risk & High Occurrence
Low risk & Low Occurrence
The Nomenclature

• POLICY – A course of action that provides guidance for events or occurrences.

• PROCEDURE - A detailed description of how a policy is to be accomplished.

• SPECIAL ORDERS – A temporary directive that regulates one segment or policy.

• REGULATIONS – Procedures that apply each and every time a situation occurs with specific guidelines for staff to follow

(Orrick, 2004)
HOW TO COMPOSE A POLICY.....

- Identify the issue that needs to be addressed and the desired goal to be reached.
- Form a motivated committee to research the best practices regarding the issue.
- Utilize model policies
- Take the departments mission and vision into consideration to assure alignment.
- Create a working draft that can be review by selected others (cover shifts).
- Make corrections/modifications then apply the language to a standard format consistent with the layout of the policy manual.
- Consider review by an attorney or other city official. Policies can be very political.
- Prepare the final draft, then distribute and train all staff.
I. Purpose – The Purpose statement should inform readers why the section was issued and what information they will find within.

II. Definition – When the subject requires a precise understanding of terms.

III. Policy – The policy statement is the governing principle, plan or understanding that guides the action. It states what we do, but not how.

IV. Procedure – This is the section that describes how the policy is implemented at your agency. The sections clearly state actions steps, accurately describes the process and responsibilities for accomplishing the task.

V. References – List the sources upon which the policy is based.

(U.C.DAVIS, p.4, 2016)
POLICY CONSIDERATIONS....

- Policies and procedures should be written in such a manner that they are useful and workable at noon on a Tuesday as well as 0300 on a Sunday morning (McLaurin, p.4, 2005).

- The tone of the language used in policies subtly impacts the organizations culture.

- Unreasonable restriction often create dissention between line and supervisory staff.

- Don’t forget to review MOU’s, Intergovernmental agreements or Union Contracts for conflicts.
 Courts have ruled that terms such as: should, are to, and directed to are not absolute. Only SHALL means under all circumstances and conditions. (Orrick, 2004)

2. Predominant Aggressor and Dual Arrests: The agency shall discourage dual arrest. Where there are allegations that each party assaulted the other, the peace officer shall determine whether there is sufficient evidence to conclude that one of the parties is the predominant aggressor based on the following criteria and the officer’s judgment:
   - comparative extent of any injuries inflicted,
   - fear of physical injury because of past or present threats,
   - actions taken in self-defense or to protect oneself,
   - the history of domestic abuse perpetrated by one party against the other, or
   - the existence or previous existence of an order for protection.

- Use “must” for an obligation, “must not” for a prohibition, “may” for discretionary action and “should’ for a recommendation. (University of California, 2016).

- Policies that have some discretion leave room for the multitude of differing factors present in every situation, and help provide a legal cushion in the event of a lawsuit.
POLICY WORDING...

Write in the Active Voice with pronouns. By doing this the person or dept. taking the action is the subject of the sentence.

<table>
<thead>
<tr>
<th>PASSIVE VOICE</th>
<th>ACTIVE VOICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Regulations were proposed.</td>
<td>The Police Dept. proposed new regulations</td>
</tr>
<tr>
<td>The following information must be included in the application for it to be</td>
<td>Officers must include the following information for an</td>
</tr>
<tr>
<td>considered complete.</td>
<td>application to be complete.</td>
</tr>
<tr>
<td>The chief must be notified of all homicides.</td>
<td>The sergeant must notify the chief of all homicides.</td>
</tr>
<tr>
<td>All timesheet need to be submitted on Monday.</td>
<td>Employees must submit timesheets on Monday.</td>
</tr>
</tbody>
</table>

- Do get wordy, keep it simple.
- Write in short sentences.
- Avoid acronyms or legalese.
What is a reasonable accommodation
An accommodation is a modification that is made to a job duty, activity, or facility that eliminates or minimizes disability-related barriers to allow equitable access and to allow you to perform your job.

There is often more than one way to accommodate a situation or activity. In order for an accommodation to be considered reasonable, however, it must meet four criteria. It must not:
- Compromise essential requirements of a job, activity, or facility.
- Cause an undue administrative or financial hardship.
- Compromise safety of the employee or others.
- Fundamentally alter an essential job duty.

Your HR staff will work with you and your supervisor to determine if an accommodation is reasonable and available. Different jobs may require different accommodations. Each accommodation plan is tailored to the individual employee and their job duties. For example, some accommodations may be useful for a desk job while others may be useful in a manual labor setting.

Examples of common accommodations
Examples of some common accommodations which may be requested include:
- Reduced or modified work schedule or a leave of absence.
- Ergonomically or otherwise altered office furniture and desk/work space layout.
- Use of mechanical equipment, such as carts, to assist with carrying heavy materials.
- Ability to take more frequent breaks.

(League of Minnesota Cities, 2016)
Comprehensive, providing employee with direction and guidance for all aspects deemed appropriate.

Clearly written and easy to use.

Policies contained in the manual should be consistent with the departments philosophy and legal standard.

Staff should be involved in the development of the manual and kept informed of any changes.

The manual should be considered a living document and therefore should be review regularly to ensure compliance with policy and so the policies remain current.

The policies within the manual should reflect and incorporate accepted best practices and model policies.

(Orrick, 2004)
DEVELOPING A POLICY MANUAL

- Determine format -
  - Comprehensive
  - Sectional
- Sections – administration, investigation, patrol, civilian...
- (County v. city size and composition)
- Each policy must have a header that identifies the Agencies name, Chapter/section or policy number, Title, Effective date, Revised date and number of pages. (Orrick, p.5, 2004).

BEMIDJI POLICE DEPARTMENT MANUAL

POLICY TYPE: OPERATIONS
POLICY TITLE: MISSING AND ENDANGERED PERSONS
REVISED DATE: 08-05-2015
AUTHORIZED BY: Chief Michael L. Mastin

I. PURPOSE

There is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this policy.

II. DEFINITIONS

A. Missing has the meaning given it in MN STAT 299C.52, subd. 1 (d), "The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located".

B. Endangered has the meaning given it in MN STAT 299C.52, subd. 1, (c), "A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:
   1) the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
   2) the person is missing under known dangerous circumstances;"
ONCE THE MANUAL IS COMPLETE.

- Assure that every employee receives a copy.
- Acknowledgement form.
- Review
- FTO- review
MINNESOTA PEACE OFFICER STANDARDS AND TRAINING AUDIT

• Mark Raquet
  – Mandated Policies
  – Training
  – Background

Minnesota Board of Peace Officer Standards and Training
Be aware of the disconnect between formal policies and informal practices. Sociologists even have a technical word for the phenomenon: "decoupling." Decoupling occurs when an organization adopts a splashy new policy but then never really implements it to change how the work gets done.

A policy manual that is not enforced is worthless and can increase risk exposure.

Equally damaging to have no policy on a subject that needs one as it is to have too strict of a policy where flexibility is required.

With good policies in place, employees are able to execute their duties; they are free to act within the limits set by policy without constant supervisory oversight. (griffin, p.7, 2014) Well written policies empower officers to do the right thing.

When you begin as a Chief, you are responsible for every policy in the manual whether you approved it or not. Make the policy manual a priority and make adjustments as soon as you can.
RESOURCES:

• International Association of Chiefs of Police
  – http://www.theiACP.org/Model-Policies-for-Policing

• League of Minnesota Cities
  – http://www.lmc.org/page/1/resource-library-search-results.jsp

• Minnesota Counties Intergovernmental Trust
  – http://www.mcit.org

• MN P.O.S.T. Board

• MN Chiefs Association
  – http://www.mnchiefs.org/

• Police Executive Research Forum (PERF)
  – http://www.policeforum.org/

• Minnesota Police Links
  – http://minnesotapolicelinks.com/
REFERENCES;


League of Minnesota Cities (2016) Information memo; Reasonable Accommodations in the City Workplace. League of Minnesota Cities